

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET
20th April 2020

**Report of the Head of Planning and Public Protection – Mr C Morris
and Head of Legal Services – Mr C Griffiths**

Matter for Decision

Wards Affected: All

Environmental Health and Trading Standards – Changes to Officer Delegation Arrangements

Purpose of Report

- 1 To seek approval from Members to amend the Authority's current constitution and delegation arrangements to officers in relation to the legislation enforced by the Environmental Health & Trading Standards Section in order to add further legislation.

Executive Summary

- 2 This report seeks authority, pursuant to The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (as amended) and more particularly Regs 4(5)(b) & 5 (3A) (a) ("the Regulations") to enable officers of the Environmental Health & Trading Standards Section to seek permission to use closed business premises for either urgent public services or for any purposes deemed necessary by the Authority.

Background

- 3 Part IIA Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales. As a consequence Welsh Ministers made

the Regulations which allow, amongst other things, local authorities to seek permission to use business premises or keep them open for any purposes requested by the Authority or for urgent public services.

4 More specifically, the Authority may either:

(i) seek to use business premises which are otherwise closed pursuant to Regulation 4(4) and Parts 2 & 3 of Schedule 1 of the Regulations to use such premises or parts of those premises for urgent public services (pursuant to Regulation 4 (5) (b).

OR

(ii) seek to use or keep open business premises listed in Part 3 of Schedule 1 of the Regulations (holiday accommodation) for any purposes requested by the local authority [pursuant to Regulation 5 (3A) (a)].

5 For the purposes of this report the following provisions of the Regulations are relevant:

Regulation 4 (4). This provides that:

A person responsible for carrying on a business or providing a service which is listed in Part 2 or 3 of Schedule 1 must, during the emergency period, cease to carry on that business or to provide that service.

The “urgent public services” referred to above include:

the provision of food or other support for the homeless or vulnerable persons, blood donation sessions or support in an emergency);

The businesses referred to Part 2 of Schedule 1 include:

Cinemas.

Theatres.

Nightclubs.

Bingo halls.

Concert halls.
Museums, galleries, libraries and archive services.
Casinos.
Betting shops.
Nail, beauty, hair salons and barbers.
Massage parlours.
Establishments providing tanning services, body piercings, tattooing, electrolysis or acupuncture.
Skating rinks.
Swimming pools.
Indoor fitness studios, gyms, spas or other indoor leisure centres or facilities.
Bowling alleys, amusement arcades and indoor play areas.
Funfairs (whether outdoors or indoors).
Playgrounds, sports courts and outdoor gyms.
Outdoor markets (except for stalls selling food).
Car showrooms.
Auction houses.

The business referred to in Part 3 of Schedule 1 are:

Holiday sites.
Camping sites.
Hotels and bed and breakfast accommodation.
Other holiday accommodation (including holiday apartments, hostels and boarding houses).

- 6 Authority is sought to authorise officers of Environmental Health & Trading Standards to make such requests as they deem necessary and appropriate pursuant to Regulations 4 (5) (b) and 5 (3A) (a).

Financial Impact

- 7 None.

Integrated Impact Assessment

- 8 An integrated impact assessment is not required for this decision as this is an administrative process only to ensure officers have the necessary authority in place.

Workforce Impact

- 9 None.

Legal Impact

- 10 Requirement must be had at all times with the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020.

Risk Management

- 11 None.

Consultation

- 12 There is no requirement under the Constitution for external consultation on this item.

Recommendation(s)

- 13 That the delegation arrangements and powers to take action in respect of the Environmental Health and Trading Standards Service, which are set out in the Council's Constitution be amended to include the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (as amended) and more particularly Regulations 4 (5) (b) and 5 (3A) (a) thereunder the Director of Environment and Regeneration be granted delegated authority to authorise individual competent and qualified officers to act under that legislation and the Head of Legal Services be authorised to seek amendment of the Constitution by the Council in due course: in order to reflect the above changes to the authority's delegation arrangements.

Reason for Proposed Decision(s)

- 14 To ensure that the Constitution reflects changes that have been made to certain legislation and that identified further legislation has been added.

Implementation of Decision

- 15 The decision is proposed for implementation immediately.

Appendices

- 16 None.

List of Background Papers

- 17 None.

Officer Contact

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