



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNCIL**

**Education, Skills & Wellbeing Cabinet Board**  
**28<sup>th</sup> September 2023**

### **Joint Report of the Head of Planning and Public Protection and Head of Legal and Democratic Services**

#### **Matter for Decision**

**Wards Affected: All**

#### **Updates to scheme of delegation following restructuring within the Planning and Public Protection Service**

#### **Purpose of the Report**

To confirm an updated scheme of delegations following a restructuring within the Planning and Public Protection Service.

#### **Background**

Members will be aware that the 'Public Protection' arm of the service – i.e. Environmental Health and Trading Standards – has recently undergone a restructure. At the end of 2021/early 2022 the service was allocated additional base budget funding from the 'Service Resilience Reserve'. This reserve was earmarked for identified priority service areas to build capacity and resilience across structures in order to support statutory functions alongside addressing backlogs of work that have built up as a consequence of the pandemic.

A key outcome of the restructure has been to create additional capacity at Accountable Manager level thereby ensuring sufficient leadership and management capacity exists going forward to deliver service priorities and recovery targets. Whereas previously there was one Accountable Manager post overseeing Environmental Health and Trading Standards, there are now two Accountable Manager posts in the newly implemented structure – i.e. 'General

Environmental Health Manager' and 'Trading Standards, Food and Health Protection Manager'.

The Constitution of Neath Port Talbot County Borough Council sets out the powers that have been delegated to the Director of Environment and Regeneration, Head of Planning and Public Protection and the previous Environmental Health and Trading Standards Manager.

Given the aforementioned change and the fact that the functions of the Environmental Health and Trading Standards Manager have been split between the General Environmental Health Manager and the Trading Standards, Food and Health Protection Manager, an updated scheme of delegations is required to ensure the split between duties is recorded appropriately in the Council's records and the appropriate officers are now delegated to take action pursuant to the legislation identified in scheme of delegation annexed at Appendix 1 of this report.

In addition, as part of this management of change exercise some of the powers that were once undertaken by the Head of Streetcare section are now to be transferred to the General Environmental Health Manager and the updated scheme of delegations includes these.

### **Financial Impacts**

There are no financial implications associated with this report as it relates to an update to schemes of delegation only.

### **Integrated Impact Assessment**

There is no requirement for an integrated impact assessment in respect of this decision as it relates to an update to schemes of delegation only.

### **Workforce Impacts**

No implications.

### **Legal Impacts**

The updated scheme of delegations ensures that there is an appropriate record of officers authorised to take action pursuant to the legislative obligations placed on the Council.

## **Risk Management Impacts**

Without approval there is a risk that the Council will not hold an updated record of which officers are in receipt of delegated powers to take enforcement action and accountable managers will not have the authority for all matters within their service areas.

## **Consultation**

There is no requirement for external consultation on this item.

## **Recommendations**

It is recommended that Members approve the scheme of delegation annexed at Appendix 1 of this report.

## **Reasons for Proposed Decision**

To ensure an updated record of which officers are in receipt of delegated powers to take enforcement action is in place.

## **Implementation of Decision**

This decision is proposed for immediate implementation with the consent of the Chair of Scrutiny.

## **Appendices**

Appendix 1– Updated Scheme of Delegation.

## **List of Background Papers**

There are none.

## **Officer Contact**

Mr Ceri Morris – Head of Planning and Public Protection.

Mr Craig Griffiths – Head of Legal and Democratic Services.

## Appendix 1 – Updated Scheme of Delegation

### 18. Waste Enforcement

- (a) **Schedule 1** sets out legislation relevant to the Waste Enforcement functions of the Authority and delegated to the Director of Environment and Regeneration; the Head of Streetcare Services and the Neighbourhood Services Manager.

These Officers are also delegated (i) to authorise individual competent and qualified Officers to act under the items of legislation listed and (ii) to institute legal proceedings thereunder in conjunction with the Head of Legal Services including the signing of any cautions in accordance with Home Office Guidelines.

- (b) To be authorised for the following purposes for all of the items specified in Schedule 2 (including the Neighbourhood Services Manager)

- (i) to serve notice or take such actions as described in Schedule 2;
- (ii) to authorise works in default to be undertaken where the recipient of a notice referred to in (i) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;
- (iii) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;
- (iv) to authorise such additional officers to undertake these functions in relation to the actions specified in number 2 of Schedule 2, where he is satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

- (c) Abandoned Vehicles

To seek tenders for the removal of abandoned vehicles and to accept the lowest suitable tender.

(d) Removal and Disposal of Abandoned Vehicles

To be authorised, subject to Police checks, to remove abandoned vehicles within 24 hours of notification in circumstances where a vehicle is burned out or likely to be burnt or otherwise poses a risk to the safety of the public.

(e) Clean Neighbourhood and Environment Act 2005

The Director of Environment and Regeneration, and the Head of Streetcare are granted delegated authority to designate authorised officers for the purposes of issuing on behalf of the Authority fixed penalty notices to deal with the offences set out in Schedule 3.

## SCHEDULE 1

### Waste Enforcement Legislation

Legislation	Effect Of Legislation
Anti-Social Behaviour Act 2003	A range of measures which include the protection of the local environment, littering, graffiti and fly posting
Anti-Social Behaviour, Crime and Policing Act 2014	A range of measures which include applying and/or varying injunctions; Crime Behaviour Orders; Community Protection Notices; Public Space Protection Orders; and dangerous dogs.
Control of Pollution (Amendment) Act 1989	Transport of controlled waste
Dogs (Fouling of Land) Act 1996	Allows authority to designate areas of land where fouling is prohibited
Environmental Protection Act 1990	Provides the provisions for dealing with litter.
Litter Act 1983	Prohibits littering. Power to create litter control areas
Local Government (Miscellaneous Provisions) Act 1976	Requisitions of information
Refuse Disposal Amenity Act 1978	Fly tipping; abandoned vehicles
Road Traffic Regulation Act 1984	Abandoned vehicles

## **SCHEDULE 2**

1. Authority to serve Notice(s) under the Environmental Protection Act 1990 in relation to waste and litter.
2. Authority to serve notice in relation to abandoned refuse under Section 6 of the Refuse Disposal (Amenity) Act 1978 and to dispose of refuse on unoccupied land. Authority to serve Notice(s) under the Refuse Disposal (Amenity) Act 1978, and/or to dispose of abandoned refuse on unoccupied land
3. Authority to serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to obtaining the particulars of persons interested in land. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1976.
4. Authority to serve notices and to have vehicles removed under Section 3 of the Refuse Disposal (Amenity) Act 1978 relating to abandoned vehicles. Authority to serve Notice(s) under the Refuse Disposal (Amenity) Act 1978, and/or to have abandoned vehicles removed.
5. Authority to issue Fixed Penalty Notice(s) for breaches of the Environmental Protection Act 1990, as amended.
6. Authority to issue Fixed Penalty Notice(s) for breaches of the Anti-Social Behaviour, Crime and Policing Act 2014, as amended.

### SCHEDULE 3

Description of Offence	Legislation
Leaving two or more vehicles for sale on a road	Sections 3, 4 & 6 Clean Neighbourhoods & Environment Act 2005.
Abandoned Vehicle	Sections 2 (1) (a) & Section 2A Refuse Disposal (Amenity) Act 1978.
Littering	Sections 87 & 88 Environmental Protection Act 1990.
Failure to comply with a Community Protection Notice	Sections 47, 48 & 52 of the Anti-Social Behaviour, Crime and Policing Act 2014.
Failure to comply with a Public Spaces Protection Order	Sections 67 & 68 of the Anti-Social Behaviour, Crime and Policing Act 2014
Graffiti and Flyposting	Section 43 Anti-social Behaviour Act 2003.
Failure to produce waste carrier documents and/or waste transfer documents	Sections 34(5), 34A & 34ZB Environmental Protection Act 1990, and Sections 5 & 5B Control of Pollution (Amendment) Act 1989.
Failure to comply with a Waste Receptacle Notice.	Sections 46, 47 & 47ZA Environmental Protection Act 1990.



## 19. Air Quality and Contaminated Land

- (a) Schedule 1 sets out legislation relevant to the Air Quality and Contaminated Land functions of the Authority and delegated to the Director of Environment, the Head of Planning and Public Protection and the General Environmental Health Manager.

These Officers are also delegated (i) to authorise individual competent and qualified Officers to act under the items of legislation listed and (ii) to institute legal proceedings thereunder in conjunction with the Head of Legal and Democratic Services including the signing of any cautions in accordance with Home Office Guidelines.

Further, to make minor variations to authorisations under Part 1 of the Environmental Protection Act 1990. (Minute 6 Page 204 July 1997).

- (b) To be authorised for the following purposes for all of the items specified in Schedule 2
  - (i) to serve notice(s) or take such action(s) as described in Schedule 2;
  - (ii) to authorise works in default to be undertaken where the recipient of a notice referred to in (i) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;
  - (iii) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;
  - (iv) to authorise such additional officers to undertake these functions in relation to the actions specified in number 3 of Schedule 2, where he is satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.
- (c) Air Quality – Local Air Pollution Control

To determine applications for authorisation of businesses and activities that produce pollution, namely Part A2 and Part B Installations, mobile plant and small waste incineration.

## SCHEDULE 1

### Air Quality and Contaminated Land

Legislation	Effect Of Legislation
Clean Air Act 1993	Control of smoke grit and dust from furnaces; prior approval of furnaces; chimney heights; smoke control in relation to domestic coal
Environment Act 1995	Provides for air quality management including review and assessment. Provides for amendment of Environmental Protection Act to insert powers regarding contaminated land. Provides for powers of entry regarding pollution control functions.
Environmental Protection Act 1990	In relation to the authorisation of industrial processes. Provides for the inspection, designation and remediation of contaminated land. Requirement for statutory registers.
Pollution Prevention and Control Act 1999	Allows for permitting of IPPC A2 installations and LAPPC permits. Requirement for statutory registers.
Pollution Prevention and Control Regulations 2000	
Road Traffic Act 1988	Provision by way of regulations for the testing of vehicle emissions, e.g. The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003
Well-being of Future Generations (Wales) Act 2015	In relation to improving the social, economic, environmental and cultural well-being of Wales

## **SCHEDULE 2**

1. Authority to serve Notice(s) under the Environmental Protection Act 1990
2. Authority to serve Notice(s) under the Clean Air Act 1993
3. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1976

## 20. General Environmental Health

- (i) **Schedule 1** sets out legislation relevant to the Environmental Health and Animal Impounding functions of the Authority and delegated to the Director of Environment and Regeneration, Head of Planning & Public Protection and the General Environmental Health Manager.

These Officers are also delegated to authorise individual competent and qualified Officers to act under the items of legislation listed.

These Officers are also delegated to institute legal proceedings thereunder in conjunction with the Head of Legal and Democratic Services including the signing of any cautions in accordance with Home Office Guidelines; and where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge:

Further:

- (a) that appropriately qualified officers authorised to enforce the Health and Safety at Work Etc. Act 1974 be appointed as Inspector under Section 19 of that Act and be confirmed as authorised to exercise the powers set out in Sections 20, 21, 22, 23, 24, 25, 39 and Schedule 1 of the said Act;
  - (b) that appropriately qualified officers appointed as authorised officers under Section 5(6) of the Food Safety Act 1990 be authorised to execute the powers set out in Sections 9, 10, 12 and 32 of that Act;
  - (c) that the appropriate officers who are authorised officers under the Health and Safety at Work Etc. Act 1974 and the Food Safety Act 1990 be indemnified by the Council under Section 26 of the 1974 Act and Section 44 of the 1990 Act.
- (ii) The Director of Environment and Regeneration, Head of Planning & Public Protection and the General Environmental Health Manager be authorised for the following purposes for all of the items specified in **Schedule 2**

- (a) to serve notice to take such actions as described in Schedule 2;
- (b) to authorise works in default to be undertaken where the recipient of a notice referred to in (a) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;
- (c) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;
- (d) to authorise such additional officers to undertake these functions in relation to the legislation in Schedule 2, where he is satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

(iii) **Housing Act 1985**

- (a) to serve Notice of Entry on behalf of the Council under the provisions below:-
- (b) to authorise such additional Officers to enter specified premises in order to perform these functions where he is satisfied they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

Part II Section 54 – Provision of housing accommodation main powers and duties of Local Housing Authorities.

Part IX Section 319 – Slum Clearance, demolition

Part X Section 340 – Overcrowding

(iv) **The Health and Safety (Enforcing Authority) Regulations 1998**

To agree transfers of enforcement responsibility, under Regulation 5 of the Health and Safety (Enforcing Responsibility) Regulations 1998.

(v) **Defective Private Sewers and Drains**

The relevant Officers are authorised to act under the Council's policy approved on the 29<sup>th</sup> March 2007

(vi) **Duty Officer Delegations**

The Director of Environment and Regeneration, the Head of Planning & Public Protection and General Environmental Health Manager are authorised to delegate the power to authenticate Notices and undertake work in default, to Officers of the Environmental Health Section, when acting in the capacity of Duty Officer, for the following purposes:-

- (a) Environmental Protection Act 1990:  
Statutory nuisance including noise in the street by virtue of the Noise and Statutory Nuisance Act 1993;
- (b) Clean Neighbourhoods and Environmental Act 2005:  
Intruder Alarms
- (c) Noise Act 1996:  
Issue of fixed Penalty Notices including Licensed Premises

(vii) **Protection from Eviction Act 1977**

- (a) That the Protection from Eviction Act 1977 is added to the list of legislation relevant to the Environmental Health function of the Authority and delegated to the Director of Environment and Regeneration, Head of Planning & Public Protection and the General Environmental Health Manager;
- (b) That, in accordance with the current arrangements, the Officers identified in (a) above be authorised to institute legal proceedings in conjunction with the Head of Legal and Democratic Services including the signing of any Cautions.

(vi) **Sunbeds (Regulation) Act 2010**

- (a) That the Sunbeds (Regulation) Act 2010, and any Regulation made under it, be added to the list of Legislation relevant to General Environmental Health functions of the Authority and delegated

authority be granted to the Director of Environment and Regeneration, Head of Planning & Public Protection and the General Environmental Health Manager;

- (b) That the above mentioned Officers be also granted delegated authority to authorise individual competent and qualified Officers to act under this Legislation for the purposes of entry, inspection and enforcement;
- (c) That the above mentioned Officers be also granted delegated authority to institute legal proceedings, in conjunction with the Head of Legal and Democratic Services, including the signing of any cautions in accordance with Home Office Guidelines.



## Schedule 1

### General Environmental Health

Legislation (which shall be deemed to include any subordinate legislation made under it)	Effect Of Legislation
Anti-Social Behaviour Act 2003	Closure of certain premises in regard to excessive noise. Restrictions on the sale of spray paints.
Anti-Social Behaviour & Policing Act 2014	
Building Act 1984	Dealing with ruinous and dilapidated properties, defective drainage etc.
Caravan Sites and Control of Development Act 1960	Licenses caravan sites. Conditions for spacing of caravans, fire control measures etc.
Caravan Sites Act 1968	Protection of occupiers of residential caravans from eviction and harassment
Clean Air Acts 1968 & 1993	Restricts the lead content of petrol and the sulphur of diesel fuel in order to reduce atmospheric pollution. Smoke control in relation to domestic coal. Control of smoke, grit and dust from furnaces and chimney heights.
Control of Pollution Act 1974	Control of construction site noise, Noise in street, Approved codes of practice (noise), Noise abatement zones
Control of Smoke (Pollution) Act 1989	Removes exemptions relating to smoke emission, extends offences relating to "dark smoke"
Dogs Act 1906 and 1928	Deals with unburied animal carcasses, seizure of stray dogs, owner burying of cattle carcasses to that no dog may find them. Liability of owners of dogs re. Injuries to cattle
Dogs Amendment Act 1920	Liability of owners of dogs regarding injuries to poultry. Controllers of cattle must bury carcasses so that no dog can find them.

Environment Act 1995	Provides for air quality management including review and assessment. Provides for amendment of Environmental Protection Act to insert powers regarding contaminated land. Provides for powers of entry regarding pollution control functions.
Environmental Protection Act 1990	Provides for the authorisation of industrial processes. Provides for the inspection, designation and remediation of contaminated land. Provides the provisions for dealing with statutory nuisances. Provides the provisions for dealing with litter. Requirement to appoint officers to deal with stray dogs.
Factories Act 1875 and 1923	Governs Health and Safety in factories
Food and Environment Protection Act 1985	Protects the public from food rendered unsafe as a result of the escape of harmful substances, such as radioactive fall-out. Protects the public from the misuse of pesticides.
Health Act 2006 and Regulations	Smoke free public places and work places.
Health and Safety at Work etc. Act 1974 – appointed as inspector under Section 19	To exercise powers to an inspector under this legislation
Housing Act 1985	Demolition Orders and over-crowding
Housing Act 1996	Updates provisions of 1985 Act
Housing Act 2004	Duties and powers to take enforcement action in respect of housing conditions. Licensing of HMOs and other dwellings
Housing Grants, Construction and Regeneration Act 1996	Fitness provisions in relation to renovation and group repair schemes. Power to issue deferred action notices and to charge for enforcement action
Housing (Wales) Act 2014	Powers to take enforcement action against unregistered or unlicensed landlords and agents
Land Compensation Act 1973	Matters relating to demolition orders
Land Drainage Act 1991	Drainage of surface water from land

Landlord and Tenant Act 1985	Deals with illegal eviction and harassment
Law of Property Act 1925	Enforced Sales Procedure for Empty Properties and Debt Recovery
Local Government and Housing Act 1989	Matters relating to housing fitness and regeneration
Merchant Shipping Act 1979	Safety and welfare of ships
Mobile Homes (Wales) Act 2013	Licensing of Park Homes sites
Motor Cycle (Noise) Act 1987	Regulates the sale of exhaust systems for motor cycles
National Assistance Act 1948	Allowing people in need of care and attention to be removed to suitable premises
National Assistance (Amendment) Act 1951	Amends the above
Noise and Statutory Nuisance Act 1993	Made noise in streets a statutory nuisance. Amended COPA re. Loudspeakers
Noise Act 1996	Night time noise offence
Offices, Shops and Railway Premises Act 1963	Enforces health and safety requirements in offices, shops and railway premises
Pollution Prevention and Control Act 1999	Regulation of certain types of industrial activities to prevent pollution
Prevention of Damage by Pests Act 1949	Allows the clearance of overgrown land that can harbour rodents and to bait for rats
Private Water Supplies (Wales) Regulations 2010	Sampling analysing entry inspection and enforcement relating to private water supplies.
Public Health Act 1875	Pollution of water by gas washings; byelaws for public
Public Health Acts Amendment Act 1907	Licensing pleasure boats, control of animals driven in street
Public Health Act 1936	Deals with drainage and sewers; filthy and verminous premises, statutory nuisance
Public Health Act 1961	Drainage problems
Public Health (Control of Disease) Act 1984	To control disease to establish port health authorities and to regulate lodging-houses and canal boats. Public Health Funerals

Public Health (Drainage of Trade Premises) Act 1937	To control the discharge of trade effluents onto public sewers
Public Health (Recurring Nuisances) Act 1969	Additional powers to deal with recurring statutory nuisances
Public Health (Wales) Act 2017	Deals with control of tobacco/nicotine products and procedures relating to acupuncture, body piercing, electrolysis and tattooing
West Glamorgan Act 1987	Regulation of hairdressers

### **Dog Wardens and Animal Impounding**

Dangerous Dogs Act 1991	Requires certain dogs to be muzzled; powers to deal with dogs which attack people
Dogs Act 1906 and 1928	Deals with unburied animal carcasses, seizure of stray dogs, owner burying of cattle carcasses to that no dog may find them. Liability of owners of dogs re. Injuries to cattle
Environmental Protection Act 1990 section 149	Seizure of stray dogs; requirement to appoint officers to deal with stray dogs.
Town Police Clauses Act 1847	Discretionary power to impound large animals

## **SCHEDULE 2**

1. Authority to serve Notice(s) under the Building Act 1984.
2. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1982, and to undertake works to protect buildings against unauthorised entry.
3. Authority to serve notice under Section 4 of the Prevention of Damage by Pests Act 1949 to eradicate rats and mice on land and/or carry out related structural works. Authority to serve Notice(s) under the Prevention of Damage by Pests Act 1949, and/or to carry out related structural works.
4. Authority to serve Notice(s) under the Control of Pollution Act 1974.
5. Authority to serve Notice(s) under the Environmental Protection Act 1990. Authority to issue Fixed Penalty Notice(s) for breaches of the Environmental Protection Act 1990, as amended.
6. Authority to serve Notice(s) under the Land Drainage Act 1991.
7. Authority to serve Notice(s) under the Water Industry Act 1991.
8. Authority to serve Notice(s) under the Clean Air Act 1993.
9. Authority to serve Notice(s) under the Public Health Act 1936.
10. Authority to serve Notice(s) under the Public Health Act 1961.
11. Authority to serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to obtaining the particulars of persons interested in land. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1976.
12. Authority to serve notice under Section 77 Criminal Justice and Public Order Act 1994 to direct unauthorised campers to leave land and remove their vehicles and property. Authority to serve Notice(s) under the Criminal Justice and Public Order Act 1994.

13. Authority to issue Fixed Penalty Notice(s) for breaches of the Anti-Social Behaviour, Crime and Policing Act 2014, as amended.

## 21. Trading Standards, Food, Health Protection

- (i) **Schedule 1** sets out legislation relevant to the Trading Standards, food and health protection functions of the Authority and delegated to the Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager.

These Officers are also delegated to authorise individual competent and qualified Officers to act under the items of legislation listed.

These Officers are also delegated to institute legal proceedings thereunder in conjunction with the Head of Legal and Democratic Services including the signing of any cautions in accordance with Home Office Guidelines; and where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge:

Further:

- (a) that appropriately qualified officers authorised to enforce the Health and Safety at Work Etc. Act 1974 be appointed as Inspector under Section 19 of that Act and be confirmed as authorised to exercise the powers set out in Sections 20, 21, 22, 23, 24, 25, 39 and Schedule 1 of the said Act;
  - (b) that appropriately qualified officers appointed as authorised officers under Section 5(6) of the Food Safety Act 1990 be authorised to execute the powers set out in Sections 9, 10, 12 and 32 of that Act;
  - (c) that the appropriate officers who are authorised officers under the Health and Safety at Work Etc. Act 1974 and the Food Safety Act 1990 be indemnified by the Council under Section 26 of the 1974 Act and Section 44 of the 1990 Act.
- (ii) The Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection

Manager be authorised for the following purposes for all of the items specified in **Schedule 2**

- (a) to serve notice to take such actions as described in Schedule 2;
- (b) to authorise works in default to be undertaken where the recipient of a notice referred to in (a) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;
- (c) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;
- (d) to authorise such additional officers to undertake these functions in relation to the actions specified in Schedule 2 where he satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

(iii) **The Director of Environment and Regeneration is authorised to make statutory appointments as follows:-**

Proper Officer and Medical Adviser in relation to Section 47 of the National Assistance Act 1948 (as amended by the Act of 1951), Sections 11 and 20 of the Public Health (Control of Diseases) Act 1984 and Section 24, 29, 30 and 48 of the Public Health (Control of Diseases) Act 1984 and the Health Protection (Notification)(Wales) Regulations 2010

Proper Officers for the purposes of Part 2A of the Public Health (Control of Disease) Act 1984 as amended

Public Analyst under the Food Safety Act 1990

Agricultural Analyst under the Agriculture Act 1970

Chief Inspector of Weights and Measures under the Weights and Measures Act 1985



(iv) **Trading Standards – Fraud Act (2006)**

- (a) Cabinet delegates its functions under the Fraud Act (2006) to the Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager
- (b) The above mentioned Officers are authorised to delegate to individual, competent and qualified Officers within the Directorate of Environment and Regeneration their power to act under this legislation on behalf of the Council;
- (c) The Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager are also delegated to institute legal proceedings under the above referred to legislation in conjunction with the Head of Legal and Democratic Services, including the signing of any cautions in accordance with Home Office guidelines; and where an alleged offender is being held in custody in relation to an offence to institute proceedings by way of a charge.

(v) **Discharge of Trading Standards Functions by Other Councils**

- (a) The Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager are authorised to make arrangements for the discharge by other Councils of the functions of investigating and instituting proceedings on Trading Standards matters in the Neath Port Talbot area under Section 19 of the Local Government Act 2000 and the Consumer Rights Act Sch 5 part 5 paragraph 45, and regulations made thereunder and any other enabling power.

(vi) **Chargeable Single Use Carrier Bags**

- (a) Functions pursuant to Section 77 and 90 and Schedule 6 of the Climate Change Act 2008 are delegated to the Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager;

- (b) The Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager be also granted delegated authority to institute legal proceedings under the above referred to legislation in conjunction with the Head of Legal and Democratic Services, including the signing of any Cautions in accordance with Home Office Guidelines, and where an alleged offender is being held in custody in relation to an offence to institute proceedings by way of a Charge;
  
- (c) The Director of Environment and Regeneration, Head of Planning & Public Protection and the Trading Standards, Food & Health Protection Manager be also granted delegated authority to serve Fixed Monetary Penalty Notices, Variable Monetary Penalty Notices and Non-Financial Penalty Discretionary Requirements and to authorise other individual, competent and qualified officers within Social Services, Health and Housing to act under this legislation, to include the serving of such Notices on behalf of the Council.

## Schedule 1

### Trading Standards, Food and Health

Legislation (which shall be deemed to include any subordinate legislation made under it)	Effect Of Legislation
Accommodation Agencies Act 1953	Controls the taking of money for providing services in connection with the finding of property to let
Administration of Justice Act 1970 and 1985	Allows a court to award compensation following conviction for a criminal offence. Creates an offence for the harassment of debtors or alleged debtors
Agricultural Produce (Grading and Marking) Act 1928-1931	Provides for the grading and marking of agricultural produce
Agriculture Act 1970 and any Regulations made thereunder	Requires the appointment of an agricultural analyst and the provision by seller of information regarding the composition of fertilisers and the feeding stuffs. Provides for controls on the labelling of fertilisers and animal feeding stuffs. Prevents supply of unfit animal feeding stuffs/pet food, e.g. dog food, cat food. Agricultural feeding stuffs
Agriculture (Miscellaneous Provisions) Act 1968	Welfare of livestock and prevention of unnecessary pain to livestock
Animal By-products (Enforcement) (No. 2) (Wales) Regulations 2011	
Animal By-products Enforcement (Wales) Regulations 2014	
Animal Health Act 1981 and 2002	Regulates movement of farm animals and provides for measures to deal with animal diseases. Provides for the control of animal diseases (that can be caught by humans) and for the welfare of animals on the farm in transit and at market

Animal Health and Welfare Act 1984	Allows an officer to seize things that may prevent disease and to make declarations as to places infected with a disease
Animal Welfare Act 2006	Protection of welfare of farmed, domestic and captive animals
Cancer Act 1939	Prohibits the advertisement of cures for cancer
Children and Young Persons Act 1933	See below
Children and Young Persons (Protection from Tobacco) Act 1991	Amends the Children and Young Persons Act to require display of notices in shops and on vending machines that it is illegal to sell tobacco to under 16s; makes those sales illegal; requires annual plan for implementation to be agreed by local authority. Prohibits the sale of tobacco to children. Controls the siting of cigarette vending machines. Controls tobacco advertising
Clean Neighbourhoods and Environment Act 2005	Duty to consider on an annual basis, underage sales of spray paints.
Companies Act 2006	Disclosure of company information and name on business premises and documentation.
Consumer Credit Act 1974 and 2006	Provides for control of consumer credit and hire. Requires licensing of credit and hire traders. Controls credit and hire advertising; debt collecting and credit reference agencies. Controls credit and hire documentation and format used to indicate credit charges.
Consumer Protection Act 1987 and any Regulations made thereunder	Prohibits the sale of goods not in compliance with the relevant safety regulations and the general safety requirements

Consumer Protection From Unfair Trading Regulations 2008	The regulations introduce a general prohibition on traders in all sectors engaging in unfair commercial practices against consumers.
Consumer Rights Act 2015	Sets out the powers of Trading Standards departments (Exc. Food & Feed) , set requirements on letting agents to publicise fees etc and offences relating to secondary ticketing
Control of Horses (Wales) Act 2014	The Act provides all local authorities in Wales with consistent legal powers to seize, impound, sell, re-home, return, dispose of and destroy horses by humane means after certain notifications and time limits, when the horses are found causing nuisance by fly grazing, straying or have been abandoned
Control of Pollution Act 1974	Controls the sale of anti-fouling paints.
Copyright Designs and Patents Act 1988	The law of copyright, rights of provisions as to the right of performers and others in performances
Copyright etc. and Trademarks (Offences and Enforcement) Act 2002	Revises penalties and allows forfeiture of offending items
Coronavirus Act 2020 and any Regulations made thereunder	
Courts and Legal Services Act 1990 (Section 104)	Prohibits “tying in” arrangements in connection with residential property loans
Criminal Attempts Act 1981	Allows for enforcement action to be taken in relation to indictable offences where preparatory acts with intent have been committed
Criminal Justice and Police Act 2001 (Chapter 2)	Allows the designation of areas of land in which public drinking is prohibited, disclosure orders and prohibits sale of alcohol to under 18s
Criminal Justice and Public Order Act 1994	Control of ticket touting at designated public events and touting for private car hire. Controls the sale of tickets at prestige

	sporting events at prices far beyond the face value of the ticket offered. Plus soliciting persons to hire vehicles to carry them as passengers
Criminal Justice Act 1988 ss 141 and 141A	Amends Licensing Act 1964 in relation to sales of alcohol to under 18s
Criminal Law Act 1977	Allows enforcement action to be taken in relation to a conspiracy to commit offences
Deer Act 1991	Controls sale of venison
Development of Tourism Act 1969	Requires the price of accommodation to be displayed in hotels
Education Reform Act 1988 (Sections 214 and 215)	Restricts the ability to award degrees to certain authorised bodies. Controls the use of terms "Bachelor, Master or Doctor"
Energy Act 1976	Requires the publication of data relating to passenger car fuel consumption
Energy Conservation Act 1981	Provides for the making of regulations requiring the labelling of certain domestic appliances as to their fuel efficiency
Energy Performance of Buildings (England & Wales) Regulations 2012	To control and enforce the requirement to provide an energy performance certificate in specified buildings.
Enterprise Act 2002	Provides controls on persistent offenders who contravene trading laws and breaches fo criminal and civil legislation.
Estate Agents Act 1979	Governs accounts in respect of client's money. Controls certain activities in connection with disposal and acquisition of interest in land by Estate Agents. Provides powers to ban "unfit" persons from estate agency work.
Farm and Garden Chemicals Act 1967	Controls labelling and marking of pesticides, herbicides and other farm and garden chemicals. Prohibits transactions in certain unlabelled products.
Fireworks Act 2003	Prohibits sale of fireworks to those below specified age. Prohibition or control of

	supply of certain fireworks. Licensing of supplies and displays
Food and Environment Protection Act 1985	Protects the public from food rendered unsafe as a result of the escape of harmful substances, such as radioactive fall-out. Protects the public from the misuse of pesticides.
Food Hygiene (Wales) Regulations 2006	
Food Hygiene Rating (Wales) Act 2013	Food Hygiene ratings
Food Information (Wales) Regulations 2014	Food labelling
Food Safety Act 1990 and any Regulations made thereunder	Regulates food premises with respect to food safety. Requires the registration or licensing of food premises and an inspection regime. Prohibits sale of unfit or adulterated food. Controls its description, advertising and labelling.
Food Supplements (Wales) Regulations 2003	Controls relating to food supplements
Forgery and Counterfeiting Acts 1981 and 1988	Prohibits forgery and counterfeiting documents
Fraud Act 2006	Makes a provision for and in connection with, criminal liability for fraud and obtaining services dishonestly
General Product Safety Regulations 2005	Provide the basis for ensuring the safety of consumer goods by setting requirements and providing a range of provisions to secure compliance and enforcement with the requirements
Hallmarking Act 1973	Provides for the protection of purchasers of precious metals in relation to the composition, assaying, marking and description. Provides for recognition of international markings on gold, silver and platinum.

Health Act 2006 and Regulations	Smoke free public places and work places.
Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, and any amendment Regulations made thereunder	
Insurance Brokers (Registration) Act 1977	Offence of pretending to be registered as an insurance broker. Registration of insurance brokers and regulation of their professional standards.
Knives Act 1997	Prevents the marketing of dangerous knives and prohibits their sale to minors
Licensing Act 2003	Regulates sale of alcohol, provision of entertainment and late night refreshments. For trading standards makes provision in connection with the sale and consumption of intoxicating liquor in cases involving young persons under 18
Local Government Bylaws (Wales) Act 2012	
Malicious Communications Act 1988	Makes provisions for the punishment of persons who send or deliver letters or other articles for the purpose of causing distress or anxiety
Medicines Act 1968 – Section 111 and S112	Provides control for medicinal products in production, composition, labelling, advertising. Controls the incorporation of medicinal products in animal feeding stuffs. Provides the power to inspect, take samples and seize goods/documents
Motor Vehicles (Safety Equipment for Children) Act 1991	Regulates the construction, sale or supply of safety equipment for children used in motor vehicles
National Lottery etc Act 1993	Prohibits the sale of lottery tickets to persons under the legal age
Nutrition and Health Claims (Wales) Regulations 2007	Makes provision for the control of nutrition and health claims in food



Offensive Weapons Act 1996 (Section 6)	Prohibits the sale of such (knives, axes and blades) to a person under the age of 16
Official Feed and Food Control (Wales) Regulations 2009	Sets out the provisions for controls and offences relating to feed and food, defines powers and defences.
Olympic Symbol etc. (Protection) Act 1995	Prevents unauthorised use of the Olympic Games symbols and similar labels
Pesticides (Fees and Enforcement) Act 1989	Confers enforcement powers in relation to pesticides on local authorities
Petroleum Consolidation Regulations 2014	Regulations to control the storage petroleum spirit
Poisons Act 1972	Provides for registration of the sellers of poisons and controls the sale poisons
Prices Acts 1974 and 1975	Provides power to regulate the price display of certain goods and provides protection and price information for consumers
Proceeds of Crime Act 2002	The means by which enforcement authorities can investigate money laundering and to recover assets obtained during criminal activity.
Protection of Animals Act 1911, 1954 and 1958	Prohibits cruelty against farm animals. Enables a court to disqualify a person from having custody of an animal on a first conviction of cruelty; and to increase the penalties for offences relating to animal fights; and to make further provision with respect to attendance of same fights
Public Entertainment Licences (Drug Misuse) Act 1997	Power to revoke public entertainment licence due to drug misuse on premises
Public Health (Drainage of Trade Premises) Act 1937	To control the discharge of trade effluents onto public sewers
Radioactive Substances Act 1993	To control radioactive substances
Registered Designs Act 1949	Provides protection against copying for registered designs
Road Traffic Acts 1974 and 1988 as amended by the Motor Vehicle (Safety Equipment for Children) Act 1991	Grants powers to prohibit the driving of overloaded vehicles. Also to prohibit driving of unroadworthy vehicles

Road Traffic Act 1991	Makes amendments to enforcement provisions of Road Traffic Act
Road Traffic (Consequential Provisions) Act 1988	Makes amendments to the Road Traffic Acts
Road Traffic (Foreign Vehicles) Act 1972	Makes provisions for offences under the Road Traffic Act in relation to foreign vehicles
Road Traffic Offenders Act 1988	Makes enforcement provisions relating to Road Traffic Act 1988
Scotch Whisky Act 1988	Makes provision for the definition of Scotch whisky and as to the production and sale of whisky and for connected purposes
Slaughterhouse Act 1974	Makes provision for the licensing of slaughter houses and knackery yards
Slaughter of Poultry Act 1967	Provides for the humane slaughter for certain commercial purposes of poultry
Tattooing Minors Act 1969	Prohibits tattooing of under 18s except as a medical procedure
Telecommunications Act 1984	Makes provisions on the labelling and advertising of telecommunications apparatus
Theft Acts 1968 and 1978	Prohibits the obtaining of property (i.e. the price of the goods) or money by deception
Timeshare Act 1992	Regulates the conduct of the sale of timeshare properties
Tobacco Advertising and Promotion Act 2002	Prohibits tobacco advertising in the print media, billboards and direct mail. Controls advertising at point of sale
Trade in Animals and Related Products (Wales) Regulations 2011	Establish a system for trade between member States in live animals and genetic material ( and for the importation of live animals, genetic material and products of animal origin from outside the European Union.
Trade Marks Act 1994	Trade Marks Act makes it an offence to sell or offer to supply any goods bearing a mark or logo identical to or likely to be taken for a Registered Trade Mark, unless the owner

	of the trade mark has given permission for it to be used on the goods in question
Trading Stamps Act 1964	Regulates the issue and advertising of trading stamps
Unsolicited Goods and Services Acts 1971-1975	Makes provision for the protection of persons receiving unsolicited goods or services, creates offences for same
Vehicles (Crime) Act 2001	Regulates motor salvage operators and registration plate suppliers and makes further provision for preventing or detecting vehicle crime
Video Recordings Act 1984 and 2010	Requires the classification and labelling of videos
Weights and Measures Acts 1976 and 1985 and any Regulations made thereunder	Establishes standards for weights and measures. Regulates weighing and measuring equipment used for trade. Protects against deficient quantity in the sale of goods. Allows provision of metrological technology service to trade and industry. Provides guidance and control on packers' quality control systems. Promotes the free flow of goods within the European Union
Welfare of Animals at Slaughter Act 1991	An Act to make further provision for the welfare of animals at slaughter

## **SCHEDULE 2**

1. Authority to serve Notice(s) under the Local Government (Miscellaneous Provisions) Act 1976.