



## **CABINET – 2ND OCTOBER 2019**

**SUBJECT: AUTHORISATION OF OFFICERS IN PUBLIC PROTECTION – EU EXIT**

**REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES**

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### **1. PURPOSE OF REPORT**

- 1.1 To inform Cabinet of changes to the legislation required as a result of the UK's exit from the European Union to ensure a seamless transition of Public Protection functions after this event. The Monitoring Officer will amend the constitution to reflect this change.
- 1.2 To obtain additional authorisation for officers under the European Union (Withdrawal) Act 2018.

### **2. SUMMARY**

- 2.1 Officers within the Public Protection Division require additional authorisation under Acts of Parliament in order to enforce the legislation and carry out their duties.

### **3. RECOMMENDATIONS**

- 3.1 That Officers within the Public Protection Division be authorised under the European Union (Withdrawal) Act 2018 in order to enforce the legislation and carry out their duties ensuring a seamless transition following EU exit, whenever the UK withdraws from the EU.
- 3.2 That the Council's Constitution and terms of reference be amended by adding the European Union (Withdrawal) Act 2018 and removing the European Communities Act 1972. The Council's Monitoring Officer will make the necessary amendments to the Council's Constitution following the UK's exit from the EU, whenever that may be.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 In order to comply with statutory requirements and to ensure proper and effective enforcement of the legislation.

### **5. THE REPORT**

- 5.1 Authorisation of Officers

As a result of the UK's withdrawal from the European Union, whenever that may be, the following legislation is required to be added to the Council's Constitution in order for the functions that are carried out within Public Protection to continue seamlessly after the exit date.

## **European Union (Withdrawal) Act 2018**

The above legislation comes into force on the EU exit day. The Act repeals the European Communities Act 1972 and makes other provision in connection with the withdrawal of the United Kingdom from the EU.

The European Communities Act 1972 is repealed on exit day and should be removed from the constitution.

### **5.2 Conclusion**

Cabinet note the implementation of the European Union (Withdrawal) Act 2018. Following which the aforementioned Act should be added to the Council's constitution and the European Communities Act 1972 removed. This will enable a seamless transition following EU exit.

## **6. ASSUMPTIONS**

- 6.1 No assumptions have been made in relation to this report as it merely updates existing arrangements due to changes in legislation.

## **7. LINKS TO RELEVANT COUNCIL POLICIES**

- 7.1 The Public Protection Enforcement Policy.

### **7.2 Corporate Plan 2018-2023.**

The Public Protection Division has a major role in protecting, promoting and improving the health, safety and economic well being of our communities. This role includes the enforcement of numerous statutes, many of which include criminal sanctions on those who infringe the law. Enforcing public protection legislation is a statutory duty and this activity contributes to a number of objectives within the corporate plan:

Objective 2 - Enabling employment

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015

Objective 6 - Support citizens to remain independent and improve their well-being

## **8. WELL-BEING OF FUTURE GENERATIONS**

- 8.1 Public protection is a statutory duty of the authority and contributes towards the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The Well-being of Future Generations (Wales) Act 2015 sets out the sustainable development principle against which all public bodies in Wales should assess their decision-making. The

aim of the legislation is to ensure the well-being of future generations through maximising the contribution public bodies make towards the well-being goals. The principle is also known as the five ways of working and the following are relevant in relation to this report.

**PREVENTION** - Public Protection enforcement activity promotes compliance with legislation and promotes and protects public health and safety, thereby preventing harm from occurring. There is an emphasis on prevention as processes ensure that a number of checks and safeguards are in place before an activity is permitted or licenced.

**INTEGRATION** – Public Protection enforcement activity makes a contribution to a number of the Well-being Goals within the Well-being of Future Generation (Wales) Act 2015.

**COLLABORATION** – Public Protection services collaborate extensively with partner agencies including Gwent Police, Natural Resources Wales, the Food Standards Agency, and the Health and Safety Executive.

## **9. EQUALITIES IMPLICATIONS**

- 9.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. There is no change to function or service provision.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no direct financial implications as a result of authorisation changes.

## **11. PERSONNEL IMPLICATIONS**

- 11.1 The exact impact of EU exit is not known. It is conceivable that there will be an additional workload for officers employed within Public Protection as requests from food manufacturers based in the county borough for Export Certificates are likely to increase, and officers will also be required to conduct additional checks on Imported Foods. There will also be an increased need for advice and guidance to business to enable them to produce and export non food goods.

## **12. CONSULTATIONS**

- 12.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

## **13. STATUTORY POWER**

- 13.1 The European Union (Withdrawal) Act 2018. The discharge of duties under the above legislation is a Cabinet function with the powers delegated to officers.

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Consultees: Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection  
Mark S. Williams – Interim Corporate Director, Communities  
Rob Hartshorn, Head of Public Protection, Community and Leisure Services  
Rob Tranter, Head of Legal Services/Monitoring Officer

Ceri Edwards, Environmental Health Manager  
Jacqui Morgan, Trading Standards, Licensing & Registrars Manager  
Mike Eedy, Finance Manager  
Shaun Watkins, HR Service Manager  
Anwen Cullinane, Senior Policy Officer (Equalities & Welsh Language)