



CABINET – 17TH JANUARY 2024

**SUBJECT: AMENDMENTS TO AUTHORISATION OF OFFICERS WITHIN
THE PUBLIC PROTECTION DIVISION**

REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of new legislation for regulatory services and to seek authorisation for officers of the Public Protection Division.
- 1.2 To seek approval for the Council's Monitoring Officer to make the necessary changes to the Constitution to reflect the implementation / need for authorisation under the legislation detailed in this report.

2. SUMMARY

- 2.1 Officers within the Public Protection Division require additional authorisation under the following Acts of Parliament to enforce the legislation and carry out their duties: -
 - The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023.
 - Animals (Low-Welfare Activities Abroad) Act 2023.

3. RECOMMENDATIONS

- 3.1 That the Head of Public Protection, Community and Leisure Services be authorised under legislation detailed in this report so that relevant officers within the division can utilise delegated powers to carry out their duties.
- 3.2 That the Council's Monitoring Officer makes the necessary amendments to the Constitution.

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 introduction of new legislation it is considered that the Council's Constitution should be amended to include the following legislation.

5.2 **The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023.**

The Act aims to help tackle plastic pollution, move away from unnecessary single-use plastic and stop the flow of harmful plastics into our environment. The Act currently covers 10 specific single-use plastic products and those single-use plastic products made of oxo-degradable plastic. The Act also allows Welsh Ministers to add other single-use plastic products to this list if required in future. The phase one list includes the following:

- Single-use plastic plates – this includes paper plates with a laminated plastic surface
- Single-use plastic cutlery – for example forks, spoons, knives
- Single-use plastic drinks stirrers
- Cups made of expanded or foamed extruded polystyrene.
- Takeaway food containers made of expanded or foamed extruded polystyrene
- Single-use plastic balloon sticks
- Single-use plastic-stemmed Cotton buds
- Single-use plastic drinking straws – with exemptions so people who need them to eat and drink safely and independently can continue to have them.

5.3 It is now against the law to sell or give for free any of the banned products to a consumer in Wales (unless exemptions apply). The offence of supplying a prohibited single-use plastic product can be committed by:

- a business
- an organisation such as a company or government body
- a partnership
- a person acting as a sole trader.
- a public service provider
- a charity, club, syndicate or voluntary organisation.

5.4 Authorisation under the Act will give officers the power of entry, to make test purchases and to take formal action which could include prosecution or the issue of fixed and variable monetary payments, compliance and stop notices. Welsh Government have produced guidance for businesses /other suppliers of the banned products with the intention of supporting them into compliance with formal action reserved for those who ignore advice and continue to supply. It is hoped that compliance levels across Wales will be high, like those experienced with the introduction of charges for single use carrier bags.

5.5 **Animals (Low-Welfare Activities Abroad) Act 2023.** This Act came into force on 18 November 2023 and prohibits the sale and advertising of activities abroad which involve low standards of welfare for animals. It prevents advertising and sale of specific unethical activities abroad where animals are kept in captivity or confinement, subjected to cruel and brutal training methods, forced to take selfies or are ridden, drugged and de-clawed. Section 4 requires enforcement by the local weights and

measures authority and the Act permits monetary penalties as determined by the Local Authority with provisions for penalty notices, final penalty notices, appeals against penalty notices and for the recovery of non-payment of penalty notices in the county court.

- 5.6 Part 3 of the Council's Constitution, Responsibility for Functions to be amended to include the above with the addition of the words "as amended" to the list of authorised legislation. This will ensure authorisations are kept up to date with changes to the authorised Acts of Parliament.

6. CONCLUSION

- 6.1 Authorisation under the Acts and associated regulations is required for officers to carry out their duties.

7. ASSUMPTIONS

- 7.1 No assumptions have been made within this report.

8. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 8.1 An Integrated Impact Assessment has not been carried out as this Report relates to governance and delegated powers.

9. FINANCIAL IMPLICATIONS

- 9.1 There are no significant financial implications associated with this report,

10. PERSONNEL IMPLICATIONS

- 10.1 There are no personnel implications associated with this report.

11. CONSULTATIONS

- 11.1 The report has been sent to the Consultees listed below and all comments received are reflected in the report.

12. STATUTORY POWER

The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023.
Animals (Low-Welfare Activities Abroad) Act 2023.

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Consultees:

Councillor Philippa Leonard, Cabinet Member for Planning and Public Protection
Councillor Andrew Whitcombe, Chair of Housing and Environment Scrutiny
Committee

Councillor Shane Williams, Vice Chair of Housing and Environment Scrutiny
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Background Papers: none