

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
Report to:	<b>THE EXECUTIVE AND FULL COUNCIL</b>
Date:	<b>28/11/16 and 15/12/16</b>
Subject:	<b>For the Council to adopt the powers listed in Enclosure 1 and for such powers to be delegated to the Head of Service (Regulation and Economic Development)</b>
Portfolio Holder(s):	<b>Councillor Richard A. Dew Councillor Alwyn Rowlands</b>
Head of Service:	<b>Dylan Williams – Head of Service (Regulation and Economic Development) Lynn Ball – Head of Function (Council Business) / Monitoring Officer</b>
Report Author: Tel: E-mail:	<b>Mared Wyn Yaxley – Solicitor: Corporate Governance Ext. 2566 mwyys@ynysmon.gov.uk</b>
Local Members:	<b>N/A</b>

<b>A –Recommendation/s and reason/s</b>
<p>1. That Council:</p> <ul style="list-style-type: none"> <li>1.1 Adopt the powers listed in <b>Enclosure 1</b>,</li> <li>1.2 Amend the Scheme of Delegation in the Constitution to delegate the exercise of the said powers to the Head of Service (Regulation and Economic Development)</li> <li>1.3 Authorise the Council’s Head of Function (Council Business) / Monitoring Officer to make the necessary changes to the Scheme of Delegation, and any consequential amendments, to reflect the adoption and delegation of the said powers</li> </ul>

<b>B – What other options did you consider and why did you reject them and/or opt for this option?</b>
<p>The Council has the option of refusing to adopt the powers at <b>Enclosure 1</b> but adopting (and delegating) the powers will enable the Council to operate a wider range of solutions. Details of the purpose for which each power may be used is explained at <b>Enclosure 2</b>.</p>

**C – Why is this a decision for the Executive?**

As the report proposes to amend the Scheme of Delegation, which is part of the Constitution, then this report must be considered by the Executive before a final decision is made by Council

**CH – Is this decision consistent with policy approved by the full Council?**

Yes, where relevant

**D – Is this decision within the budget approved by the Council?**

The cost of exercising these new/additional powers will fall within the operational budget of the Service

Potential costs will be one of the considerations taken into account before the powers are engaged; on a case by case basis

<b>DD – Who did you consult?</b>		<b>What did they say?</b>
1	<b>Chief Executive / Senior Leadership Team (SLT)</b> (mandatory)	Discussed at SLT meeting on 31.10.2016 – supportive
2	<b>Finance / Section 151</b> (mandatory)	Part of 1 above
3	<b>Legal / Monitoring Officer</b> (mandatory)	Report by the Legal Section/Monitoring Officer – proposal supported
4	<b>Human Resources (HR)</b>	Not relevant
5	<b>Property</b>	Not relevant
6	<b>Information Communication Technology (ICT)</b>	Not relevant
7	<b>Procurement</b>	Not relevant
8	<b>Scrutiny</b>	Not relevant
9	<b>Local Members</b>	Not relevant
10	<b>Any external bodies / other/s</b>	Portfolio Holders/Shadow Portfolio Holders

<b>E – Risks and any mitigation (if relevant)</b>		
1	<b>Economic</b>	Not relevant
2	<b>Anti-poverty</b>	Exercise of the powers based on the merit of the circumstances may benefit deprived areas
3	<b>Crime and Disorder</b>	Some of the legislation included at <b>Enclosure 1</b> is aimed at addressing issues

		of crime / illegal activity
4	<b>Environmental</b>	Exercise of some of the powers to be delegated to the Head of Service (Regulation and Economic Development) will seek to address certain environmental matters including food hygiene and animal welfare etc.
5	<b>Equalities</b>	Not relevant
6	<b>Outcome Agreements</b>	Not relevant
7	<b>Other</b>	Not relevant

**F - Appendices:**

**Enclosure 1** :- The list of additional powers which may be adopted by the Council, and under which the Head of Service (Regulation and Economic Development), may exercise his delegated authority

**Enclosure 2**:- A table summarising the reasons for the additional delegated powers

**FF - Background papers (please contact the author of the Report for any further information):**

None

## Enclosure 1

Additional legislation to be added to the Scheme of Delegation to the Head of Service (Regulation and Economic Development) :-

The Antisocial Behaviour, Crime & Policing Act 2014  
The Housing (Wales) Act 2014  
The Intellectual Property Act 2014  
The Consumer Rights Act 2015  
The Psychoactive Substances Act 2016  
The Enterprise Act 2016  
The Environment (Wales) Act 2016  
The General Food Regulations 2004  
The Official Feed and Food Controls (Wales) Regulations 2009  
The Animal By-Products (Enforcement) (Wales) Regulations 2014  
The Animal Welfare (Breeding of Dogs)(Wales) Regulations 2014  
The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2015  
The Microchipping of Dogs (Wales) Regulations 2015  
The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016  
The Animal Feed (Hygiene, Sampling etc. and Enforcement) (Wales) Regulations 2016  
The Environmental Permitting (England and Wales) Regulations 2010 (as amended)  
The Food Hygiene Rating (Wales) Act 2013  
The Food Hygiene (Wales) (Amendment) Regulations 2014  
The Food Hygiene (Wales)(Amendment)(No2) Regulations 2014  
The Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016  
The Food Information (Wales) Regulations 2014  
The Products Containing Meat etc (Wales) Regulations 2014  
The Food with Added Phytosterols or Phytostanols (Labelling)(Wales) Regulations 2014  
The Fish Labelling (Wales)(Amendment) Regulations 2014  
The Country of Origin of Certain Meats (Wales) Regulations 2015  
The Honey (Wales) Regulations 2015  
The Natural Mineral, Spring Water and Bottled Drinking Water (Wales) Regulations 2015  
The Private Water Supplies (Wales)(Amendment) Regulations 2016  
The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015  
The Packaging (Essential Requirements) Regulations 2015  
The Petroleum (Consolidation) Regulations 2014  
The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notices)(Wales) Regulations 2015  
The Smoke-free (Private Vehicles) Regulations 2015  
The Smoke-free Premises, etc (Wales)(Amendment) Regulations 2016  
The Standardised Packaging of Tobacco Products Regulations 2015  
The Tobacco and Related Products Regulations 2016  
The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014  
The Marriage of Same Sex Couples (Registration of Building and Appointment of Authorised Persons) (Amendment) Regulations 2014  
The Reporting of Suspicious Marriages and Civil Partnerships (Amendment) Regulations 2014  
The Gender Recognition Register (Marriage and Civil Partnership) Regulations 2015  
The Proposed Marriages and Civil Partnerships (Waiting Periods) Regulations 2015  
The Registration of Marriages Regulations 2015

### Additional Public Protection Legislation – 2016

Subject Area	Title	Purpose
<b>Trading Standards</b>	The Intellectual Property Act 2014	An Act that modernises and simplifies certain aspects of intellectual property law. Forms part of the legislative framework that allows Trading Standards to tackle “counterfeiting” of goods
	The Consumer Rights Act 2015	An Act to consolidate and amend the law relating to the rights of consumers. It makes provision about the investigatory powers for enforcing the regulation of traders.
	The Psychoactive Substances Act 2016	An Act that creates a blanket ban on the production, distribution, sale and supply of psychoactive substances for human consumption. It gives Police and Trading Standards a range of powers to enforce the ban. The Police have the main powers and responsibilities but local authorities also have responsibilities to enforce.
	The Enterprise Act 2016	An Act which includes the requirement for regulators to have regard to the Regulators’ Code. It also extends the Primary Authority Scheme established by the Regulatory Enforcement and Sanctions Act 2008.
	a)The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notices)(Wales) Regulations 2015 b)The Standardised Packaging of Tobacco Products Regulations 2015 The Tobacco and Related Products Regulations 2016 c)The Smoke-free (Private Vehicles) Regulations 2015 The Smoke-free Premises, etc (Wales)(Amendment) Regulations 2016	a) Regulations relating to sales of tobacco products – powers assisting our enforcement of sale to underage children b) Regulations laying down rules relating to packaging of tobacco products c) Welsh Government regulations governing smoking in vehicles and other premises
	The Packaging (Essential Requirements) Regulations 2015	Regulations updating the rules on packaging and packaging waste
	The Petroleum (Consolidation) Regulations 2014	Regulations updating rules on storage of petroleum products
<b>Animal Health</b>	a)The Animal By-Products (Enforcement) (Wales) Regulations 2014 b)The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2015 c) The Animal Welfare (Breeding of Dogs)(Wales) Regulations 2014 The Microchipping of Dogs (Wales) Regulations 2015	a) Regulations updating rules on proper disposal of animal carcasses b) Regulation updating rules relating to record keeping for owners of sheep & goats c) Regulations updating rules governing commercial dog breeders and introducing rules requiring dog owners to microchip their dogs
<b>Food Safety</b>	a)The Official Feed and Food Controls (Wales) Regulations 2009 b)The Food Hygiene Rating (Wales) Act 2013 The Food Hygiene (Wales) (Amendment) Regulations 2014 The Food Hygiene (Wales)(Amendment)(No2) Regulations 2014 The Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016 c)The General Food Regulations 2004 d)The Food Information (Wales) Regulations 2014 The Products Containing Meat etc (Wales) Regulations 2014 The Food with Added Phytosterols or Phytosterols (Labelling)(Wales) Regulations 2014 The Fish Labelling (Wales)(Amendment) Regulations 2014 The Country of Origin of Certain Meats (Wales) Regulations 2015 The Honey (Wales) Regulations 2015 The Natural Mineral, Spring Water and Bottled Drinking Water (Wales) Regulations 2015	a) Regulations on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules. b) Regulations governing the rules introduced in relation to the Food Hygiene rating of premises. c) Regulations updating rules on enforcing controls on such things as import and export of food, traceability, presentation, safety, withdrawal and recall of food. d) Regulations updating and extending rules relating to the labelling, composition and supply of certain foodstuffs
<b>Feed Hygiene</b>	The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 The Animal Feed (Hygiene, Sampling etc. and Enforcement) (Wales) Regulations 2016	Regulations updating and expanding the rules relating to labelling of animal feed and the rules governing enforcement processes.
<b>Environment</b>	a)The Environment (Wales) Act 2016 b)The Private Water Supplies (Wales)(Amendment) Regulations 2016	a) An Act to improve environmental controls such as charges for carrier bags, reduction in emissions, collection and disposal of waste, shellfisheries management and marine licensing.

Enclosure 2

	c) The Environmental Permitting (England and Wales) Regulations 2010 (as amended)	b) Regulations updating the rules governing private water supplies c) These regulations are in place to set up an environmental permitting regime requiring operators carrying out certain operations to obtain permits for some facilities, to register others as exempt and provides for ongoing supervision by regulators.
<b>Housing</b>	The Housing (Wales) Act 2014	An Act introducing a compulsory registration and licensing scheme for private rented sector landlords and letting and management agents, which will be delivered by Rent Smart Wales, but enforced by local authorities.
<b>Civil Registration</b>	a) The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 The Marriage of Same Sex Couples (Registration of Building and Appointment of Authorised Persons) (Amendment) Regulations 2014 The Gender Recognition Register (Marriage and Civil Partnership) Regulations 2015 b)The Reporting of Suspicious Marriages and Civil Partnerships (Amendment) Regulations 2014 c)The Proposed Marriages and Civil Partnerships (Waiting Periods) Regulations 2015 d)The Registration of Marriages Regulations 2015	a) Regulations introducing rules concerning same sex marriages and premises able to conduct the ceremonies b) Regulations updating the rules concerning the reporting of suspicious marriages. c) Regulations setting out how an application to reduce the waiting period for marrying or registering a civil partnership must be made to the Secretary of State d) Regulations setting out rules concerning the content and format of notices and documentation associated with registering marriages.