

DIRECTOR OF ENVIRONMENT AND REGENERATION

Proper Officer Provisions

1. Proper Officer Appointments

- (a) Any reference in any enactment passed before or during the 1971/1972 Session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972, to the Surveyor of the Council, which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.
- (b) Public Health Act 1961 Section 191 – stopped up drains.
- (c) Local Government Act 1972 Section 191 – functions with respect to Ordnance Survey.
- (d) Section 234(1) and (2) authentication of all Notices, Orders or Documents for the purpose of approved delegated powers.
- (e) Sections 59-68 of the Transport Act 1968.
- (f) Authorised signatory for the purpose of the Local Government (Contracts) Act 1987 and associated Regulations.
- (g) Environmental Protection Act 1990 Section 149 – control of straying dogs.
- (h) Section 234(1) and (2) – documents relating to the provisions of Sections 60, 70, 70A, 71A, 73 and 73A of the Town and Country Planning Act 1990, Sections 16, 19 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 37 of the Electricity Act 1989, the Hedgerow Regulations 1997 and as respects documents relating to the provisions of Sections 8, 10, 16 32, 36 and 39 of the Building Act 1984, the Safety of Sports Ground Act 1975, and Section 41 of the West Glamorgan Act 1987.
- (i) Town and Country Planning (Control of Advertisements) Regulations 1992 – issuing decisions on applications for express consents.

- (j) Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 1992.
- (k) Building Act 1984 Section 78(8) – dangerous building.
- (l) Building Act 1984 and Building Regulations 1985 – passing and rejection of plans and giving notices under the Building Regulations 1985 and notices under the Building Act 1984.
- (m) Town and Country Planning (Trees) Regulations 1999 – issuing of decisions on applications made under any Tree Preservation Order for consent to the cutting down, topping, lopping or uprooting of any tree
- (n) To authenticate and/or to sign and issue Statutory Notice(s) and/or other documentation, where appropriate, in respect of all matters falling within the areas of responsibility undertaken by the Services including, but not limited to, the following legislation: Highways Act 1980; Coast Protection Act 1949; New Roads and Street Works Act 1991; Environmental Protection Act 1990; Traffic Management Act 2004; Land Drainage Act 1991; Water Resources Act 1991.

(Provisions (h) – (m) also to apply to the Head of Planning & Public Protection)

DIRECTOR OF ENVIRONMENT AND REGENERATION

Delegation Arrangements

1. Contracts

The “Engineer for the Works” and the Director’s contractual responsibilities be approved (Minute 10 Page 316 November 1995) viz:- responsibilities relative to contract and tender preparation, invitation, award and subsequent management.

2. Other Delegations to the Director

(a) Delegations Prior to 1996

- Easements for Signals/Pelican Crossings
- Temporary Traffic Orders/Notices
- Accelerated Unmade Street Procedure
- Road Traffic Act 1988 Authorisation of Car Rallies
- Rights of Way obstruction prosecutions
- Residents Parking Scheme – minor variations
- Noise Insulation Regulations Appeals

(b) Highways Act 1980

Under Section 37, to agree adoption of dedicating of highways including notice and agreement issues.

Under Sections 38, 39 and 40 to agree adoption of highways and streets subject to completion to specification.

Under Section 41, a duty to maintain highways maintainable at public expense.

To serve Defect Notices and invoke bonds under legal arrangements entered into under Sections 38 and 278.

Under Section 44, to make agreements with any persons liable to maintain highways to also maintain publicly maintainable highways.

Under Section 47, to go to Magistrate’s Court to declare unnecessary highway to be not maintainable at the public expense.

Under Section 59 to recover expenses caused by extraordinary traffic.

Under Section 62 – general power of improvement.

Under Sections 65 and 66 of the Highways Act, Section 3 of the Cycle Track Act 1984 and the procedures contained in the Cycle Track Regulations 1984 to introduce cycle tracks along existing public footpaths and/or public footways.

Under Section 66, a power to provide and maintain barriers, rails or fences for the purpose of safeguarding persons using the highway.

Under Section 72, to agree dedication of land to be part of the highway as part of widening any highway for which we are Highway Authority.

Under Section 76, a power to carry out works for levelling the highway.

Under Section 82 - 90, to undertake various duties in connection with provision of cattle grids and by-passes.

Under Section 94, to enter into agreements with bridge owners concerning, maintenance and the interests of the Highway Authority.

Under Section 96 to consent to a Parish Council planting trees, laying out the grass verges, etc., in a highway.

Under Section 100, a power to undertake drainage of the highway.

Under Section 102, a power to carry out works to protect highways against a hazard of nature.

Under Section 115(B) and 115 E (1) (b) to process the advertising of Notices and issuing of Licenses.

Under Section 115 E (1) (a) and (b) to issue permits in relation to the Council's policy for licensing of refreshments facilities (Street Cafes) on pavements and pedestrianised areas.

Under Section 116 and 117, to ask Magistrate's Court to authorise stopping up or diversion of highway.

Under Sections 118 to 122, to stop up or divert footpaths and bridleways.

Under Section 130A, to respond to a notice served on the highway authority by the public to remove an obstruction from a highway

Under Section 131, to seek redress for damage to highways etc.

Under Section 132 to remove unauthorised marks on highway.

Under Section 133 to seek redress for damage to footways by excavations.

Under Sections 134 to 136 to control ploughing of footpath or bridleway.

Under Section 135 to order the temporary diversion of a path or way for a period not exceeding 3 months.

Under Section 137, a power to issue a penalty for wilful obstruction.

Under Section 139 to grant permission to deposit a skip on the highway subject to such conditions, if any, as may be appropriate.

Under Section 140 to require the removal of a skip deposited on the highway and to arrange for its removal by the Authority.

Under Section 142 to grant a licence to plant and maintain, or to retain and maintain, trees, shrubs, plants or grass in a highway, and to determine a reasonable sum in respect of legal or other expenses on the grant of a licence and a reasonable annual charge for administering any such licence. To serve notice withdrawing a licence granted pursuant to the section.

Under Section 143 to serve notice requiring the removal of a structure erected or set upon a highway without lawful authority and in default to remove the structure and recover the costs incurred in so doing.

Under Section 144 to consent to a Parish Council erecting flag poles etc., on a highway.

Under Section 145 to serve notice requiring the enlargement of a gate across a highway or its removal.

Under Section 146 to serve notice of intention to take all necessary steps for repairing and making good any stile, gate or similar structure across a footpath or bridleway and to take all necessary steps to recover the expenses incurred in executing such works.

Under Section 147 to authorise the erection of stiles etc. on footpath or bridleway.

Under Section 149 to serve notice in respect of anything so deposited on a highway as to constitute a nuisance. To remove forthwith anything unlawfully deposited on the highway which constitutes a danger.

Under Section 151 to serve notice requiring the execution of works to prevent soil or refuse from land falling, or being washed or carried onto a street or into any sewer or gulley in it.

Under Section 152 to serve notice requiring the removal or alteration of projections from buildings which are an obstruction to safe or convenient passage along a street. In the case of a failure to comply with a notice under the Section to remove the obstruction or projection to which the notice relates and to recover the reasonable expenses incurred in so doing.

Under Section 153 to consent to a door, gate or bar on premises opening outwards onto a street. To serve notice requiring the alteration of a door, gate or bar or premises which opens outwards onto a street.

Under Section 154, powers to act in all matters including, but not limited to the following: to serve notice requiring that any hedge, tree or shrub which overhangs a highway, road or footpath open to the public, so as to endanger or obstruct the passage of vehicles or pedestrians, or obstructs or interferes with the view of drivers or the light from a public lamp to be lopped or cut to remove the danger, obstruction or interference. To serve notice requiring that any hedge, tree or shrub which is diseased, dead, damaged, or

insecurely rooted and that is likely to cause danger by falling on a highway, road or footpath be cut or felled to remove the danger. In the case of a failure to comply with a notice served under this Section to carry out the works required by the notice and to recover the expenses reasonably incurred in so doing. That the powers be also delegated to the posts of Arboricultural Officer, Parks and Outdoor Services Manager, Neighbourhood Services Manager, and Neighbourhood Surveyor.

Under Section 163 to serve notice requiring the construction or erection and thereafter maintenance of channels, gutters or downpipes to prevent water draining from any building or surface water there from falling upon persons using the highway or flowing onto or over the footway of a highway.

Under Section 164 to serve notice requiring the abatement of a nuisance caused by a barbed wire fence adjacent to a highway.

Under Section 165 to serve notice requiring works of repair, protection, removal or enclosure to an unfenced or inadequately fenced source of danger on land adjoining a street.

Under Section 166 to serve notice requiring the fencing of a forecourt or such steps as are necessary to obviate danger, obstruction or inconvenience to the public. To serve notice requiring alterations to a stall or erection in a forecourt which is injurious to the amenities of the street. In the case of a failure to comply with notices served under this Section to carry out the works required by the notice and to recover the expenses reasonably incurred in so doing.

Under Section 167 to serve notice requiring the execution of works to a retaining wall liable to endanger persons using the street. In the case of a failure to comply with a notice served under this Section to carry out the works required by the notice and to recover the expenses reasonably incurred in so doing.

Under Section 169 to issue a licence to erect or retain on or over a highway any scaffolding or other structure on such terms as may be necessary.

Under Section 171 to consent to the temporary deposit of building materials, rubbish or other things in a street and the making of temporary excavations therein.

Under Section 172 to impose the requirements relating to hoarding or fencing contained in the section as may be appropriate. To consent to the requirement of a hoarding or fence being erected during building operations on a building in a street or court being dispensed with.

Under Section 176 to grant a licence to construct a bridge over a highway on such terms and conditions as may be appropriate. To require the removal or alteration of a bridge constructed in pursuance of a licence granted under the Section.

Under Section 177 to grant a licence to construct a building over a highway on such terms and conditions as may be appropriate, and to determine a reasonable sum in respect of legal or other expenses on the grant of a licence and a reasonable annual charge for administering any such licence.

Under Section 178 to consent to the fixing or placing of any overhead beam, rail, pipe, cable, wire or other apparatus over, along or across a highway on such terms and conditions as may be appropriate.

Under Section 179 to consent to the construction of works under any part of a street. To serve notice requiring works constructed in contravention of the Section to be removed, altered or dealt with as specified in such notice. To cause works constructed in contravention of the Section not to be removed, altered or otherwise dealt with and to recover the expenses reasonably incurred in so doing.

Under Section 180 to consent to the making of an opening in the footway of a street as an entrance to a cellar or vault on such terms as may be appropriate. To consent to the carrying out of works in a street to provide means of access for air and light to premises under or abutting a street on such terms as may be appropriate. To serve notice of intention to execute works in default relating to the repair or condition of items listed in Sub-Section (6), and to execute such works and recover the expenses reasonably incurred in so doing.

Under Section 184 to serve notice under Sub-Section (1) that the Authority intend to construct a vehicle crossing over a footway or verge on such conditions as may be reasonable where a kerbed

footway or verge in the highway is habitually crossed with a mechanically propelled vehicle. To serve notice under Sub-Section (3) where land is being developed in accordance with a planning permission of their intention to execute works for the construction or alteration of a vehicle crossing. In a case where a notice under the Section has become operative to execute the work specified in any notice and to recover the expenses reasonably incurred in so doing. To authorise the person carrying out development to execute the works specified in a notice under Sub-Section (3) and in default to execute those works and recover the expenses of so doing. To determine a request to construct a vehicle crossing under Sub-Section (11) and serve notice of their decision and if appropriate a quotation of the cost of the works.

Under Section 185 to install refuse or storage bins in streets.

Under Part X, Sections 186 to 199 to establish or declare New Streets, approvals of new street plans, imposition of requirements and conditions, and variations, structures, widenings, enforcement, and handling of plans.

Under Part XI, Sections 203 to 237, the making up of private streets, apportionments, recovery of expenses and charges, determination of liabilities, variations, implementation and agreements.

Under Section 278 to recommend and conclude contents of agreements for contributions towards highway works by persons deriving special benefit from them (as amended by New Roads and Street Works Act 1991).

Under Section 289, to sign and serve notices to enter land for the purpose of surveying that, or any other, land in connection with the exercise by the Council.

Under Section 290, a power for supplementary provisions as to the power of entry for the purpose of surveying.

Under Section 291, having due regard to the equalities impact assessment, authority is delegated to the Director of Environment and Regeneration and Regeneration, Head of Engineering & Transport and the Head of Street Care (and other named officers) to sign and serve notices to enter land in accordance with the section, where required to undertake the Council's statutory duties.

Under Section 294, a power to enter, examine or lay open any premises for the purpose of: surveying; making plans; executing/ maintaining/ examining works; ascertaining the course of sewers/ drains; ascertaining/ fixing boundaries; or ascertaining whether any hedge/ tree/ shrub is dead/ diseased/ damaged/ insecurely rooted.

Under Section 296 to permit works to be undertaken on behalf of another person subject to suitable cost recovery arrangements.

Under Section 300, a right to use vehicles and appliances on footpaths and bridleways for maintenance and/or improvement.

(c) Other Legislation

Under Section 14 Public Health Act 1925 to consent subject to such conditions as may be necessary, to the erection and maintenance of seats, drinking fountains for the public and troughs for watering horses and cattle in any street or public place.

Under New Roads and Street Works Act, 1991 to serve a notice of objection to works carried out without the submission of a plan and section thereof and failing an agreement to the objection to refer the matter to arbitration.

Under Road Traffic Acts, as amended, in relation to the weighing of motor vehicles and the institution of legal proceedings for offences relating to overloading.

Under Sections 55 and 56 of the New Roads and Street Works Act 1991 to prosecute Statutory Undertakers for contravention of Works Procedures and Safety Measures.

Under Road Traffic Acts, Road Traffic Regulations Act, and Transport Acts with relation to temporary road closures, operators licences (HGV, PSV) and public building road signing.

To rationalise the list of "inherited" New Street Orders to those in reasonable prospect of being actioned.

Under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, to serve Notices in respect of dangerous trees.

3. Acquisition of Land for Highway Purposes

- (a) To instigate, where necessary, CPO and associated procedures for any scheme prepared by the Department, whether financed by Council's Revenue or Capital programmes, or by external finance of any type, or any work undertaken for third parties.
- (b) That the results of the procedures be reported back to the executive.

4. Rural Bus Subsidy Grant

To award contracts, in consultation with the relevant cabinet member.

5. Charges for Services

That the Road Traffic Regulations 1984, Road Traffic Act 1998 and Guidance Notes are adopted and the Director is authorised to draw up a scale of fees, in consultation with neighbouring Authorities, the purpose of which is to cover the Authority's reasonable costs only.

6. Vehicle Acquisition

Within the procedure for vehicle acquisition in Minute 3 Page 799, the Director of Finance and Corporate Services to procure vehicles pursuant to the Fleet Management function of the Director of Environment and Regeneration and Regeneration.

7. Naming of New Developments

To name new developments – however, where there is disagreement or dispute with a local Member, a report be submitted to the Regeneration & Sustainable Development Cabinet Board for determination.

8. Bus Services

To determine bus service registrations, charges and new services – however, where there is disagreement or dispute with a local Member, a report be submitted to the Streetscene & Engineering Cabinet Board for determination.

9. Land Drainage Issues

The Director and his or her Officers are authorised (based on a professional judgement of the incident) to undertake emergency works on private land, as necessary, to alleviate flooding or potential flooding to properties, with a minimum of works being undertaken to alleviate the emergency.

That following on from above, in the event of a culvert collapse on private land necessary legal notices be served on riparian owners to undertake the necessary works and that in default the Authority undertakes the works on a rechargeable basis.

That the Director of Environment and Regeneration and Regeneration is granted delegated authority of serve Notices under Section 25 of the Land Drainage Act 1991 to maintain the flow of water in a watercourse.

Authority is delegated to the Director of Environment and Regeneration and Regeneration, Head of Engineering & Transport, Head of Street Care (and the officers listed in Appendix A of the circulated report) to enter land in accordance with Section 64 of the Land Drainage Act 1991 where required, to fulfil the Council's statutory functions.

The Director of Environment and Regeneration and Regeneration, and his or her Officers are authorised to exercise functions under Section 32 and Schedule 3 of the Flood and Water Management Act 2010, and secondary legislation made thereunder in relation to sustainable drainage. In addition, the delegation to negotiate and enter an agreement on behalf of the Sustainable Drainage Systems approving body with the Local Planning Authority as to the undertaking of enforcement under Section 32 and Schedule 3 of the Flood and Water Management Act 2010, and secondary legislation made thereunder.

That the Director of Environment and Regeneration and Regeneration is given Delegated Authority to issue consent and undertake any Enforcement Action using the Land Drainage Act 1991 or subsequent Acts, as set out in the Joint Report of the Head of Engineering and Transport, Head of Planning and Public Protection and the Head of Streetcare at the Environment and Highways Cabinet Board on the 15th March, 2012.

10. Decriminalised Parking

The Officers below are authorised to determine representations made to Council with regard to the Decriminalised Parking Notices in accordance with Council policies:-

Director of Environment and Regeneration and Regeneration
Head of Engineering and Transport
Parking Manager

11. Provision of Works or Services to Outside Organisations

- (i) To sign tender documents on behalf of the Authority for the provision of works or services to individuals, companies or organisations not part of the Neath Port Talbot County Borough Council;
- (ii) Contracts for the provision of works or services to outside organisations shall be executed under the signature of the Director (subject to the following):-

Such contracts the value of which exceeds £25,000 shall be executed by a Proper Officer. Such contracts, the value of which exceed £100,000 shall be executed by a Proper Officer under seal.

- (iii) That the Director report back to the executive on all such contracts entered into which exceed £25,000 in value.

12. Burials/Exhumations

That the powers to act in all matters associated with Burials/Exhumations are delegated to the following Officers:-

The Director of Environment and Regeneration and Regeneration, the Head of Streetcare, the Parks and Neighbourhood Services Manager, the Street Scene Manager, the Principal Development Support Officer and the Principal Country Parks and Grants Officer.

13. Mines and Quarries (Tips) Act 1969

To administer the duties conferred on the Authority by the above Act.

14. South Wales Trunk Road Agency

To make all necessary personnel and operational decisions for the continued establishment and management of the Agency.

15 Estates Delegated Powers

1. To determine applications for the payment of:-
 - (a) Home Loss Payments
 - (b) Well maintained payments
 - (c) Reimbursement of removal expenses relating to properties affected by Closing/Demolition Orders and/or included in Clearance Areas on C.P.O.
 - (d) Residential Disturbance Claims up to £10,000
 - (e) Disturbance claims and injurious affection/severance up to £20,000
 - (f) Agricultural disturbance claims up to £5,000
 - (g) Land Compensation Act 1973 – Part 1 Claims up to £2,500
 - (h) Landlord and Tenant compensation on quitting. No limit.
 - (i) Dilapidation up to £15,000
2. Statutory Agricultural Compensation payments on quitting. No limit.
3. To negotiate rents and allocate industrial units including licences to: assign, underlet, mortgage, change of use, alterations to premises and changing of leases.
4. To negotiate rents and grant tenancies of shops and any other premises on Council owned land including change of use, waiving of covenants or assignments thereof, together with any other related consent as may be sought.
5. To negotiate freehold disposals up to £20,000.
6. To negotiate freehold and leasehold acquisition up to £20,000.
7. Dilapidation claims up to £15,000.
8. To negotiate Leases to the County Borough Council (where principle already approved) up to a rental of £10,000 per annum.
9. Grants of Annual Tenancy including existing grazing rights (where principle already approved) up to a rental of £2,500 per annum.

10. Appropriations.
11. Grant/Acquisition of sundry easements, wayleaves and similar agreements including applications from Telecommunication Companies, Statutory Undertakers, other similar bodies and private individuals. No limit.
12. To accept Valuers Report subject to provision in estimates, where relevant.
13. Authorising the service of Notices to Quit.
14. Lettings of dwelling houses on tenancy – with no limits on rental levels.
15. To formally approve or otherwise applications made under the Leasehold Reform Act 1967 (as amended)
16. To formally approve or otherwise, assignments together with other related requests of leasehold interests in dwelling houses.
17. To grant revocable annual licences for applications received to cross over garage compounds.
18. To determine applications from the Open Air Market Operators to vary the days of trading at Christmas and other times.
19. To offer the Council's freehold reversionary interests for sale to the tenants of houses held on long leases from the Council and that the lessees are approached in batches of approximately 50 at a time. These cases would be dealt with in addition to any other requests made in the normal way.
20. Forfeiture or other legal proceedings for breach of lease conditions and rent arrears.
21. Removal/modification of restrictive covenants up to a value of £10,000.
22. To regularise site boundary issues.
23. To approve exchanges of land involving considerations of less than £15,000.

24. To negotiate and agree amendments to the rating list with the District Valuer.
25. To liaise with the National Gypsy Council and sanction the granting of licences for the occupation of the plots on the official gypsy sites.
26. To institute legal proceedings for any unauthorised occupations on Council owned land (in consultation with the Head of Legal Services) – this to include all land or property owned or occupied by Neath Port Talbot County Borough Council (other than that occupied under the Housing Acts) where any unauthorised occupation takes place or where there are or have been breaches of agreements in relation to authorised occupation.
27. To negotiate Deeds of Variation and Surrender of Leases/Tenancies.
28. The Head of Property and Regeneration is granted delegated authority, following any necessary consultation with the Leader, Cabinet Members and the Trade Unions, to determine and implement the Accommodation Strategy.

16. Planning

16.1 General Planning Delegations

A. Determination of applications/matters by the Planning Committee

The Planning Committee will determine all applications/matters which fall within the following criteria:-

1. Where an application is considered to be of strategic importance, or where it is considered by Officers to be appropriate to be determined by Members, taking into account the views of Members where they have requested an application to be considered at Committee (*Note: the member process is set out in the Appendix*).
2. Where an application is to be recommended for approval, and where it is considered by Officers that the proposals would materially depart from Policies within the Development Plan.

3. Where an application has been submitted relating to a Nationally Significant Infrastructure Project (NSIP), approval of the Authority's Local Impact Report and initial Written Representations.
4. Where an application has been submitted relating to a Development of National Significance (DNS), approval of the Authority's Local Impact Report.
5. Where an application (with the exception of Non-Material or Minor Material Amendments or the approval of conditions pursuant to permissions previously granted) has been submitted by a Member of the Council or close relative of a Member.
6. Where an application (with the exception of Non-Material or Minor Material Amendments or the approval of conditions pursuant to permissions previously granted) has been submitted by an employee of the Council who is directly involved in the Development Management process or in a post identified below:-
 - Director of Environment and Regeneration and Regeneration
 - Head of Planning and Public Protection
 - All posts under the direct responsibility of the Head of Planning and Public Protection
 - Head of Engineering and Transportation
 - Highways Development Control Officers
 - Drainage Officers
 - Head of Regeneration
 - Head of Streetcare
 - Head of Legal Services
 - Committee Clerk (Planning)
 - Principal Solicitor (Litigation)

Except as listed above, the Director of Environment and Regeneration and Regeneration, the Head of Planning and Public Protection, and Development Manager – Planning are granted Delegated Powers for the determination of all planning and other related matters/applications in accordance with the following procedures:-

B. 'Delegated Panel' Procedure

To determine applications/reports relating to the following matters and following agreement with local Ward Members and subject to the provisions of the Planning Code of Conduct:-

- Applications/matters where three or more objections are received on valid planning grounds
- Refusal of Applications
- Developments in excess of 5 dwellings (either in full or outline) which do not already have the benefit of a live planning permission
- Developments (either in full or outline) creating new floorspace in excess of 1000 sq.m. in respect of industrial, agricultural, commercial or non-commercial buildings which do not already have the benefit of a live planning permission
- Applications made under section 73 (to develop land without compliance with conditions previously attached to a consent) where development comprises more than 5 dwellings or more than 1000 sq.m. of new floorspace
- Changes of use where the floorspace is in excess of 1000 sq.m.
- Approval of applications where proposals materially depart from approved Supplementary Planning Guidance
- Deeds of Variation or applications seeking to vary the terms of an existing Section 106 legal agreement
- Authorisation to serve an Enforcement Notice (unless urgently required in connection with a Stop Notice)
- Applications made by the Council (under Regulation 3 or Regulation 4 of the Town & Country Planning General Regulations 1992)
- Felling of trees covered by Tree Preservation Order
- Authorisation to confirm a Tree Preservation Order where objections are received to its issue
- Approval of Hedgerow Removal Notice under the Hedgerow Regulations 1997 where a hedgerow is “important”

C. ‘Normal’ Delegated Matters

All other applications or matters not referred to under ‘A’ – Determination of Application/Matters by the Planning Committee; or ‘B’ – ‘Delegated Panel’ Procedure in addition to but not limited to the following:-

- (i) Nationally Significant Infrastructure Projects (NSIPs):
Submission of consultation responses; discharge of requirements following grant of a Development Consent Order (DCO), and

responses to applications to vary such Consent (including consents previously granted under section 36 of the Electricity Act 1989).

- (ii) Developments of National Significance (DNS):
Submission of consultation responses etc.; Discharge of Conditions/Requirements on DNS applications.
- (iii) Planning Enforcement Procedures:
Including service and withdrawal of Notices and to institute legal proceedings for non-compliance with notices, or injunction proceedings, in conjunction with the Head of Legal Services.
- (iv) Section 106 Agreements:
To authorise the entering into of Section 106 Agreements under the Town and Country Planning Act 1990.

16.2 Building Regulations Delegations

The Director of Environment and Regeneration and Regeneration, the Head of Planning and Public Protection, and Building Control & Business Support Manager are granted Delegated Powers for the determination of all Building Regulations and other related matters/applications:-

- (i) To determine all applications in respect of the Building Regulations.
- (ii) To authorise the issue of infringement notices and any enforcement action with respect to Building Regulations.
- (iii) Building Act 1984
 - (a) Delegated powers for the elements of the Planning Service covered by legislation under the Building Act 1984.
 - (b) To authorise individual Officers to act as Inspectors/Authorised Officers/Enforcement Officers under legislation contained in the Building Act 1984.
 - (c) In consultation with the Head of Legal Services/Solicitor to the Council, to institute legal proceedings on behalf of the Council in respect of any offence under the above Act. (This delegation is also applicable to the Principal Officer (Building Control)).

- (iv) Safety at Sports Ground Act 1975:
To issue and sign the relevant Safety Certificates under the Safety at Sports Ground Act 1975 (as amended) and to take any enforcement action (the latter to be reported to the Planning Committee for information).
- (v) Safety of Stands for Spectators – Section 42 West Glamorgan Act 1987.
- (vi) Retaining Walls – Section 26 West Glamorgan Act 1987.

16.3 Other Delegations

The Director of Environment and Regeneration and Regeneration, and the Head of Planning and Public Protection are granted delegated powers for the following matters:-

- (i) Natural Resources Wales (Forestry) – Consultations on Felling Proposals:-
 - (a) Where there are no objections, the response to Natural Resources Wales is delegated to the Director;
 - (b) Where objections are raised by local Members, relevant Community Councils or by Officers that the Director is delegated the power to request that this Authority be granted an extension of time, or to submit an objection to Natural Resources Wales. The matter would then be reported to the next available Planning Committee for consideration and that Committee be given plenary powers to resolve the Authority's formal decision. Relevant local Members would be invited to attend the Committee and any site visits, but would not be entitled to vote, in the same manner as in the determination of planning applications;
- (ii) Neath and Port Talbot Local Access Forum
To determine future changes to the membership of the forum in consultation with either the Leader or Deputy Leader.
- (iii) Rights of Entry
To authorise rights of entry to relevant Officers in respect of the following legislation:-

- (a) Town and Country Planning Act 1990 (as amended): Section 324;
 - (b) Wildlife and Countryside Act 1981 (as amended): Section 51;
 - (c) Planning (Listed Building and Conservation Areas) Act 1990 (as amended): Section 88-88B;
 - (d) Planning (Hazardous Substances) Act 1990 (as amended): Sections 36-36B;
 - (e) Highways Act 1980: Sections 289, 290, & 293;
 - (f) Road Traffic Regulation Act 1984: Section 71;
 - (g) Anti-Social Behaviour Act 2003 (High Hedges): Section 74;
 - (h) Hedgerow Regulations 1997 (Regulation 12).
- (iv) Affordable Housing Contributions

The Head of Planning and Public Protection is granted delegated authority to review and make any necessary amendments to the charge levied for the negotiation of the Affordable Housing Contribution.

16.4 Amendments

The Council has given delegated authority to the Planning Committee to make any future amendments which the Committee considers necessary to make to those delegations set out in Paragraphs 18.1, 18.2 and 18.3 above, the Planning Site Visit Procedure and the Protocol for Public Speaking at Committee Meetings.

APPENDIX

Delegation Process (Development Management Matters/Applications)

1. If any Member of the Council considers that it would be more appropriate to report an application to the Planning Committee for decision, Officers will put the matter before the Planning Committee provided:-
 - (a) A valid planning reason has been given by the Member (such reason to be clearly indicated within the subsequent report to Committee), and
 - (b) Such request has been made in writing to the Head of Planning and Public Protection or Development Manager – Planning within 14 days of the application being circulated on the ‘weekly list’ of applications², and
 - (c) Subject to the Member’s request having been approved by a Panel comprising the Chairperson of Planning and either the Head of Planning and Public Protection or the Development Manager – Planning, having regard to the need to ensure that the Planning Committee is restricted to dealing with those applications which, by reason of their complexity or local sensitivity, require detailed scrutiny by Committee, and the need for making expeditious decisions, such approval not to be withheld by the panel unreasonably. In the event of the Panel being unable to agree, the Chairperson of Planning has the casting vote.
2. To maintain accountability and transparency, reports will be prepared for all delegated matters/applications outlining the material issues for consideration together with a recommendation.

² This does not undermine the ability of a local Member to call in an application after a delegated panel has made a recommendation

3. In the case of 'Normal' Delegated Matters (see Annex J Delegations to Director of Environment and Regeneration and Regeneration para 18.1 C.), each report is to be signed by the Case Officer and Team Leader or in their absence the Development Manager – Planning or Head of Planning and Public Protection, prior to issuing the decision notice.
4. Where applications are being dealt with under the 'Delegated Panel' procedure (see Annex J Delegations to Director of Environment and Regeneration and Regeneration para 18.1 B.), a panel of Officers (comprising a minimum of three at Senior Planning Officer grade or above, including the Head of Planning and Public Protection and/or the Development Manager – Planning) will consider and sign off the report and its recommendation, in addition to which the following additional process will apply:-
 - (a) Where following consultation with officers the relevant Ward Member(s) have agreed that the application can be determined the delegated decision can be made.
 - (b) If any Ward Member (or such Member nominated to deal with matters in the event of their absence) considers that it would be more appropriate to report the application to Committee for decision, Officers will put the matter before Committee provided a valid planning reason has been given by the Ward Member (such reason to be clearly indicated within the subsequent report to Committee) and subject to agreement of the panel procedure in 1(c) above.
 - (c) In the absence of any agreement under 4(a) or representation under 4(b) that the relevant Ward Member(s) (or such Member nominated to deal with matters in the event of their absence) be advised of the proposed decision via e-mail, giving 3 working days to respond to a named officer(s) within the Department. Responses will be dealt with in accordance with (a) or (b), but if no response is received, it will be assumed that the relevant Members are satisfied that the application can be continued to be dealt with under delegated powers and the decision notice will be issued.

17. Economic Development

- (a) To let industrial units and any other land in accordance with approved policies, procedures and guidelines
- (b) In accordance with the lettings policy for the Sandfields Young Business Centre, to approve individual lettings at the Centre.
- (c) To approve recommendations made for Loan and Grant applications up to a maximum value of £50,000 per project.

18. Waste Enforcement and Animal Impounding

- (a) **Schedule 1** sets out legislation relevant to the Waste Enforcement and Animal Impounding functions of the Authority and delegated to the Director of Environment and Regeneration and Regeneration; the Head of Street Care 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 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 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 (Fouling of Land) Act 1996	Allows authority to designate areas of land where fouling is prohibited
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.
Litter Act 1983	Prohibits littering. Power to create litter control areas
Local Government (Miscellaneous Provisions) Act 1976	Requisitions of information
Prevention of Damage by Pests Act 1949	Allows the clearance of overgrown land that can harbour rodents and to bait for rats
Refuse Disposal Amenity Act 1978	Fly tipping; abandoned vehicles
Road Traffic Regulation Act 1984	Abandoned vehicles

Dog Wardens

Legislation	Effect of Legislation
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
Dogs (Fouling of Land) Act 1996	Allows authority to designate areas of land where fouling is prohibited
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 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
2. Authority to serve Notice(s) under the Environmental Protection Act 1990
3. 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
4. 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.
5. 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.
6. Authority to issue Fixed Penalty Notice(s) for breaches of the Environmental Protection Act 1990, as amended.
7. 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 and Regeneration and Regeneration, and the Head of Planning and Public Protection, and the Climate Change 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.

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 (including the Climate Change Manager).
- (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 for petrol service stations and small waste oil burners.

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. Environmental Health & Trading Standards

- (i) **Schedule 1** sets out legislation relevant to the Environmental Health and Trading Standards functions of the Authority and delegated to the Director of Environment and Regeneration and Regeneration, Head of Planning & Public Protection, and the Environmental Health & Trading Standards 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 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) To be authorised for the following purposes for all of the items specified in **Schedule 2** (including the Environmental Health and Trading Standards Manager)
 - (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 numbers 15, 18, 20, 21 and 22 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.
- (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) **The Director 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

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

The relevant Officers are authorised to act under the Council's policy (29/03/07)

(vii) **Duty Officer Delegations**

The Director of Environment and Regeneration and Regeneration, the Head of Planning & Public Protection and the Environmental Health & Trading Standards 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

(viii) Trading Standards – Fraud Act (2006)

- (a) Cabinet delegates its functions under the Fraud Act (2006) to the Director of Environment and Regeneration and Regeneration, Head of Planning & Public Protection and the Environmental Health & Trading Standards Manager;
- (b) The above mentioned Officers are authorised to delegate to individual, competent and qualified Officers within the Directorate of Environment their power to act under this legislation on behalf of the Council;
- (c) The Director of Environment and Regeneration and Regeneration, Head of Planning & Public Protection and the Environmental Health & Trading Standards Manager are also delegated to institute legal proceedings under the above referred to legislation in conjunction with the Head of Legal 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.

(ix) Discharge of Trading Standards Functions by Other Councils

- (a) The Director of Environment and Regeneration and Regeneration, Head of Planning & Public Protection and the Environmental Health & Trading Standards 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, regulations made thereunder and any other enabling power.

(x) 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 the Environmental Health and Trading Standards functions of the Authority and delegated authority be granted to the Director of Environment and Regeneration and Regeneration, Head of Planning & Public Protection and the Environmental Health & Trading Standards 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 Services, including the signing of any cautions in accordance with Home Office Guidelines.

(xi) **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 and Trading Standards function of the Authority and delegated to the Director of Environment and Regeneration and Regeneration, Head of Planning & Public Protection and the Environmental Health & Trading Standards 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 Services including the signing of any Cautions.

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

- (a) Cabinet Board delegates its functions under Section 77 and 90 and Schedule 6 of the Climate Change Act 2008 to the Director of Environment and Regeneration and Regeneration, Head of Planning & Public Protection and the Environmental Health & Trading Standards Manager;
- (b) The Director of Environment and Regeneration and Regeneration, Head of Planning & Public Protection and the Environmental Health & Trading Standards Manager be also

granted delegated authority to institute legal proceedings under the above referred to legislation in conjunction with the Head of Legal 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 and Regeneration, Head of Planning & Public Protection and the Environmental Health & Trading Standards 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

Environmental Health and Trading Standards

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
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.
Cancer Act 1939	Prohibits the advertisement of cures for cancer
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
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 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.
Clean Neighbourhoods and Environment Act 2005	Noise, statutory nuisances from light and insects. Duty to consider on an annual basis, underage sales of spray paints.
Climate Change Act 2005	
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. Provides powers to revoke licences of traders offering credit or hire charges. Provides safeguards to consumers who purchased goods and services on credit
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 Rights Act 2015	
Control of Horses (Wales) Act 2014	
Control of Pollution Act 1974	Controls the sale of anti-fouling paints. 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”
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
Dangerous Wild Animals Act 1976	
Deer Act 1991	Controls sale of venison
Development of Tourism Act 1969	Requires the price of accommodation to be displayed in hotels
Deregulation and Contracting Out Act 1994	Public Service Vehicle operative licence. Goods Vehicle Operator Licensing, Sunday opening
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.
Dogs (Fouling of Land) Act 1996	
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

Enterprise Act 2002	Provides controls on persistent offenders who contravene trading laws. Stop Now Orders.
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.
Environment (Wales) Act 2016	
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.
European Communities Act 1972	Implements into domestic law, community directives and legislation. Relevant regulations apply to the service
Explosives Act 1875	
Factories Act 1875 and 1923	Governs Health and Safety in factories
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.
Feed and Food Control (Wales) Regulations 2009	
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 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	
Forgery and Counterfeiting Acts 1981 and 1988	Prohibits forgery and counterfeiting documents
Fraud Act 2006	
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 and Safety at Work etc. Act 1974 – appointed as inspector under Section 19	To exercise powers to an inspector under this legislation
Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, and any amendment Regulations made thereunder	

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
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	
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.
Intoxicating Substances (Supply) Act 1985	Prevents the sale of young persons of intoxicating substances and equipment to aid misuse of such substances
Knives Act 1997	Prevents the marketing of dangerous knives and prohibits their sale to minors
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	
Licensing (Young Persons) Act 2000	Makes provision in connection with the sale and consumption of intoxicating liquor in cases involving young persons under 18
Licensing Act 2003	Regulates sale of alcohol, provision of entertainment and late night refreshments
Local Government Bylaws (Wales) Act 2012	
Local Government and Housing Act 1989	Matters relating to housing fitness and regeneration
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

Merchant Shipping Act 1979	Safety and welfare of ships
Mobile Homes (Wales) Act 2013	
Motor Cycle (Noise) Act 1987	Regulates the sale of exhaust systems for motor cycles
Motor Vehicles (Safety Equipment for Children) Act 1991	Regulates the construction, sale or supply of safety equipment for children used in motor vehicles
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
National Lottery etc Act 1993	Prohibits the sale of lottery tickets to persons under the legal age
Noise and Statutory Nuisance Act 1993	Made noise in streets a statutory nuisance. Amended COPA re. Loudspeakers
Noise Act 1996	Night time noise offence
Nutrition and Health Claims (Wales) Regulations 2007	
Offensive Weapons Act 1996 (Section 6)	Prohibits the sale of such (knives, axes and blades) to a person under the age of 16
Offices, Shops and Railway Premises Act 1963	Enforces health and safety requirements in offices, shops and railway premises
Official Feed and Food Control (Wales) Regulations 2009	
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 (Transfer of Licences) Act 1936	An act to permit the transfer of petroleum spirit licences granted under Petroleum Consolidation Act
Poisons Act 1972	Provides for registration of the sellers of poisons and controls the sale poisons
Pollution Prevention and Control Act 1999	
Prevention of Damage by Pests Act 1949	Allows the clearance of overgrown land that can harbour rodents and to bait for rats
Prices Acts 1974 and 1975	Provides power to regulate the price display of certain goods and provides

	protection and price information for consumers
Private Water Supplies (Wales) Regulations 2010	Sampling analysing entry inspection and enforcement relating to private water supplies.
Proceeds of Crime Act 2002	Proceeds of crime
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 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 (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
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
Sunday Trading Act 1994	Controls hours of operation of large shops
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	
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
West Glamorgan Act 1987	Regulation of hairdressers

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(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.
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 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.

21. Rural Development Plan: Y Gronfa Wledig and Accommodation Provider's Grant Scheme

That the Director of Environment and Regeneration and Regeneration is granted delegated authority to determine grant applications for the Rural Development Plan funded Y Gronfa Wledig, and the Accommodation Provider's Grant Scheme.

22. Proposed Policy for Strategic Property Acquisitions

That the Director of Environment and Regeneration and Regeneration, in consultation with the relevant Cabinet Member and the Director of Finance and Corporate Services, is granted Delegated Authority to make strategic acquisitions within the County Borough.

23. Maesgwyn Wind Farm Community Fund

The Head of Planning and Public Protection is granted delegated authority to approve use of monies by the Community and Town Councils – the criteria for approval being compliance with the aims and objectives of the scheme.

24. Selar Opencast Coal Site Community Funds

That the funding of projects from the two Selar funds for Glynneath and Blaengwrach be disbursed under delegated authority by the Director of Environment and Regeneration and Regeneration, and the Head of Economic Development, and, following the transfer of functions, to the Director of Education Leisure and Lifelong Learning and the Head of Partnerships and Community Development for the purposes of Recreation, Education, Health, Environment, Culture and Local Economy, taking full notice of the recommendations of the Local Panels.