

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL CABINET

DATE OF DECISION 14 February 2024

DATE DECISION PUBLISHED 15 February

DATE DECISION WILL COME INTO FORCE and implemented,
unless the decision is called in, in accordance with section 7.25 of
the Gwynedd Council Constitution **21 February 2024**

Cabinet Member: Councillor Dyfrig Siencyn - Leader

SUBJECT

Modification of the Constitution Delegation Scheme Section 13(3) - Head of Environment - Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 ("The Act")

DECISION

To modify the Section 13(3) Constitution Delegation Scheme - to delegate the implementation of the provisions of the Environmental Protection (Single Use Plastic Products) (Wales) Act 2023 to the Head of Environment.

REASON WHY THE DECISION IS NEEDED

Please see attached Officer Report

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE COUNCIL'S STANDARDS COMMITTEE

None

ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

Consultation with
Gwynedd Council Statutory Officers

The results of the consultations are reported upon in the attached report

GWYNEDD COUNCIL CABINET CABINET DECISION NOTICE – OFFICER'S REPORT

Name and title of Cabinet Member(s) :	Councillor Dyfrig Siencyn – Leader
Title	Modification of the Constitution Delegation Scheme Section 13(3) - Head of Environment - Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 ("The Act")
Name and title of Report Author :	Iwan G D Evans Head of Legal Services
Date the Decision was Taken:	14 February 2024
Signature of Cabinet Member(s):	 Accept the recommendation.

Decision Sought

To modify the Section 13(3) Constitution Delegation Scheme - to delegate the implementation of the provisions of the Environmental Protection (Single Use Plastic Products) (Wales) Act 2023 to the Head of Environment.

Background

1. Section 5 of the Constitution provides that the Leader may modify the Delegation Scheme contained in Adan 13 of the Constitution subject to following notice process.

5.9.3 The Council's Scheme of Delegation and Executive Functions

“(a)The Leader(s) may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader(s) will give written notice to the Head of Democratic Services and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Monitoring Officer will present a

report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(b) Where the Leader(s) seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when he has served it on its chair.”

2. The Act makes it an offence to supply or offer to supply (including free of charge) certain single-use plastic products to consumers in Wales save where there is an exception. Single-use plastic is defined in the Act as a product whose main components or one or more of its main components or lining is made exclusively or partially of plastic “ that is not designed or manufactured to be used for the purpose for which it was designed or manufactured more than once (or on more than one occasion) before being disposed of.”
3. The responsibility for enforcing the Act is placed in the hands of the Council and that includes the power within the requirements of the act to make test purchases, access property and inspect goods. These rights need to be delegated to officers to be able to implement the legislation and it is recommended that the Environment Department has the expertise for achieving this.
4. It is therefore recommended to amend Section 13 Part 3 of the Constitution, Head of Environment by adding the Act to the list of Acts referred to in 11.3.2:

“To exercise the Council’s powers under the acts listed in the Appendix (together with any other acts relating to Public Protection which will become the Council’s responsibility, and which will be included on the list in the Appendix.”

Views of Statutory Officers

Monitoring Officer

Author of the report

Chief Finance Officer.

“No objections from the perspective of financial propriety.”