

<b>Committee(s):</b> Port Health and Environmental Services Committee	<b>Dated:</b> 02/06/2025
<b>Subject:</b> Delegated Powers to the Executive Director of the Environment Department	<b>Public report:</b> For Decision
<b>This proposal:</b> <ul style="list-style-type: none"> <li>• <b>delivers Corporate Plan 2024-29 outcomes</b></li> <li>• <b>provides statutory duties</b></li> </ul>	<ul style="list-style-type: none"> <li>• Leading Sustainable Environment</li> <li>• Providing Excellent Services</li> <li>• Enforcement of the regulatory framework</li> </ul>
<b>Does this proposal require extra revenue and/or capital spending?</b>	No
<b>If so, how much?</b>	£n/a
<b>What is the source of Funding?</b>	N/A
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	N/A
<b>Report of:</b>	Katie Stewart, Executive Director, Environment Department
<b>Report author:</b>	Steve Playle, Trading Standards Team Manager

## Summary

Executive Directors and designated post holders within the City of London Corporation are required to implement various legal acts under the authority of delegated powers. The purpose of this report is to seek delegated authority to amend the authorisations of relevant officers to accommodate recent legislative changes introduced by the Environmental Protection (Single-use Vapes) (England) Regulations 2024, which are made under the powers conferred by Part VIII of the Environmental Protection Act 1990.

These new Regulations came into force on 1 June 2025. They support the ban on the supply of single-use vapes, with the intention of reducing the number of vapes being incorrectly disposed of and leading to better environmental outcomes. It is also anticipated that they will reduce the appeal of vaping to children and young people. The legislation enables a local authority to authorise suitable persons to exercise the enforcement powers specified in regulation 10: 'Powers of entry and examination etc.'

To enable suitable enforcement of the Regulations, it is proposed that authorisations for Trading Standards Officers be amended to include the Environmental Protection (Single-use Vapes) (England) Regulations 2024.

## **Recommendation(s)**

Members are asked to approve **Option 1**:

- Approve delegation of authority to the Executive Director Environment, and in her absence, the Port Health and Public Protection Director, to institute proceedings and other enforcement remedies in respect of offences under the Environmental Protection Act 1990, Part VIII.
- Approve delegation of authority to the Executive Director of Environment, and in her absence the Port Health and Public Protection Director to authorise relevant officers under the provisions of the Environmental Protection (Single-use Vapes) (England) Regulations 2024.
- This option will enable the City Corporation's Trading Standards Team to continue to carry out their full statutory duties.

## **Main Report**

### **Background**

1. The Common Council of the City of London, in its capacity as a local authority, is responsible for enforcing the provisions of the Environmental Protection (Single-Use Vapes) (England) Regulations 2024 in the City of London. Made under the powers conferred by Part VIII of the Environmental Protection Act 1990, the new Regulations, which came into force on 1 June 2025, place a duty upon local authorities to enforce the Regulations in its area.
2. Your Committee has previously delegated authority to Trading Standards Officers to enforce a range of legislation intended to protect consumers and ensure that businesses adhere to certain standards in their sales operations. Authorisation is now also required under the Environmental Protection (Single-use Vapes) (England) Regulations 2024.

### **Current Position**

3. The purpose of the new Environmental Protection (Single-Use Vapes) (England) Regulations 2024 is to address the growing concern over the environmental impacts of single-use vapes by supporting the ban on their supply. It is anticipated that the legislation will support a reduction in the use of critical resources used to manufacture vapes, a reduction in the number of

vapes being littered, and an increase in vape components being recycled. Additionally, the legislation is expected to reduce the appeal of vapes to children and young people.

4. To support enforcement of the ban, the Regulations introduce new offences – both civil and criminal - for a person supplying single-use vapes in the course of a business. The legislation enables the City of London to authorise persons to exercise, for an authorised purpose and in accordance with the terms of the authorisation, any of the enforcement powers specified in regulation 10: 'Powers of entry and examination etc.'
5. The Regulations are made under the powers conferred by Part VIII of the Environmental Protection Act 1990. Your Committee has previously delegated authority to the Executive Director Environment under Parts II, III and IV of the Environmental Protection Act 1990 and this report seeks approval for that authority to be extended to Part VIII.
6. To enable suitable enforcement of the new Regulations, supporting the government's aim to prevent waste through a circular economy, it is also proposed that the authorisations for Trading Standards Officers be amended to include the Environmental Protection (Single-use Vapes) (England) Regulations 2024.

## **Options**

### **Option 1 - recommended**

- Approve delegation of authority to the Executive Director Environment, and in her absence, the Port Health and Public Protection Director, to institute proceedings and other enforcement remedies in respect of offences under the Environmental Protection Act 1990, Part VIII.
- Approve delegation of authority to the Executive Director of Environment, and in her absence the Port Health and Public Protection Director to authorise relevant officers under the provisions of the Environmental Protection (Single-use Vapes) (England) Regulations 2024.
- This option will enable the City Corporation's Trading Standards Team to continue to carry out their full statutory duties.

### **Option 2 – not recommended**

- Refuse delegation of authority to the Executive Director of Environment, and in her absence the Port Health and Public Protection Director, to institute proceedings and other enforcement remedies in respect of

offences under the Environmental Protection Act 1990, Part VIII.

- Refuse delegation of authority to the Executive Director of Environment, and in her absence the Port Health and Public Protection Director, to authorise relevant officers under the provisions of the Environmental Protection (Single-use Vapes) (England) Regulations 2024.
- Should this option be selected, while the City Corporation's Trading Standards Team will be able to continue to carry out some of their statutory duties, they will not be able to do so in full; this would mean that we would not be in a position to fully comply with our local authority duties.

## **Proposals**

7. It is proposed that the delegation of authority under Part VIII of the Environmental Protection Act 1990, and under the powers contained within the Environmental Protection (Single-use Vapes) (England) Regulations 2024 be approved by your Committee. This will enable the new Regulations to be added to the existing powers of Trading Standards Officers to ensure that the specified post holders are able to carry out necessary enforcement action in accordance with the statutes covered.

## **Corporate and Strategic Implications**

**Strategic implications** - The proposal presented in this report specifically supports the Corporate Plan 2024-29 outcome of 'Leading Sustainable Environment' as the legislation is intended to address the negative environmental impacts of single-use vapes. In addition, the work of the Trading Standards Team aligns with, and supports the delivery of, the outcome of 'Providing Excellent Services'. This outcome focuses on delivering high-quality, efficient, and effective services that meet the needs of our communities and stakeholders. By amending the authorisations for Trading Standards Officers to include the Environmental Protection (Single-use Vapes) (England) Regulations 2024, we will enhance our ability to ensure that businesses adhere to certain standards in their sales operations, thereby contributing to the overall strategic goals of the City Corporation.

**Financial implications** – None.

**Resource implications** – None. The duties under the new legislation will be undertaken within existing resources.

**Legal implications** If we do not have mechanisms for officers to enforce the regulations, we would not be able to comply with our statutory duties.

**Risk implications** – None.

**Equalities implications** - This proposal has been carefully reviewed to ensure compliance with our Public Sector Equality Duty 2010. This duty requires us to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people who share a protected characteristic and those who do not.

The proposed amendments are not expected to have any negative impact on people protected by existing equality legislation, including age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity. The changes are procedural and relate to the enforcement powers of Trading Standards Officers, ensuring they can effectively carry out their duties under the new legislative framework.

**Climate implications** - The Environmental Protection (Single-use Vapes) (England) Regulations are specifically intended to address the negative environmental impact of single-use vapes. It is anticipated that the legislation will support a reduction in the use of critical resources used to manufacture vapes, a reduction in the number of vapes being littered, and an increase in vape components being recycled.

**Security implications** – None.

## **Conclusion**

8. To ensure the Environment Department's Trading Standards Officers can effectively enforce the provisions of a range of legislation, it is recommended that authority be delegated to the Executive Director of Environment, and in her absence the Port Health and Public Protection Director, under Part VIII of the Environmental Protection Act 1990 and under the powers contained within the Environmental Protection (Single-use Vapes) (England) Regulations 2024.

## **Appendices**

None.

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