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To: All Members of the Borough Council

You are requested to attend the meeting of the Charnwood Borough Council to be held in the The Preston Room, Woodgate Chambers, Woodgate, Loughborough on Monday, 2nd September 2019 at 6.30 pm for the following business.

Chief Executive

Southfields
Loughborough

21st August 2019

AGENDA

1. APOLOGIES
2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS
3. MINUTES OF THE PREVIOUS MEETINGS 7 - 20

To confirm the minutes of the Council meeting held on 24th June 2019, Extraordinary Council meeting held on 24th June 2019 and Extraordinary Council meeting held on 29th July 2019.

4. ANNOUNCEMENTS
 - 4.1. MAYOR'S ANNOUNCEMENTS
To receive announcements from the Mayor (if any).
 - 4.2. LEADER'S ANNOUNCEMENTS

To consider significant, recent matters affecting the Council or the Borough (if any).

4.3. CHIEF EXECUTIVE'S ANNOUNCEMENTS

To receive announcements from the Chief Executive (if any).

5. PETITIONS

To allow councillors to formally submit petitions for consideration under the Council's petition scheme, as set out in Full Council Procedure 9.8.

6. BUSINESS RESERVED TO COUNCIL

To consider the following matters reserved to Council in accordance with Section 5 of the Constitution:

6.1. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN 21 - 28
ANNUAL REVIEW LETTER FOR 2018/19

A report of the Monitoring Officer, informing Council of the Local Government and Social Care Ombudsman's annual review letter for 2018/19.

6.2. APPOINTMENTS TO THE INDEPENDENT 29 - 31
REMUNERATION PANEL

A report of the Monitoring Officer seeking authority to appoint a new representative to the Independent Remuneration Panel for a 4 year term of office.

6.3. ADOPTION OF MODEL BYELAWS TO REGULATE THE 32 - 45
HYGIENE AND PRACTICE STANDARDS IN PREMISES
CONDUCTING COSMETIC PIERCING, SEMI-PERMANENT
SKIN COLOURING AND ACUPUNCTURE, TATTOOING
AND ELECTROLYSIS

A report of the Licensing Committee, recommending the adoption of model byelaws to regulate the hygiene and practice standards in premises conducting cosmetic piercing, semi-permanent skin colouring, acupuncture, tattooing and electrolysis.

7. CALL-IN REFERENCES

There are no references to Council following the call-in of a Cabinet decision under Scrutiny Committee Procedure 11.7.

8. POSITION STATEMENTS

No requests for position statements have been received.

9. MOTIONS ON NOTICE

No motions on notice have been received.

10. QUESTIONS ON NOTICE

To deal with the following questions on notice, submitted under Full Council Procedure 9.9(a):

10.1 BANNING SALE OF FUR ITEMS

Question submitted by Councillor Campsall.

10.2 FUTURE HIGH STREET FUND

Question submitted by Councillor Parton.

10.3 VICTORIA STREET FLATS REGENERATION

Question submitted by Councillor Parton.

10.3 HOUSING DEVELOPMENT COMPANY

Question submitted by Councillor Boldrin.

10.4 HOMELESSNESS REDUCTION ACT 2017

Question submitted by Councillor Draycott.

10.5 CLIMATE EMERGENCY

Question submitted by Councillor Bolton.

10.6. BULKY WASTE COLLECTION

Question submitted by Councillor Bolton.

10.7 THE "BIG SWITCH" SCHEME

Question submitted by Councillor Needham.

10.8 STRATEGIC GROWTH PLAN

Question submitted by Councillor Needham.

11. MINUTE REFERENCES

There are no minute references.

12. URGENT EXECUTIVE DECISIONS EXEMPTED FROM CALL-IN

46 - 49

A report of the Chief Executive, informing the Council of a decision taken by the Head of Strategic and Private Sector Housing to acquire a property which was exempted from call-in in accordance with Scrutiny Committee Procedure 11.9.

13. APPOINTMENTS TO COMMITTEES

To consider any changes to Committee membership for the current Council year (2018/19) (if any).

FORTHCOMING SCHEDULED MEETINGS OF COUNCIL

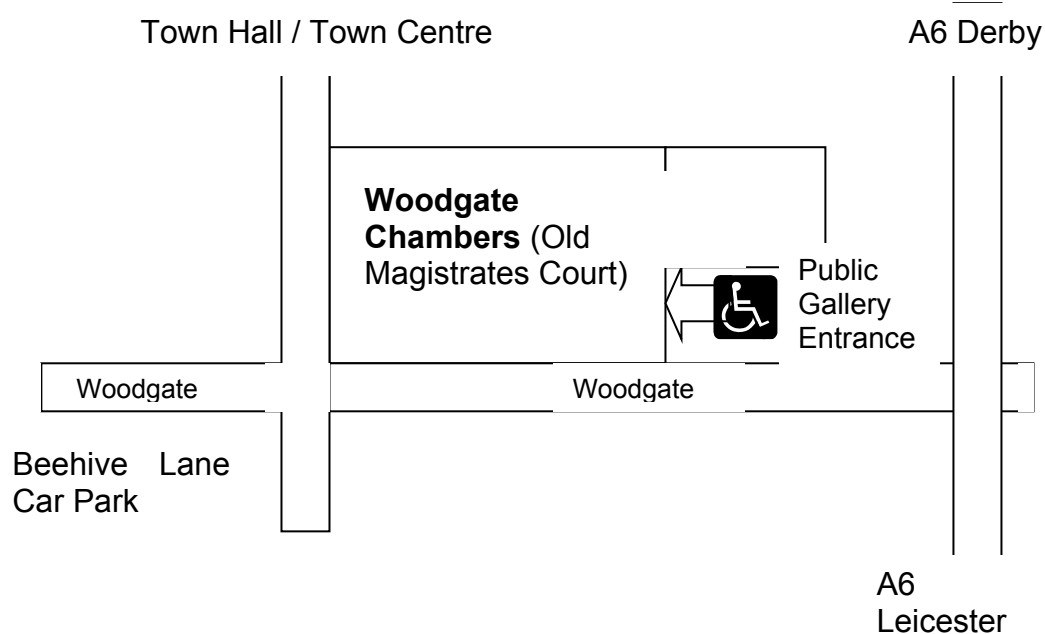
Council Meeting Date	Deadline Date and Time for Councillors to submit Questions on Notice (under Full Council Procedure 9.9(a)), Requests for Position Statements (under Full Council Procedure 9.10) and Motions on Notice (under Full Council Procedure 9.11(a))
Monday, 4th November 2019	Friday, 25th October 2019 at noon
Monday, 20th January 2020	Friday, 10th January 2020 at noon
Monday, 24th February 2020	Friday, 14th February 2020 at noon
Monday, 27th April 2020	Friday, 17th April 2020 at noon
Monday, 18th May 2020	Annual Council – No Questions on Notice, Position Statements and Motions on Notice

Councillors, please send your question, request for position statement or motion on notice to:

Karen Widdowson, Democratic Services Manager
Council Offices, Southfield Road, Loughborough, LE11 2TX
Email: democracy@charnwood.gov.uk

WHERE TO FIND WOODGATE CHAMBERS AND PUBLIC ACCESS

Woodgate Chambers
70 Woodgate
Loughborough
Leics
LE11 2TZ



INFORMATION FOR ATTENDING THE MEETING



Please turn your mobile phone on to silent during the meeting.



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CHARNWOOD BOROUGH COUNCIL

**MEETING OF THE CHARNWOOD BOROUGH COUNCIL
HELD IN
THE PRESTON ROOM, WOODGATE CHAMBERS, WOODGATE,
LOUGHBOROUGH
ON 24TH JUNE 2019**

PRESENT

The Mayor (Councillor Seaton)
The Deputy Mayor (Councillor Snartt)

Councillor Bailey	Councillor Hunt
Councillor Baines	Councillor Mercer
Councillor Barkley	Councillor Miah
Councillor Bentley	Councillor Morgan
Councillor Bokor	Councillor Murphy
Councillor Boldrin	Councillor Needham
Councillor Bolton	Councillor Pacey
Councillor J. Bradshaw	Councillor Parsons
Councillor S. Bradshaw	Councillor Parton
Councillor Brennan	Councillor Poland
Councillor Brookes	Councillor Popley
Councillor Capleton	Councillor Radford
Councillor Charles	Councillor Ranson
Councillor Draycott	Councillor Rattray
Councillor Forrest	Councillor Rollings
Councillor Fryer	Councillor Savage
Councillor Goddard	Councillor Shepherd
Councillor Grimley	Councillor Smidowicz
Councillor Hadji-Nikolaou	Councillor Tassell
Councillor Hamilton	Councillor Taylor
Councillor Harper-Davies	Councillor Tillotson
Councillor C. Harris	Councillor Vardy
Councillor K. Harris	Councillor Ward
Councillor Howe	

Honorary Aldermen R Shields and J Tormey

14. OPENING THOUGHTS AND REFLECTIONS

The Mayor opened the meeting and welcomed the Councillors.

The Mayor stated that the meeting was being recorded and the sound recording would be made available on the Council's website. In addition, under the Openness of Local Government Bodies Regulations people may film, record, tweet or blog the meeting and that was outside the Council's control.

The Mayor's Chaplain introduced himself and said prayers.

15. APOLOGIES

Apologies for absence had been received from Councillor Paling and Lowe and Honorary Aldermen Bush and Stott.

16. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures of pecuniary and personal interests were made.

17. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of Council held on 20th May 2019 were confirmed and signed.

18. ANNOUNCEMENTS

18.1 MAYOR'S ANNOUNCEMENTS

The Mayor made the following announcement.

"I would like to mention that Michael Hopkins, Democratic Services Officer and previous manager of the Democratic Services Team is attending his last Council meeting as he is hotfooting it over to the Planning Team this Wednesday. Michael has worked with the team for several years, providing advice, knowledge and support for his colleagues and Councillors. The Democratic Services' loss is Planning's gain. Congratulations to Michael, we will all miss you."

18.2 LEADER'S ANNOUNCEMENTS

The Leader made the following announcement.

"Madam Mayor on 20th June 2019 I made a Leaders decision confirming the re-appointment of Councillor Hilary Fryer as the Armed Forces Member Champion until May 2023".

18.3 CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Chief Executive made no announcements.

19. PETITIONS

No petitions were submitted.

20. BUSINESS RESERVED TO COUNCIL

To consider the following matters reserved to Council in accordance with Part 5 of the Constitution.

20.1 APPOINTMENT OF CO-OPTED PARISH MEMBERS OF THE MEMBER CONDUCT COMMITTEE

A report of the Monitoring Officer, enabling Council to make appointments of co-opted parish members of the Member Conduct Committee following the parish and town council elections in May 2019, was submitted (item 6.1 on the agenda filed with these minutes).

It was proposed by Councillor Poland and seconded by Councillor Tassell and

RESOLVED

1. That Councillor Victoria (Vicky) Ball, a member of Anstey Parish Council, and Councillor Dennis Marchant, a member of Quorn Parish Council, be re-appointed as non-voting co-opted parish members of the Member Conduct Committee for a period of four years or until they cease to be a parish councillor, whichever is the sooner.
2. That Councillor Julie Jones, a member of Sileby Parish Council, be appointed as non-voting co-opted parish members of the Member Conduct Committee for a period of four years or until she ceases to be a parish councillor, whichever is the sooner.

Reasons

1. To fill two of the three vacancies for co-opted parish members of the Committee, who provide the opportunity for parish and town councillors to contribute to the work of the Committee, which have arisen at the end of the term of office of Councillor Ball's and Councillor Marchant's previous appointments.
2. To fill the third of the three vacancies for co-opted parish members of the Committee, who provide the opportunity for parish and town councillors to contribute to the work of the Committee, which has arisen following the retirement of the previous appointee.

20.2 ELECTION FEES AND EXPENSES FOR 2019/20

A report of the Chief Executive, enabling Council to approve scales of election fees payable to the Returning Officer for any Borough or Parish Council elections during 2019/20, was submitted (item 6.2 on the agenda filed with these minutes).

The motion was proposed by Councillor Morgan and seconded by Councillor Miah and

RESOLVED that the scales of election fees set out in the appendix to this report be adopted for 2019/20 in relation to any Borough or Parish Council by-elections which may be required.

Reason

To ensure an approved scale of fees can be applied in respect of any Borough or Parish Council elections which take place during 2019/20.

21. CALL-IN REFERENCES

There were no call-in references from Scrutiny.

22. POSITION STATEMENTS

No position statements had been requested.

23. MOTIONS ON NOTICE

23.1 CLIMATE CHANGE

In accordance with Full Council Procedure 9.12, Councillor Vardy had given notice of a motion on climate change (item 9.1 on the agenda filed with these minutes).

The motion was moved by Councillor Vardy and seconded by Councillor Morgan.

Councillor Needham addressed the Council and said that she felt the motion did not go far enough to address the climate emergency.

She asked if the Council's subcontractors would be committed to be carbon neutral by 2020 and stated that if they did not achieve this the Council would be in danger of not meeting its stated aims.

Furthermore she asked that the Council update its local planning guidance to ensure it is providing the highest energy efficient standards in all new build properties.

She concluded by saying that the Council needed to consider every decision it made and weigh it against its carbon impact.

Councillor Brennan proposed that the motion be amended to include the 9 phrases that had been circulated to Members for consideration (and which are filed with these minutes). The amendment was seconded by Councillor Ward.

For the amendment – Councillors Boldrin, Bolton, J. Bradshaw, Brennan, Draycott, Forrest, Goddard, Hamilton, C. Harris, K. Harris, Miah, Needham, Tillotson and Ward.

Against the amendment – Bailey, Baines, Barkley, Bentley, Bokor, S. Bradshaw, Brookes, Capleton, Charles, Fryer, Grimley, Hadji-Nikolaou, Harper-Davies, Howe, Hunt, Mercer, Morgan, Murphy, Pacey, Parsons, Parton, Poland, Popley, Radford, Ranson, Rattray, Rollings, Savage, Shepherd, Smidowicz, Snartt, Tassell, Taylor and Vardy.

Abstaining – Councillor Seaton.

The amendment was defeated.

The members then voted on the original motion.

RESOLVED

That this Council notes:

- (i) The International Panel on Climate Change published a report in October 2018 which concluded that we have less than 12 years to act to avoid the worst impacts of climate change. The report describes the enormous harm that a 2°C rise in global temperatures is likely to cause compared to a 1.5°C rise. It told us that limiting global warming to 1.5°C may still be possible with ambitious action across all national governments that signed the Paris Agreement.
- (ii) On 12th June 2019, the UK government amended its target under the 2008 Climate Change Act, to reach net-zero greenhouse gases by 2050
– the first major nation to agree to this target, and which accords with the Paris Agreement’s aim to limit warming to 1.5°C.
- (iii) Charnwood Borough Council adopted its Climate Change Strategy in 2018, which sets out how the Council will address the issue. The Climate Change Strategy contributes to the Council’s Corporate Plan aim to ‘take action to protect the environment for future generations. A Carbon Management Plan was approved by the Cabinet in December 2015 to reduce the Council’s impact on climate change. The Council’s progress so far represents a 32% decrease in its own emissions since 2012/13.
- (iv) Charnwood Borough Council works through its existing Climate Change Strategy to enhance its existing Carbon Management Plan and green impact policies and support new ones, such as to get 100,000 trees planted over the next 4 years.

That this Council also notes that:

- (v) it can only operate within its own scope of control and influence;
- (vi) there is a need to balance the competing demands on its decreasing resources and finances;
- (vii) not all the technological solutions nor the required powers and resources are currently in place.
- (viii) that this Council will aim to achieve carbon neutrality from its own operations by 2030 and accordingly requests officers to

undertake a detailed plan of action and report back to the Carbon Management Board;

- (ix) that this Council , as a key place holder, also commits to work with residents, businesses and other public bodies across the borough and region to deliver this ambitious goal through all relevant technologies, strategies and plans.

24. QUESTIONS ON NOTICE

The questions on notice and the responses of the Leader or his nominee were submitted (item 10 on the agenda filed with these minutes).

24.1 RENT ARREARS

Councillor Draycott thanked the Lead Member for his response. She reiterated the figures of tenants receiving Universal Credit and the level of debt which showed an increase.

She said that the benefits system was affecting people adversely, in the Charnwood area generally and in her own ward and asked whether further information regarding the amount of tenants vacating properties due to rent arrears caused by Universal Credit could be supplied.

The Lead Member responded that the supply of information requested would be supplied. He went on to say that in fact the level of rent arrears had dropped whereas the number of people claiming Universal Credit had doubled. He confirmed that no tenants had cited Universal Credit as the reason for ending their tenancy and no tenants had been evicted due to Universal Credit. He believed this was due to the Council working hard to introduce Universal Credit smoothly and that it was testament to the hard work of the officers in the Landlord Services Team.

24.2 HOUSING REPAIRS

Councillor K. Harris made a supplementary statement in relation to his question regarding lack of communication between the Council sub-contractors and residents. He stated that he had spoken to one of the Council officers who advised on the reasons for the lack of communication and who agreed that it was not satisfactory. Councillor Harris commented that he was pleased that his involvement had expedited the works but hoped that in future that the process would be dealt with better.

He also commented on the level of complaints received and said that he hoped the Council would focus its efforts on reducing those.

The Lead Member responded to confirm that he regularly met with officers to review performance, to highlight any problems and identify solutions. He reminded Members that if they had any problems they should first raise them with the relevant officer and if they did not get a satisfactory response then to raise the issue with the Lead Member.

24.3 ELECTION COUNT

Councillor Draycott highlighted that there had been an article in the latest staff newsletter that referred to the recent election and that staff had been able to contribute to the review process. Councillor Draycott asked if members could also be included.

The Leader advised Members to contact the Chief Executive in his capacity as the Returning Officer with any comments they may have.

24.4 MEDICAL TRAINING FOR COUNCIL STAFF

Councillor J. Bradshaw thanked the Lead Member for their response and that the matter had been raised to reassure any members or visitors working out of hours. Councillor Bradshaw noted that one of the Members present had First Aid training but it was important that other members be given the opportunity to attend First Aid training. It would be useful when out with residents as well as for any Council meetings. She asked if First Aid training could be made available for members.

Councillor Poland advised that he would contact the relevant officers to discuss providing training for Members.

24.5 SOCIAL HOUSING CENTENARY

Councillor Tillotson made a statement regarding the history and implementation of social housing. She commented on the introduction of Right to Buy which gave home owners some profit from the sale of their property but meant that the number of social housing properties reduced for those in need.

Councillor Mercer responded and gave some more detail about the history of social housing and Right to Buy and highlighted that it was the 60th Anniversary of the Labour Party proposing the scheme to enable home owners to own their own home.

24.6 GENDER PAY GAP

Councillor Hamilton thanked the Lead Member for their response. It was highlighted that the same question had been asked a year ago when the gender pay gap was 17%. This year the gender pay gap was 17.6%. A comparison was made to neighbouring Councils which had a lower gender pay gap.

Council Hamilton suggested that when the action plan was reviewed there was an opportunity for officers to speak to Members as there was a learning opportunity available. He also stated that it was important to retain good staff of both sexes.

Councillor Poland responded by saying that it was important to remember that a gender pay gap was not the same as an Equal Pay comparison. He also mentioned the outsourced services the Council operated as those staff did not contribute towards the figures although the temporarily employed staff at the Council did which affected the figures.

He stressed that the data and figures provided were taken as a snapshot at a moment in time and were subject to change. He finished by advising Members that officers were happy to hear from them with any suggestions on how the Council could improve.

24.7 LONELINESS AND SOCIAL ISOLATION IN CHARNWOOD

Councillor Parton stated that 1.1 million British citizens had declared themselves as lonely, but the real figure was thought to be around 9 million with the risk of causing pre-mature death believed to be around 50%. The NHS was putting money into assisting those people and the results were positive. Along with Councils and charities people were recognising how important the problem was but it was complicated.

He asked the Council to support and commit to the three following issues:

1. To acknowledge that loneliness is a serious epidemic
2. To work together in a non-political way
3. To deliver solutions as suggested by the relevant professionals.

Councillor Taylor responded by saying that the Council carried out a lot of good work within the Borough and there was a lot of support available for residents. Members were reminded that it was also their job to help support residents and signpost them to the help that is available in the Borough.

24.8 DECENT HOMES CONTRACT SETTLEMENT

Councillor Miah questioned why the question and response was exempt from the public and asked if the Mayor felt the information should be available to the public.

The Mayor advised Members that they needed to vote to go into exempt session to consider this matter, which was scheduled for later in the meeting.

24.9 PRESENTATION OF STATISTICS

Councillor Mercer advised he was happy with the response received and had nothing further to add.

Councillor Poland had no response.

25. MINUTE REFERENCES

There was reference to an exempt minute which would be considered under item 16 on the agenda.

26. URGENT EXECUTIVE DECISIONS EXEMPTED FROM CALL-IN

A report of the Chief Executive, informing the Council of three decisions taken by the Head of Strategic and Private Sector Housing that were exempted from call-in in accordance with Scrutiny Committee Procedure 11.9, was submitted (item 12 on the agenda filed with these minutes).

No questions were submitted in relation to the report.

27. CHANGES TO CABINET RESPONSIBILITIES

A report to Council to inform members of changes to the responsibilities of the Cabinet was considered.

No questions were submitted.

28. APPOINTMENTS TO COMMITTEES

There were no proposals to consider.

29. EXEMPT INFORMATION

RESOLVED that members of the public be excluded from the meeting during the consideration of items 10.8 and 16.1 on the grounds that they will involve the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and it is considered that the public interest in maintaining the exemptions outweigh the public interest in disclosing the information.

30. DECENT HOMES CONTRACT SETTLEMENT

Councillor Miah asked why the question on notice submitted (see minute 24.8) needed to be considered in exempt session as he felt it was in the public interest to make the information public.

The Monitoring Officer advised that the reason for exemption was as set out in the report.

A summary of the Council's discussion on this matter is provided in the exempt minute (Council 30E 2019/20).

31. MINUTE REFERENCE: REVENUES AND BENEFITS - FUTURE SERVICE DELIVERY OPTIONS

This matter was considered under exempt session and the minutes are exempt.

A summary of the Council's discussion on this matter is provided in the exempt minute (Council 31E 2019/20).

Note:

These minutes are subject to confirmation as a correct record at the next meeting of the Council which is scheduled for Monday 2nd September 2019.

CHARNWOOD BOROUGH COUNCIL

**MEETING OF THE CHARNWOOD BOROUGH COUNCIL
HELD IN
THE PRESTON ROOM, WOODGATE CHAMBERS, WOODGATE,
LOUGHBOROUGH
ON 24TH JUNE 2019**

PRESENT

The Mayor (Councillor Seaton)
The Deputy Mayor (Councillor Snartt)

Councillor Bailey	Councillor Hunt
Councillor Baines	Councillor Mercer
Councillor Barkley	Councillor Miah
Councillor Bentley	Councillor Morgan
Councillor Bokor	Councillor Murphy
Councillor Boldrin	Councillor Needham
Councillor Bolton	Councillor Pacey
Councillor J. Bradshaw	Councillor Parsons
Councillor S. Bradshaw	Councillor Parton
Councillor Brennan	Councillor Poland
Councillor Brookes	Councillor Popley
Councillor Capleton	Councillor Radford
Councillor Charles	Councillor Ranson
Councillor Draycott	Councillor Rattray
Councillor Forrest	Councillor Rollings
Councillor Fryer	Councillor Savage
Councillor Goddard	Councillor Shepherd
Councillor Grimley	Councillor Smidowicz
Councillor Hadji-Nikolaou	Councillor Tassell
Councillor Hamilton	Councillor Taylor
Councillor Harper-Davies	Councillor Tillotson
Councillor C. Harris	Councillor Vardy
Councillor K. Harris	Councillor Ward
Councillor Howe	

Honorary Aldermen R Shields

11. APOLOGIES

Apologies for absence had been received from Councillors Paling and Lowe and Honorary Alderman Bush, Stott and Tormey.

12. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures of pecuniary or personal interest were made.

13. TO CONSIDER THE CONFERMENT OF THE TITLE OF HONORARY FREEMAN ON MR LEZ COPE-NEWMAN

A report of the Chief Executive was presented to enable the Council to consider conferring the title of Honorary Freeman on Mr Lez Cope-Newman.

The Leader proposed the motion and was seconded by Councillor Bokor.

RESOLVED that pursuant to the provisions of Section 249(5) of the Local Government Act 1972, Mr Lez Cledwyn, Phillip, John, Henry, Cope-Newman be hereby admitted an Honorary Freeman of the Borough.

Reason

To recognise his eminent services to the Borough and its people.

Note:

These minutes are subject to confirmation as a correct record at the next meeting of the Council which is scheduled for Monday 29th July 2019.

CHARNWOOD BOROUGH COUNCIL

MEETING OF THE CHARNWOOD BOROUGH COUNCIL HELD IN THE PRESTON ROOM, WOODGATE CHAMBERS, WOODGATE, LOUGHBOROUGH ON 29TH JULY 2019

PRESENT

The Mayor (Councillor Seaton)
The Deputy Mayor (Councillor Snartt)

Councillor Bailey	Councillor Hunt
Councillor Barkley	Councillor Lowe
Councillor Bentley	Councillor Mercer
Councillor Bokor	Councillor Miah
Councillor Boldrin	Councillor Morgan
Councillor Bolton	Councillor Murphy
Councillor S.Bradshaw	Councillor Needham
Councillor Brennan	Councillor Pacey
Councillor Brookes	Councillor Paling
Councillor Capleton	Councillor Parsons
Councillor Charles	Councillor Parton
Councillor Draycott	Councillor Poland
Councillor Forrest	Councillor Popley
Councillor Fryer	Councillor Radford
Councillor Goddard	Councillor Rattray
Councillor Grimley	Councillor Rollings
Councillor Hadji-Nikolaou	Councillor Savage
Councillor Hamilton	Councillor Smidowicz
Councillor Harper-Davies	Councillor Tassell
Councillor C. Harris	Councillor Taylor
Councillor K. Harris	Councillor Vardy
Councillor Howe	Councillor Ward

Honorary Aldermen R Shields

The Mayor stated that the meeting was being recorded and the sound recording would be made available on the Council's website. In addition, under the Openness of Local Government Bodies Regulations people may film, record, tweet or blog the meeting and that was outside the Council's control.

1. APOLOGIES

Apologies for absence had been received from Councillors Baines, J. Bradshaw, Ranson, Shepherd and Tillotson, and from Honorary Alderman Stott.

2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

3. BUSINESS RESERVED TO COUNCIL

3.1 AMENDED PAY POLICY STATEMENT

The Chief Executive left the meeting during consideration of this item.

A report of the Monitoring Officer seeking approval for an in-year amendment to the Pay Policy Statement for 2019/20 in light of recommendations from the Personnel Committee to make changes to the salary arrangements for the Chief Executive post was submitted.

In response to a question the Leader stated that a more structured personal development review process would be in place for the new Chief Executive.

It was proposed by Councillor Morgan and seconded by Councillor Barkley and

RESOLVED

1. That the amended Pay Policy Statement for 2019/20, attached at Annex B to the report (together with the supplementary agenda item) and incorporating the recommendations of the Personnel Committee regarding changes to the salary arrangements for the Chief Executive post, be approved to come into effect from 1st August 2019.
2. That the current postholder's salary be approved at the highest point of the new salary grade for the Chief Executive post (CEX4: £140,000 per annum) with effect from 1st August 2019 until his employment with the Council comes to an end.

Reasons

1. To adopt the recommendations of the Personnel Committee regarding changes to the salary arrangements for the Chief Executive post in accordance with the requirements of section 39 of the Localism Act 2011 regarding in-year amendments to the Pay Policy Statement.
2. To make suitable arrangements for the current postholder within the amended salary grade for the Chief Executive post, based on his experience and length of service.

The Chief Executive returned to the meeting.

3.2 APPOINTMENT OF THE HEAD OF PAID SERVICE (CHIEF EXECUTIVE)

A report of the Monitoring Officer seeking approval to formally offer the position of Head of Paid Service (Chief Executive) to the successful candidate as recommended by the Member Appointment Panel following a recruitment process, was submitted.

It was proposed by Councillor Morgan, seconded by Councillor Miah and

RESOLVED

1. That the position of Head of Paid Service (Chief Executive) be formally offered to Mr Robert Mitchell at a starting salary of grade CEX1 (£125,000 per annum), and subject to completion of the Council's standard pre-employment checks.
2. Delegated authority be given to the Monitoring Officer, in consultation with the Leader of the Council, to finalise a start date for Mr Mitchell after the required pre-employment checks have been satisfactorily completed.
3. Mr Mitchell also be appointed as Returning Officer and Electoral Registration Officer with effect from the commencement of his employment with the Council.

Reasons

1. To reflect the unanimous recommendation of the Member Appointment Panel the Mr Mitchell should be offered the appointment following the recruitment process.
2. To ensure that a start date can be agreed expeditiously.
3. To confirm Mr Mitchell's appointment to the other statutory positions fulfilled by the Head of Paid Service (Chief Executive).

Note:

These minutes are subject to confirmation as a correct record at the next meeting of the Council which is scheduled for Monday 2nd September 2019

COUNCIL – 2ND SEPTEMBER 2019

Report of the Monitoring Officer

Part A

**ITEM 6.1 LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN
REVIEW LETTER 2018/19**

Purpose of Report

To make Members aware of the Local Government & Social Care Ombudsman's (LGSCO) review letter for 2018/19 and one case of a complaint which was upheld by the LGSCO during the year, in accordance with the LGSCO's guidance which is that the Monitoring Officer should make a periodic report to Councillors summarising any upheld complaints.

Recommendation

That the Local Government & Social Care Ombudsman's review letter for 2018/19, attached as Appendix A, and the summary of the upheld complaint as set out in Part B of this report, be noted.

Reason

To comply with the guidance from the Local Government & Social Care Ombudsman that the Monitoring Officer should make Members aware of upheld complaints on a periodic basis.

Policy Justification and Previous Decisions

The LGSCO's guidance is that the Monitoring Officer should report details of complaints to Members periodically.

Implementation Timetable including Future Decisions and Scrutiny

No further actions are required to implement the recommended decision.

Report Implications

The following implications have been identified for this report.

Financial Implications

There are none.

Risk Management

There are no specific risks associated with this decision.

Background Papers:

LGSCO Decision Summary for the upheld
complaint during 2018/19:

<https://www.lgo.org.uk/decisions/planning/other/17-010-966>

Officer to contact:

Adrian Ward
Monitoring Officer
(01509) 634573
adrian.ward@charnwood.gov.uk

Part B

Background

1. The LGSCO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are a free service. They investigate complaints in a fair and independent way, and do not take sides.
2. As set out in the appended review letter for 2018/19, the LGSCO received a total of 21 complaints and enquiries about Charnwood Borough Council during 2018/19 (compared to 28 in 2017/18), and made 22 decisions (compared to 22 in 2017/18). The difference in numbers is because complaints and enquiries received during one year are sometimes not resolved until the following year.
3. As stated in the LGSCO's letter, the volume of complaints does not necessarily in itself indicate the quality of the Council's performance, and one of the most important statistics is the number of upheld complaints, which was one in 2018/19 (compared to one in 2017/18).

Upheld Complaints

4. The upheld complaint (ref. 17 010 966) related to a long-running planning enforcement case where the complainant felt that the Council had unreasonably banned him from attending its offices for 12 months.
5. The Ombudsman found that although there was some fault in the Council's record keeping, there was still sufficient evidence to support the Council's decision because of the complainant's behaviour towards its officers, and therefore he had not been caused an injustice.
6. A link to the LGSCO's full decision notice for the upheld complaint is included in the background papers section of this report.

Appendices

Appendix A: LGSCO Review Letter for 2018/19

Local Government & Social Care OMBUDSMAN

24 July 2019

By email

Geoff Parker
Chief Executive
Charnwood Borough Council

Dear Mr Parker

Annual Review letter 2019

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect the data we hold and may not necessarily align with the data your authority holds. For example, our numbers include

enquiries from people we signpost back to your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

New interactive data map

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit www.lgo.org.uk/training.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the

common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'M King', with a stylized flourish at the end.

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Charnwood Borough Council
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	5	3	0	3	0	6	4	0	21

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
0	0	10	7	4	1	20	22
Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.							

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0
Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.	

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
0	0	0	0	Number
	0%		-	Compliance rate**
Notes: * This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year. ** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.				

COUNCIL – 2ND SEPTEMBER 2019

Report of the Monitoring Officer

Part A

ITEM 6.2 APPOINTMENT TO THE INDEPENDENT REMUNERATION PANEL

Purpose of Report

To seek authority to appoint a new representative to the Independent Remuneration Panel for a 4 year term of office.

Recommendation

That Mr Sumeet Dhul be appointed to the Independent Remuneration panel until the end of the 2023/24 civic year.

Reason

To fill a vacancy on the Independent Remuneration Panel.

Policy Justification and Previous Decisions

Under The Local Authorities (Members' Allowances) (England) Regulations 2003, the Council is obliged to have regard to the recommendations of an Independent Remuneration Panel when approving its Scheme of Members Allowances.

Gill Moss-Waghorn's appointment to the Panel finished at the end of the 2019/20 civic year, and having served for two four year terms, she was not eligible for re-appointment to the Panel.

Implementation Timetable including Future Decisions and Scrutiny

If approved, the appointment will take effect immediately.

Report Implications

Financial Implications

Members of the Panel receive an annual allowance of £200, which is allowed for within the overall budget for Members' Allowances.

Risk Management

There are no risks arising from this report.

Officer to Contact: Adrian Ward
 Monitoring Officer
 (01509) 634573
 Adrian.ward@charnwood.gov.uk

Part B

Process for making recommendations for appointment

1. A press release was issued inviting expressions of interest in the vacancy on the Panel, and it was also publicised on social media. Four expressions of interest were received.
2. Two persons were interviewed by the Monitoring Officer, and as a result of those interviews, Mr Sumeet Dhul is recommended for appointment to the vacancy.

Information about the person recommended for appointment

3. Mr Dhul is a qualified chartered accountant, and has extensive experience of financial reporting and auditing. He has lived in the Borough for 20 years, and currently resides in Loughborough. He has stated that he has no political affiliations, and no connections to the Council.

COUNCIL – 2ND SEPTEMBER 2019

Report of the Licensing Committee

Part A

ITEM 6.3 ADOPTION OF MODEL BYELAWS TO REGULATE THE HYGIENE AND PRACTICE STANDARDS IN PREMISES CONDUCTING COSMETIC PIERCING, SEMI-PERMANENT SKIN COLOURING, ACUPUNCTURE, TATTOOING AND ELECTROLYSIS

Purpose of Report

To consider the adoption of model byelaws to regulate the hygiene and practice standards in premises conducting cosmetic piercing, semi-permanent skin colouring, acupuncture, tattooing and electrolysis, as recommended by the Licensing Committee.

Recommendations

1. To recommend to Full Council the adoption of the byelaws outlined in Appendix 1 to the report of the Head of Regulatory Services (attached as an Annex to this report);
2. Subject to recommendation 1, to recommend to Full Council that the Head of Regulatory Services be given delegated authority to take all such steps as may be necessary to make, seal, advertise and obtain confirmation, under S.235 of the Local Government Act 1972, of the byelaws from the Secretary of State for Health, so as to bring them into effect;
3. To recommend to Full Council, that, subject to the confirmation of the byelaws referred to in recommendation 2 above, the existing byelaws relating to ear piercing, acupuncture, tattooing and electrolysis in the Borough of Charnwood, made by the Council on 7th March 1984 and confirmed by the Secretary of State for Health, be revoked;
4. To recommend to Full Council, that the Head of Regulatory Services be given delegated authority to introduce a fee in line with our current fee for skin piercing activities and in line with the Council's fees and charging policy.

Reasons

1. To ensure that, businesses undertaking cosmetic piercing and semi-permanent skin colouring are registered under the Local Government (Miscellaneous Provisions) Act 1982 and appropriate controls are in place to protect public health and prevent the spread of blood-borne viruses such as HIV, hepatitis B and hepatitis C and other infections.
2. To enable appropriate steps to be taken to introduce the byelaws.

3. To enable the revocation of the existing byelaws, subject to the introduction of the proposed new update byelaws.
4. To enable an appropriate fee to be charged for the Registration of relevant individuals and businesses.

Policy Justification and Previous Decisions

At its meeting on 23rd July 2019, the Licensing Committee considered a report of the Head of Regulatory Services seeking the adoption of model byelaws to regulate the hygiene and practice standards in premises conducting cosmetic piercing, semi-permanent skin colouring, acupuncture, tattooing and electrolysis.

A copy of the report considered by the Licensing Committee is attached as an Annex to this report.

The following extract from the minutes of the Licensing Committee's meeting on 23rd July 2019 details its consideration of this matter:

ADOPTION OF MODEL BYELAWS TO REGULATE THE HYGIENE AND PRACTICE STANDARDS IN PREMISES CONDUCTING COSMETIC PIERCING, SEMI-PERMANENT SKIN COLOURING, ACUPUNCTURE, TATTOOING AND ELECTROLYSIS

A report of the Head of Regulatory Services was submitted to consider the adoption of model byelaws to regulate the hygiene and practise standards in premises conducting cosmetic piercing, semi-permanent skin colouring, acupuncture, tattooing and electrolysis.

In summary the Committee discussed:

- (i) The use of Botox was advised to be classed as a medical procedure, the administration of which was controlled by the General Medical Council.*
- (ii) Henna tattoos were highlighted as a potential risk due to their lead contents. The Committee was advised that the tattoos would be classes as semi-permanent make up due to the long lasting duration. Anyone operating a business, using a premises would need to adhere to the new byelaws. There would be henna tattooists at the Loughborough Mela and the committee was advised that the event organisers would be made aware of the new byelaws to inform their stall holders.*
- (iii) A hygiene rating scheme had been introduced to help improve standards relating to tattooing and was thought to be working well. This worked in conjunction with Health and Safety legislation relating to any issues with the premises.*
- (iv) The committee was advised that local businesses who would be affected had been consulted prior to the report being brought forward and if the new byelaws were adopted the businesses would be given a notice of intention to inform them that the bye laws will be submitted to the*

Secretary of State for Health for confirmation along with any objections received.

- (v) *There was a current fee of £130 as a one-off charge businesses paid to undertake skin piercing activities. This would continue along with the introduction of the new bye laws.*

RESOLVED

1. *To recommend to Full Council the adoption of the byelaws outlined in Appendix 1 to this report;*
2. *Subject to recommendation 1, to recommend to Full Council that the Head of Regulatory Services be given delegated authority to take all such steps as may be necessary to make, seal, advertise and obtain confirmation, under S.235 of the Local Government Act 1972, of the byelaws from the Secretary of State for Health, so as to bring them into effect;*
3. *To recommend to Full Council, that, subject to the confirmation of the byelaws referred to in recommendation 2 above, the existing byelaws relating to ear piercing, acupuncture, tattooing and electrolysis in the Borough of Charnwood, made by the Council on 7th March 1984 and confirmed by the Secretary of State for Health, be revoked;*
4. *To recommend to Full Council, that the Head of Regulatory Services be given delegated authority to introduce a fee in line with our current fee for skin piercing activities and in line with the Council's fees and charging policy.*

Reasons

1. *To ensure that, businesses undertaking cosmetic piercing and semi-permanent skin colouring are registered under the Local Government (Miscellaneous Provisions) Act 1982 and appropriate controls are in place to protect public health and prevent the spread of blood-borne viruses such as HIV, hepatitis B and hepatitis C and other infections.*
2. *To enable appropriate steps to be taken to introduce the byelaws.*
3. *To enable the revocation of the existing byelaws, subject to the introduction of the proposed new update byelaws.*
4. *To enable an appropriate fee to be charged for the Registration of relevant individuals and businesses.*

Policy justification is as set out in the report of the Head of Regulatory Services.

Implementation Timetable including Future Decisions

The implementation timetable is as set out in the report of the Head of Regulatory Services.

Report Implications

The following implications have been identified for this report:

Financial Implications

Financial implications are as set out in the report of the Head of Regulatory Services.

Risk Management

Risks are as set out in the report of the Head of Regulatory Services.

Equality and Diversity

Equality and Diversity is as set out in the report of the Head of Regulatory Services.

Background Papers: None further to those detailed in the report of the Head of Regulatory Services.

Officer to Contact: Karen Widdowson
Democratic Services Manager
01509 634785
karen.widdowson@charnwood.gov.uk

LICENSING COMMITTEE – 23RD JULY 2019**Report of the Head of Regulatory Services****Part A**

ITEM ADOPTION OF MODEL BYELAWS TO REGULATE THE HYGIENE
AND PRACTICE STANDARDS IN PREMISES CONDUCTING
COSMETIC PIERCING, SEMI-PERMANENT SKIN COLOURING,
ACUPUNCTURE, TATTOOING AND ELECTROLYSIS

Purpose of Report

This report recommends to Full Council the adoption of new byelaws in accordance with the Local Government Act 2003 Section 120 and Schedule 6, of the registration of premises and persons within the borough of Charnwood undertaking cosmetic piercing (piercing of the body including the ear) and semi-permanent skin-colouring (including micropigmentation, semi-permanent make up and temporary tattooing).

Recommendations

1. To recommend to Full Council the adoption of the byelaws outlined in Appendix 1 to this report;
2. Subject to recommendation 1, to recommend to Full Council that the Head of Regulatory Services be given delegated authority to take all such steps as may be necessary to make, seal, advertise and obtain confirmation, under S.235 of the Local Government Act 1972, of the byelaws from the Secretary of State for Health, so as to bring them into effect;
3. To recommend to Full Council, that, subject to the confirmation of the byelaws referred to in recommendation 2 above, the existing byelaws relating to ear piercing, acupuncture, tattooing and electrolysis in the Borough of Charnwood, made by the Council on 7th March 1984 and confirmed by the Secretary of State for Health, be revoked;
4. To recommend to Full Council, that the Head of Regulatory Services be given delegated authority to introduce a fee in line with our current fee for skin piercing activities and in line with the Council's fees and charging policy.

Reasons

1. To ensure that, businesses undertaking cosmetic piercing and semi-permanent skin colouring are registered under the Local Government (Miscellaneous Provisions) Act 1982 and appropriate controls are in place to protect public health and prevent the spread of blood-borne viruses such as HIV, hepatitis B and hepatitis C and other infections.
2. To enable appropriate steps to be taken to introduce the byelaws.

3. To enable the revocation of the existing byelaws, subject to the introduction of the proposed new update byelaws.
4. To enable an appropriate fee to be charged for the Registration of relevant individuals and businesses.

Policy Justification and Previous Decisions

Under section 13(2) of the Local Government (Miscellaneous Provisions) Act 1982 Charnwood Borough Council through the Housing and Health Committee in January 1983 agreed to adopt section 15 of the Act to apply in their area to register those undertaking tattooing, ear piercing, electrolysis and acupuncture.

The Local Government Act 2003 extends the definitions of this Act to include cosmetic piercing (including ear piercing) and semi-permanent skin colouring.

Regulatory Services are responsible for ensuring that public health is protected and as this is an area of rising concern as skin piercing activities are invasive it is considered appropriate to adopt the new byelaws.

Businesses are only required to register their premises and practitioners once, there are no on-going costs relating to their registration.

15 known businesses carrying out semi-permanent skin colouring were sent a questionnaire to consult on the introduction of this legislation into Charnwood. Six responses were received. 100% of the responses received (6) said that we should register these types of skin piercing operations. The businesses consulted said they thought registration would either have a very positive or positive impact. 100% of business responses received (6) agreed registration would ensure safe and clean premises and equipment.

Implementation Timetable including Future Decisions.

At least one calendar month before applying to the Secretary of State for confirmation..

- a. Charnwood Borough Council must give notice of its intention to apply for confirmation of the byelaws in one or more local papers circulating in the area to which the byelaws will apply;
- b. A copy of the byelaws must also be deposited at the Council's offices and be open to public inspection without charge at all reasonable times during that month.

The Consultation period will begin following Full Council approval and the placing of the required advertisement. We will consult with those business affected directly to let them know the proposal and so that they can make any comments as necessary for one month. Any comments made will then go to the Secretary of State with the byelaws to be confirmed. If confirmed by the Secretary of State, the byelaws will take effect on the date specified by the Secretary of State.

Report Implications

The following implications have been identified for this report.

Risk Management

The risks associated with the decision the Licensing Committee is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Failure to consult on and implementation of the Local Government Act 2003 would result in the Council failing to exercise its duty under the requirements of that Act.	L	M	Follow guidance outlines in the Department of Health Report, obtain and follow procedures within Charnwood Borough Council and ensure approval at Full Council

Financial

There are no financial implications associated with this report, other than those of consultation with business/interested parties. The Council will issue a registration fee which will cover the administration and visits involved with the adoption of this legislation. The current registration fee is £130.00 and this is reviewed on an annual basis.

Equality and Diversity

A review of the Equality Impact Assessment has been undertaken and no significant issues have been found that need incorporating into the existing assessment.

This is a regulatory responsibility appropriate to specified premises and activity and there is no known equality impact associated with this.

Background Papers:

- Local Government Act 2003 Regulation of Cosmetic Piercing and Skin –Colouring Business Guidance on Section 120 and Schedule 6
- Local Government (Miscellaneous Provisions) Act 1982
- Local Government Act 1972
- Local Government Act 2003

Appendix 1:	Model Byelaws – Acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis
Officer(s) to contact:	Stuart Adkins, Health, Safety and Business Engagement Manager, 01509 634631, stuart.adkins@charnwood.gov.uk

Part B

Background

Charnwood Borough Council (officers in Regulatory Services) are using existing legislation the Local Government (Miscellaneous Provisions) Act 1982 to enable them to register tattooing, acupuncture, electrolysis and ear piercing.

Since 1982 the cosmetic beauty and tattooing market has changed and there are now new procedures available to members of the public which are classed as skin piercing. Piercing is now available to all areas of the body and there has been a recent increase in a number of beauticians offering semi-permanent make up to people in and outside our borough.

Semi-permanent make up includes the application of pigment to areas of the body such as eyebrows, lips and head. There are also other applications such as Henna tattoos which are also semi-permanent but can contain high levels of metals or viruses. As the Council has had an increase of businesses enquiring to set up in these areas (29 in total) it is considered in line with public health protection to ensure these businesses are operating in a safe manner and with this legislation the Council can register these businesses and ensure they are complying with byelaws designed to increase health protection and reduce the risk of transmission of blood-borne virus (BBV). These include HIV, hepatitis B and hepatitis C and other infections. The Department of Health has produced model byelaws which we would adopt to ensure consistency across England.

The application of these byelaws and controls have been effective, however, there is an opportunity because of legislative, model bylaw and guidance changes, for the byelaws to be improved to reflect the latest model as well as being expanded to include the following:

- (i) cosmetic piercing (any part of the body including ears); and
- (ii) semi-permanent skin colouring (which include, for example, micro-pigmentation, semi-permanent make-up and temporary tattooing).

This would bring cosmetic piercing and semi-permanent make up in line with the registration we also currently operate for other businesses such as acupuncture, tattooing, electrolysis and ear piercing.

As the byelaws were updated by the Department of Health in 2007 it is only proper of Charnwood Borough Council to have in place the current byelaws relating to all skin piercing activities as one set of byelaws.

Approval has to be agreed by the Council and once this has been agreed and the byelaws made, formal request has to be given to the Secretary of State for the byelaws to be confirmed and to enable them to come into force.

The impact on the level of resource required to assess additional businesses registering is thought minimal and therefore will be unlikely to affect the team negatively.

MODEL BYELAWS

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Charnwood Borough Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and

- (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading "No Smoking", and "No Eating or Drinking" is prominently displayed there.
- (2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);

- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and
- (b) shall provide—
 - (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.
 - (2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.
 - (3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—
 - (a) the client is bleeding or has an open lesion on an exposed part of his body; or
 - (b) the client is known to be infected with a blood-borne virus; or
 - (c) the operator has an open lesion on his hand; or
 - (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to tattooing, ear-piercing, electrolysis and acupuncture that were made by Charnwood Borough Council on the 7 March 1984 and were confirmed by the Secretary of State for Health on 26 March 1984 are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service

Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist applies only to **acupuncture** (see section 14(8) of the Act).*

COUNCIL – 2ND SEPTEMBER 2019

Report of the Chief Executive

ITEM 12 URGENT EXECUTIVE DECISION EXEMPTED FROM CALL-IN: ACQUISITION OF PROPERTIES

Purpose of Report

To note a decision taken by the Head of Strategic and Private Sector Housing to acquire a property which was exempted from call-in in accordance with Scrutiny Committee Procedure 11.9.

Action Requested

In accordance with Full Council Procedure 9.11(d) questions may be asked of the Leader in relation to the urgent decision that was taken. The Leader may ask the relevant Lead Member to respond.

Policy Justification and Previous Decisions

The call-in procedure provides for a period of five clear working days during which councillors can ask for decisions taken by the Cabinet and key decisions taken by officers to be reviewed. With the agreement of the Chair of the Scrutiny Commission (or the Mayor in the absence of the chair) a decision can be exempted from call-in if the decision to be taken is both urgent and reasonable and the delay caused by the call-in process would not be in the interests of the Council or the public. Scrutiny Committee Procedure 11.9 requires that decisions that are exempted from call-in are reported to Council.

On 19th October 2017 the Leader delegated authority to the Head of Strategic and Private Sector Housing to acquire additional Housing Revenue Account (HRA) properties for rental. It is likely that any properties acquired will exceed the key decision threshold of £150,000 in value, and therefore each purchase will be a key decision. It would not be practical for the usual call-in arrangements for key decisions to be applied as any delay caused could result in the purchase falling through, and therefore the then Mayor, in the absence of the then Chair of the Scrutiny Management Board, gave approval for decisions taken under this delegated authority to be exempted from call-in under Scrutiny Procedure Rule 11.9. The Chair of the then Scrutiny Management Board subsequently confirmed that he was happy with these arrangements. These arrangements were reported to Council on 6th November 2017 (minute 57 2017/18 refers), and the changes to the Scrutiny function and subsequent changes to the Constitution were confirmed by Council on 25th March 2019 (minute 91.2 2018/19 refers).

The purchase of one property is being reported to this meeting of Council:

- 367 Park road, Loughborough – 3 bed bungalow

The decision of the Head of Strategic and Private Sector Housing to exchange contracts on the purchase can be found in the Annex to this report. Contracts were exchanged on 11th July 2019 and the purchase was subsequently completed on 24th July 2019.

Implementation Timetable including Future Decisions

As detailed within the report of the Head of Strategic and Private Sector Housing, attached as an Annex.

Report Implications

As detailed within the report of the Head of Strategic and Private Sector Housing, attached as an Annex.

Background Papers: [Council 6th November 2017, Item 14, Changes to Membership of the Cabinet and the Delegation of Executive Functions: Acquisition of Additional Housing Revenue Account Properties for Rental](#)

[Council 25th March 2019, Item 6.2, annual review of the Council's Constitution.](#)

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Annex

Report of the decision of Head of Strategic and Private Sector Housing in respect of the acquisition of a property.

Acquisition of Properties**367 Park Road, Loughborough****Decision under Delegated Powers****Officer Requesting Decision**

Beverly Wagstaffe - Housing Strategy and Support Manager

Officer Making the Decision

Alison Simmons - Head of Strategic and Private Sector Housing

Recommendation

To approve the purchase of 367 Park Road, Loughborough and for the Council to formerly Exchange Contracts and Complete the purchase.

Reason

To utilise approved funding for the purchase of additional HRA rental properties.

Authority for Decision

Section 8.3, of the Constitution gives delegated authority to the Head of Strategic and Private Sector Housing to acquire additional properties for rent via the HRA where approved funding exists within the Capital Plan for the relevant financial year, and where any property acquired is subject to a Condition Survey, an Independent Valuation, Standard Legal checks, and meets identified housing needs (item 20 on page 8-20).

Decision and Date

Signed:



Date: 8th July 2019

Head of Strategic and Private Sector Housing

Background

On the 19th October 2017, the Leader gave delegated executive authority to the Head of Strategic and Private Sector Housing to acquire additional properties for rent via the HRA within available approved funding which has subsequently been formalised in an update of the Constitution approved by Council on the 25th June 2018

The following property has now been identified to purchase:

- 367 Park Road, Loughborough – 3 bed bungalow

There is an identified need for this size of property.

The seller of the property has accepted an offer of £267,500.

A Condition Survey, Valuation and Legal checks have all now been satisfactorily completed.

Comments from HR

Not applicable

Financial Implications

The cost of acquiring this property is £267,500 with associated fees estimated at £2,170 and stamp duty of £11,400 (total cost of £281,070).

In August 2018, Cabinet approved a budget of £2,797,000 for 2019-2020 to support delivery of the Housing Acquisition Policy in acquiring additional HRA properties for rent.

To date the Council has purchased 1 other property during 2019-2020 for the sum of £141,643 including associated fees with a further £718,070 committed with 4 other purchases including this property.

The total spent to date and including the funds committed equal £859,713, leaving a balance of £1,937,287 available for 2019-2020.

There is sufficient budget to cover the cost of acquiring 367 Park Road, Loughborough.

Risk Management

No risks identified

Key Decision:

Yes, but exempted from call-in. See agenda item 14; Full Council meeting dated the 6th November 2017.

Background Papers:

Housing Acquisition Policy approved by Cabinet on the 10th May 2018.