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Nottingham
City Council

You are hereby summoned to attend a meeting of **CITY COUNCIL**
at the Council House, Old Market Square on Monday 13 November 2017 at 2.00 pm to
transact the following business

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13 MOTION

Motion in the name of Councillor Jane Urquhart:

This Council welcomes the Government's commitment to provide £2 billion for the building of affordable homes. However, this Council believes that the Government's commitment falls well short of what is required to meet the level of need. The funding will mean only 13 more council houses per local authority or 5000 nationally, when 1.2 million households are currently on a housing waiting list.

This Council therefore resolves to:

- Call upon the Government to be more ambitious in its commitment to help local authorities build council homes.
- Call upon the Government to ensure that new funding is used for council homes and not private housing schemes.
- Bid as a local authority for additional funding in order to continue to build more homes that Nottingham people can afford to rent or buy.
- Call upon the government to remove the Housing Revenue Account borrowing cap.

14 MOTION

Motion in the name of Councillor Graham Chapman:

Given the failures identified by pilot schemes and concerns raised by the Work and Pensions Committee, this Council urges the Government to pause the roll-out of Universal Credit full service before it is imposed on the citizens of Nottingham.

Please note that questions to Council are received after the agenda has been published. Questions will be published as a supplementary agenda by 5pm on Friday 10 November 2017.

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

gfundenell

Dated 3 November 2017

Corporate Director for Strategy and Resources

To: All Councillors of Nottingham City Council

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MINUTES OF THE MEETING OF THE CITY COUNCIL

held at the Council House, Old Market Square

on 11 September 2017 from 2.00 pm - 5.42 pm

ATTENDANCES:

✓ Councillor Michael Edwards (Lord Mayor)	
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✓ Councillor Liaqat Ali	✓ Councillor Neghat Nawaz Khan
✓ Councillor Jim Armstrong	✓ Councillor Ginny Klein
✓ Councillor Cat Arnold	✓ Councillor Dave Liversidge
✓ Councillor Leslie Ayoola	✓ Councillor Sally Longford
✓ Councillor Ilyas Aziz	✓ Councillor Carole McCulloch
Councillor Steve Battlemuch	✓ Councillor Nick McDonald
Councillor Merlita Bryan	✓ Councillor David Mellen
✓ Councillor Eunice Campbell	✓ Councillor Jackie Morris
✓ Councillor Graham Chapman	✓ Councillor Toby Neal
Councillor Azad Choudhry	✓ Councillor Brian Parbutt
Councillor Jon Collins	✓ Councillor Anne Peach
✓ Councillor Josh Cook	✓ Councillor Sarah Piper
✓ Councillor Georgina Culley	✓ Councillor Andrew Rule
✓ Councillor Pat Ferguson	✓ Councillor Mohammed Saghir
✓ Councillor Brian Grocock	✓ Councillor David Smith
✓ Councillor Chris Gibson	✓ Councillor Wendy Smith
✓ Councillor John Hartshorne	Councillor Chris Tansley
✓ Councillor Rosemary Healy	✓ Councillor Dave Trimble
✓ Councillor Nicola Heaton	✓ Councillor Jane Urquhart
✓ Councillor Mohammed Ibrahim	Councillor Marcia Watson
✓ Councillor Patience Uloma Ifediora	Councillor Sam Webster
✓ Councillor Corall Jenkins	✓ Councillor Adele Williams
✓ Councillor Glyn Jenkins	✓ Councillor Malcolm Wood
Councillor Sue Johnson	✓ Councillor Linda Woodings
Councillor Carole-Ann Jones	Councillor Steve Young
✓ Councillor Gul Nawaz Khan	

✓ Indicates present at meeting

28 APOLOGIES FOR ABSENCE

- Councillor Steve Battlemuch – personal reasons
- Councillor Merlita Bryan – personal reasons
- Councillor Azad Choudhry – leave
- Councillor Jon Collins – other Council business
- Councillor Sue Johnson – unwell
- Councillor Carole Jones – leave
- Councillor Chris Tansley – personal reasons
- Councillor Marcia Watson – leave
- Councillor Sam Webster – other Council business
- Councillor Steve Young – personal reasons

29 DECLARATIONS OF INTERESTS

None.

30 QUESTIONS FROM CITIZENS

Displaced Parking from Wollaton Hall

Mr C S asked the following question of the Portfolio Holder for Neighbourhood Services and Local Transport:

Could the Portfolio Holder comment on residents' views that increasing the parking charges at Wollaton Park has created displaced parking on residential streets in Wollaton which they believe has led to health and safety issues, particularly with emergency service vehicles accessing properties where there are parked cars on both sides of the road. Do you agree that it should not be acceptable to prioritise generating income at the expense of increasing public health and safety risks on some roads and pavements in Nottingham City?

Councillor Longford replied as follows:

Thank you, Lord Mayor. Thank you for the question regarding parking on residential streets around Wollaton Park.

Parking charges at Wollaton Park have been in place for many years and, whilst we acknowledge that the charges have recently increased, it is the first increase in over six years. Prices have risen by £1.00, to £3.00 for up to 3 hours and £5.00 for the day. Season tickets are available for regular visitors, at £60. The income generated is vital during these times of harsh government cuts to Council budgets, to support the upkeep and improvement of Wollaton and other parks.

It is very unusual these days, to be able to visit a major attraction such as Wollaton Hall and Deer Park without some charge. A quick trawl through other attractions nearby shows that parking charges are set at a reasonable level. Entrance to Kedleston Hall grounds for example is £5.90 per person, plus Clumber Park is £5.25 for a family ticket, and our own Newstead Abbey is £6.00 per car.

It is very difficult to establish if parking on nearby streets is purely displaced parking due to increase in fees or simply a result of higher visitor numbers to this extremely popular park. I've lived nearby for most of my life, and I know that parking in the streets is a perennial problem.

The Council takes its health and safety responsibilities very seriously and, in order to help reduce the impact of displaced parking, the Council has for many years put in place traffic orders for all major events and at weekends when we know it is likely to be busy. With the support of local Councillors, the Traffic Management section of Nottingham City Council has been exploring ways to address parking issues in the streets around Wollaton Park for some time. For many years, residents have raised concerns about on-street parking increasing at certain times, such as weekends, bank holidays, event days, and at key times of the day, when visitors arrive to walk

dogs. I know that my colleague, Councillor Battlemuch, has been working hard to resolve these concerns since elected.

Prior to the increase in charges, Council officers were already working with local Councillors in order to consult residents on the introduction of a residents' parking scheme, which would prevent Wollaton Park visitors from parking on nearby streets. Unfortunately, some residents did not believe that parking restrictions were necessary and have resisted these proposals. The scheme could have been in place some time ago, but the dispute over the necessity of the scheme has led to a prolonged period of dialogue between residents and the City Council in order to find a solution acceptable to the majority of nearby residents. As a compromise, officers are now looking to consult on a "seasonal" scheme, which would implement restrictions between March and October when there is most activity at the park. We hope the scheme will be in place before next summer. This would stop any displaced parking and reduce any health and safety concerns for local residents. In the meantime, we are mindful that the busy summer period is now coming to an end, and there will be some reduction in parking from visitors as we go into the winter months. However, we will continue to work with the Police and the Council's enforcement teams to ensure that any inappropriately parked cars are removed or ticketed as needed.

31 PETITIONS FROM COUNCILLORS ON BEHALF OF CITIZENS

Councillor Gul Khan presented a petition on behalf of 12 signatories asking for the Council to refuse permission to the owner of a property on Sneinton Dale to have access to Durham Avenue from the rear/side of the property, and that the owner close off the opening made in the boundary.

32 TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 10 JULY 2017

The minutes of the meeting held on 10 July 2017 were confirmed as a correct record and signed by the Chair.

33 TO RECEIVE OFFICIAL COMMUNICATIONS AND ANNOUNCEMENTS FROM THE LEADER OF THE COUNCIL AND/OR THE CHIEF EXECUTIVE

The Deputy Chief Executive/Corporate Director for Development and Growth reported the following:

Motion on Adult Social Care

At its meeting in March 2017 Council agreed a motion in the name of Councillor Alex Norris regarding Adult Social Care. A response to the motion has been received from the Department for Communities and Local Government which states "At the Budget earlier this year, the Government announced an additional £2 billion of funding for local authorities to help reduce short-term pressures and improve the stability of the social care system. £1 billion of this funding has been provided this year, ensuring that councils can start to fund more care packages immediately.

The Government recognises that this is not a long-term solution and we know that further reform is necessary to ensure that social care is sustainable. That is why the

Government has committed to working with partners and bringing forward proposals for consultation.”

Motion on bedroom tax

In July, this Council called on the government to repeal the spare room subsidy and wrote to the government and local MPs for their support. We are still awaiting a reply.

Nottinghamshire County Cricket Club

I would like to offer our congratulations to Nottinghamshire County Cricket Club who at the weekend secured a one-day trophy double this season. They beat the Birmingham Bears at Edgbaston on Saturday to win the Natwest T20 Blast and also won the Royal London One Day Cup in July after defeating Surrey at Lords. They are also top of Division 2 of the County Championship and look like firm favourites to win this which would top off an incredible season.

Councillor Alan Clark

It is with great sadness that I inform Council that Councillor Alan Clark passed away on 26 July. Councillor Clark was elected as a Labour Councillor in 1988 representing the Byron Ward until 2003, and the Bulwell Forest Ward from 2003, and held a number of senior positions during his 29 years of service to Nottingham City Council including the role as Portfolio Holder for Energy and Sustainability since 2011. He took a leading role in making Nottingham one of the UK's greenest cities, including developing the Nottingham Declaration on Climate Change, fitting thousands of homes with solar panels and connecting thousands of homes and businesses to the district heating system, as well as setting up Robin Hood Energy, the UK's first council-owned energy company.

Councillors' Brian Parbutt, Georgina Culley and Eunice Campbell spoke in tribute to Councillor Alan Clark and a minutes' silence was held.

Former Councillor Dick Benson

It is also with sadness that I inform Council that former Councillor Dick Benson passed away on 25 August. He was elected as a Conservative councillor to represent the Wollaton West ward on 3 May 2007 and represented the ward until May 2011. His funeral will be held on 22 September.

Councillors' Georgina Culley and Brian Parbutt spoke in tribute to Dick Benson and a minutes' silence was held.

34 QUESTIONS FROM COUNCILLORS - TO THE CITY COUNCIL'S LEAD COUNCILLOR ON THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY

None.

35 QUESTIONS FROM COUNCILLORS - TO A MEMBER OF EXECUTIVE BOARD, THE CHAIR OF A COMMITTEE AND THE CHAIR OF ANY OTHER CITY COUNCIL BODY

Citizen questions to Council

Councillor Culley asked the following question of the Leader:

How many questions from citizens have been rejected by the Council in the past 12 months and what were the reasons given for those questions being rejected? How many citizens' questions were subsequently never asked of the relevant Executive Council members?

In the absence of Councillor Collins', Councillor Chapman replied as follows:

Can I thank Councillor Culley for the question. Since September 2016, 11 citizen questions have been received. 5 of these were general queries rather than specific questions for the Council and were therefore forwarded to the relevant department for response. 3 were answered orally at meetings, and 3 received written responses from the relevant Portfolio Holders due to the complex nature of the questions.

Now, you may ask, why were the ones which were rejected actually rejected? They were refused either on the basis that they were outside the Council's remit, or they were an issue specific to the citizen and it wouldn't be appropriate to discuss these in a public domain. Those are the particular reasons.

I would also add, that in accordance with Standing Order 3(a), it is the Lord Mayor's discretion, in case you may have thought it was the Leader's discretion, on whether questions are answered or not.

Robin Hood Energy Funding

Councillor Rule asked the following question of the Deputy Leader:

Could the Deputy Leader comment on the pressure that Robin Hood Energy's funding requirements have placed on the City Councils budget?

Councillor Chapman replied as follows:

This is a very delicate issue because, as you will appreciate, it has to do with commercial confidentiality. So the answer you're going to get is probably quite restricted, and I've had to take legal advice on this. The answer is that the City Council has provided financial support to Robin Hood Energy based on a commercial basis, at an interest rate which is financially beneficial to the City Council and also complies with State Aid. This support has been subject to both due diligence undertaken on the Company and the provision of monthly management reporting to the City Council.

However, the City Council will be reviewing, as it does in all circumstances, the overall financing of the company to ensure optimum financial structure is in place to suit both the company, and the City Council.

First choice school places

Councillor Culley asked the following question of the Portfolio Holder for Business, Education and Skills:

Can the Portfolio Holder please tell us how many children in Nottingham have been unable to attain their parents first choice of nursery place, primary school place or secondary school place in this current academic year?

In the absence of Councillor Webster, Councillor Mellen replied as follows:

Thank you Lord Mayor, and I thank Councillor Culley for her question. I am pleased that she's asked this question, and given me the opportunity to share with Council the good news that this September there has been a substantial increase in the proportion of Nottingham children who will be starting their education at their parents or carers first choice of city primary school. Thanks to the very successful primary school expansion programme that the Council has run, adding an additional 4,000 places at a cost of £40 million, 3,345 children out of 3,768 applications made will be attending their parents' first choice school. So just 323 children did not get their first choice school, and all of those children either got their second or third choice, or were offered another place. No child is without a primary school place this September.

Whilst it's the case nationally that there was also an increase in children entering their parents first choice school, Nottingham's proportion of first choices increased significantly by 2.3%, compared to a national rise of 1.6%. As Councillor Culley is no doubt aware from experience in her own ward however, we do face continuing pressure for primary school places in certain parts of the city. As more families are choosing to live in the city we have proactively responded by seeking to expand our good and outstanding schools, including both Fernwood and Middleton primaries in Wollaton West. And alongside the growing popularity of Nottingham as a city to raise families, I'm delighted to report that Nottingham now has the highest proportion of Ofsted rated "Outstanding" schools in the whole East Midlands region. We are therefore continuing to add places in good and outstanding schools where they are needed in order to continue our success in ensuring first choice places are offered to children and their families.

I think it is important to realise that at primary level the City Council has managed the successful programme without the establishment of a single primary Free School in the city – which is of course the governments preferred solution for adding school places. There have been two attempts to establish primary Free Schools in the city but, in both cases, having seen the expenditure of significant amounts of public money and wasted significant amounts of our Council Officers' time in supporting the process, both schools have failed to open. And when it comes to considering the situation in terms of secondary places I am concerned that this flawed and failing government policy may also be a significant barrier.

So to answer the next part of Councillor Culley's question, in terms of first choice secondary school places being offered, the good news is that we saw an actual increase of 58 children being offered their parent or carers first choice of secondary school. So 2,579 children in 2017 compared with 2,521 in 2016. That does leave 720 children without their first choice place, however, as in primary schools, all of those

children were offered a place either at their second or third choice, or other schools within the city. Again, mirroring the national situation, this does represent a decrease in the actual proportion of first choices offered compared to applications made, because there are more young people of that age. Inevitably given the increase in the number of primary school age pupils moving through the system we know that the pressure will now, and in the coming years, be felt in the secondary age group.

As Councillor Culley will no doubt be aware, local authorities retain the duty to ensure that there are sufficient school places for all school age children living in the authority area. However, she must also be aware that the government persists in shackling local authorities, of any shade of political control, in efficiently and effectively discharging this duty by refusing the power for them to open new schools. Colleagues in fact in other Tory authorities around the country such as Hampshire, West Sussex and Hertfordshire have actively lobbied their own government to try and reverse this damaging situation.

We can see that the demand for secondary school places in the city is clearly growing, but the government has provided us with neither the power nor the direct financial resources to manage the situation in the best interests of Nottingham's young people and families. This should be a concern for all members of Council, regardless of political affiliation.

And so to answer the third part of the question. In terms of admission to nursery school places, this is not a function that the Council directly manages, as parents and carers make their applications directly to their preferred schools. So I am therefore unable to answer that part of the question. What I am very proud to be able to report though, is that although the Council doesn't have that power, we have funded the opening of a new nursery at Fernwood Primary school, which now means that every primary school in the city does have a nursery or Foundation stage unit attached to it. This demonstrates our continuing commitment to ensuring that all children and families living in the city have access to local, high quality pre-school learning, and providing the best possible start to all children's lifelong learning experience.

Impact of Universal Credit

Councillor Gul Khan asked the following question of the Deputy Leader:

Does the Deputy Leader agree with the Child Poverty Action Group that the implementation of Universal Credit puts low income families at risk?

Councillor Chapman replied as follows:

Can I thank Councillor Khan for his question. The Child Poverty Action Group report, called "The Cost of a Child 2017" finds that the freeze on benefits first implemented in 2016 has started to "significantly erode parents' ability to make ends meet". The report identifies four welfare reforms that have squeezed low income families: the benefits freeze, the loss of the family element of Child Tax Credits and the Universal Credit equivalent, the two child limit on Tax Credit and the Universal Credit entitlements, and the overall household benefit cap. Those are the four areas.

The report predicts that if the benefits freeze were maintained for the next 5 years, currently as it applies only up to 2019, shortfalls in the extent to which benefits meet families costs grow steadily. For example, when not working, a couple with 3 children ages 10, 12 and 14, would be £325.00 per week short of what they need to meet overall family costs by 2022. A lone parent with 3 children the same ages would be £241.00 short. Many of these are Nottingham citizens, and we must remember that. And soon, there will be the rollout of Universal Credit in Nottingham, it is happening for singles and couples with up to 2 children only, and this will take place from June 2018.

This will create 2 major problems. Firstly, payment delay. One of the issues with Universal Credit is that there are built in delays which means that typically, it is 6 weeks before a claimant receives any money, assuming there are no additional delays to the claim. People have to have a 7 day waiting period before entitlement is awarded, therefore no backdated element, and for this period there is no award of Universal Credit or housing costs. This is for a group of people for whom a survey of 2,000 people by Legal and General found that they had not enough savings to last them 32 days if their income stopped. The study also found that 26% of respondents would see their savings disappear within a week or less, and 23% said they had no savings at all. So what we're doing is pushing a whole group of new people, and many of our own citizens in Nottingham, into debt. And we already have evidence of what is happening from elsewhere where Universal Credit has been rolled out. For example, in July, Citizens Advice asked the government to pause the full rollout of Universal Credit, as their research indicated that people were being left facing financial difficulties in areas where it had already been rolled out. A survey of 800 people who sought help with Universal Credit revealed:

- over 1/3 are waiting more than 6 weeks to receive their first payment, and these are people who, I repeat, have no savings or very few savings, and some of whom are already in debt;
- just over 1 in 10, 11%, are waiting over 10 weeks for the benefit; and
- 3/5 are having to borrow money whilst they wait for the first payment. And where do you borrow money from if you're poor? You borrow it from people who are charging extortionate interest rates, and so the spiral just continues.

This is already happening to a group in Nottingham – the single and newly unemployed, who are increasingly in debt in this city.

The second impact of Universal Credit that I want to highlight is a direct payment of housing benefit. The second cause for concern. This is bonkers. Only a Conservative government, out of touch, could think that this was a good idea. That is paying housing benefit directly into someone's account. Housing benefit will be paid directly, not to everybody in the household, only to the head of the household, and that again is significant. First, you cannot guarantee that the individual will be responsible on behalf of the rest of the family. You cannot guarantee that. And even if they are responsible, if finances are stretched, then rent is likely to take a back seat to food, gas and electricity, all of which can be cut off immediately, when rent cannot be. Again, we have evidence from elsewhere of the likely impact. Since it has been introduced in Newcastle, the council rent collection rate has dropped from 97% to 81%. This not only means an accumulation of personal debt, it also destabilises the rest of the housing investment account. Not only are councils and Housing Associations up in arms about this, so are private landlords, who will increasingly pull

out of the market, reducing the supply of housing to low income families. You couldn't make this up. The damage done in one fell swoop through crass incompetence.

It is a total failure to understand the people you are governing and their way of life, and I'm afraid it is the current Conservative Party all over. And what it will result in, is increased personal debt in a group of low income people who are already up to their necks in debt. There will be increased poverty in a nation where poverty, and in particular child poverty, is increasing. And there will be increased homelessness, which is already rising to the levels it reached the last time the Conservatives were in control in the 1990s.

But I'll leave you with this final irony. We are living in a society in which the people paying the most for the 2007 crash are those who were furthest away from responsibility for the crash – the poor and their children. Meanwhile, those closest to responsibility for the crash – Hedge Fund Operators, many in the banking industry – are those most benefitting via huge sums released into the bond market through quantitative easing. Many of the former live in Nottingham. Not many of the latter do. This policy should be paused. It is already proving disastrous, it is ineffective, it is bad policy. I think if a policy is bad, the government should have the courage to reverse, after all, they're reversing virtually everything else they promised, this one should be added to the list. Thank you.

Fines for rogue landlords

Councillor Williams asked the Portfolio Holder for Community and Customer Services the following question:

Can the Portfolio Holder for Community and Customer Services explain how the new fines introduced by Nottingham City Council will help clamp down on rogue landlords and improve the quality of rented accommodation in the City?

Councillor Neal replied as follows:

Thank you Lord Mayor, and thank you Councillor Williams for your question, as it gives me an opportunity to outline some significant changes to a historically underrated market, which has a previously tricky enforcement process. The newly introduced Housing and Planning Act 2016 empowers the local authority to tackle rogue landlords with the ability to impose financial penalties on those landlords who have failed to comply with requirements under the Housing Act 2004. The power to impose a civil penalty is an alternative to prosecution. Fines can be imposed when a landlord has failed to licence a house in multiple occupation, a HMO - or other privately rented house if the Secretary of State confirms the Council's proposals to introduce selective licensing, failed to comply with an improvement notice, breached the HMO management regulations or failed to comply with an overcrowding notice. The most serious offences and those landlords and letting agents with a history of non-compliance will be considered for prosecution.

A fine of up to £30,000 per offence can be imposed, with an upper limit of £100,000. This presents a greater shift from fines historically received at a magistrate's court. The level of fines are viewed as a deterrent for landlords and letting agents. The financial implications imposed as a result of these offences will tackle rogue landlords

by driving them out of the private rented sector and making poor sub-standard housing an un-profitable exercise for them. For landlords, it will be more financially viable to ensure housing standards are met and required HMO licences are in place rather than risking receiving a financial penalty of up to £30,000 per offence. This will inevitably have a positive effect on the standard of accommodation available for the citizens of Nottingham.

Importantly, councils will retain the money through penalties to reinvest in the service, rather than it being paid off to the Treasury. All licensing schemes are designed to proactively ensure that private rented accommodation, regardless of its format or customer group, meets a minimum standard that helps tenants live in a safe, healthy and properly managed home and helps prevent or rapidly resolve any negative impact poorly managed homes can have on the neighbourhood and wider community.

These civil penalties therefore, will lend weight to the need for compliance with licensing schemes, and they will aid the council in achieving the aims of a better quality private rented sector and also reducing the need for enforcement, and potentially making savings on officer time.

New Nottingham Homes

Councillor Ali asked the following question of the Portfolio Holder for Planning, Housing and Heritage:

Can the Portfolio Holder for Planning, Housing and Heritage explain how the Council is using brownfield sites to help reach its target of building 2,500 new homes that Nottingham people can rent or buy?

Councillor Urquhart replied as follows:

Thank you Lord Mayor, and can I thank Councillor Ali for his question. This council is determined to build homes in our city that our residents can afford to rent or buy. We've been both building homes ourselves, through Nottingham City Homes, transforming previously unloved spaces, and we are actively working with developers to bring forward even the most tricky sites for development. Unlike some of our more leafy neighbours, Nottingham city doesn't have simple sites that are straightforward to develop. Ours is a densely packed city with previously used land, so the challenge is significant. The government have talked a lot about housing, and the need to deliver more housing, and have often sought to blame local councils and planning systems for lack of delivery. In Nottingham we have acted. We are delivering, and we have made sure that in our city, under a Labour council, homes are being built.

This Council uses our current planning policy to negotiate affordable homes on all sites, including where they are built on brownfield land. And this is either provided on site or as a contribution to delivering social housing elsewhere in the city. Pre-application discussions encourage the development of brownfield land for housing and our advice to developers reflects the city's need for family and affordable homes. Planning Committee decisions seek to ensure high quality schemes are designed and built.

This Council was a national pilot authority for preparing a Brownfield Land Register and is working towards having that final register up and running by the end of 2017. The aim of this is to identify the brownfield land across the city that is available for housing development. We will then look at the further proposal of a Permission in Principle power as way to seek to expedite housing development that we want to see happen on brownfield sites. Although I must say, we already have a high level of existing planning permissions that we have granted in the city for housing development where private developers have not yet taken up the opportunity for development, in contrast to our own proactive use of our own land to ensure the delivery of new homes, including new affordable homes for Nottingham people.

The route taken in order to assure the delivery of housing varies from site to site to maximise the potential for housing growth and to capture inward investment – sometimes by direct development of homes and at others through agreements with development partners. And of course, a significant contribution to this is in our building of council homes. Throughout the City, Nottingham City Homes, is managing the delivery of new Council housing on brownfield sites. Some of those are sites that have previously been poor quality housing that has been decommissioned and demolished, and some has been on other difficult sites including garage sites. We are at close to completion in Lenton, the Meadows, Cranwell, and at the Hazel Hill site in Bestwood, amongst others. We have also re-used surplus school sites such as the former Morley School on the Wells Road for the development of a development of bungalows, very much welcomed in that area. A range of high quality homes have also been completed on former garage sites owned by the Council throughout the city, and we will continue to look for more opportunities of this kind.

In a number of places, we are not only using our own brownfield land, but we have also been purchasing privately owned brownfield sites that have stood empty or derelict for a number of years in order to make our developments more coherent. Examples of this being in the former Harvester Pub site in Top Valley and the site of the former Clifton Miners Welfare, in the Meadows. Nottingham City Homes are also in the process of purchasing and developing the former Meadows Police Station as part of their subsidiary to provide new market rented homes for Nottingham people.

In addition to these examples of the direct development of Council owned land, the Council is working with a range of partners to facilitate wider delivery of housing. The Stonebridge regeneration has recently completed its final new build phase and has seen the successful delivery of private homes sold at affordable prices on previously brownfield land. Keepmoat have recently started on site developing Arkwright Walk in the Meadows, a scheme that will again see new, affordably priced private housing. This scheme is being developed along the historic route, which as a result of this development has recently been re-opened as a key pedestrian link between the City Centre and West Bridgford. With many of these interventions, the developments will not only lead to new affordable housing that Nottingham people can afford to rent or buy, but will also facilitate regeneration of areas into better places where people will want to come and live and to work.

Where appropriate, we have also sold surplus brownfield sites on the open market enabling commercial development of new housing. This is currently in progress on sites including the Sandfield Centre, the former Springwood Day Centre and the former Bestwood Day Centre.

So in Nottingham, we are proactive, we welcome and enable development in a city to increase the amount of housing we have. We know that housing is desperately needed, both social rented and private rented and for sale, and we will continue to work to achieve an increase of supply, in challenging locations and with challenging economics, because it's the right thing to do for our city and our people. We will achieve our manifesto pledge to build 2,500 homes that Nottingham people can afford to rent or buy, because in Nottingham, we are determined, and we know that housing is a priority that requires concentrated action, not only empty rhetoric.

Council tax for student households

Councillor Piper asked the following question of the Deputy Leader:

Could the Deputy Leader please inform Council about the financial shortfalls suffered by the council from the Council Tax exemption for houses occupied totally by students before 2010? Could he also inform Council about the impact this will have between 2010 and 2020 as further central government support continues to decline?

Councillor Chapman replied as follows:

I particularly welcome this question. I knew there was an anomaly that we had to face over student funding in this city, but even I was shocked by the figures that I've now got. Under a Labour government the student element of grant was compensated for by what was called the Resource Equalisation Model. This lasted until 2013/14. From 2016/17, £5,000,000 was locked in on our settlement compensation. However this is no way compensation for what we've lost. We can infer from the settlement, and the Council tax data, that although we had £5,078,000, the loss to the Council was £15,900,000, that's almost £16,000,000 of income from student households. That is a net shortfall per annum of almost £11,000,000. £10,836,000. That is what we are having to face. We're getting £5,000,000, but it's costing us £16,000,000, so there's £11,000,000 deficit, per annum. If you add it up, the accumulative shortfall between 2010/11 and 2016/17 is £52,700,000, that is how much we're losing as a result of the government not compensating us for student income.

What is more, Nottingham has the highest number of student households of any of the core cities, as a proportion. We've got 3 times as many as Birmingham, twice as many as Liverpool. 8.6% of Nottingham households claim student exemption. In Birmingham it is less than 3% and in Liverpool for example its 4.5%. We have the highest of any of the core cities. Indeed we have the second highest proportion in the country, after Oxford.

Student exemption and the shortfall in funding creates a great impact on the Council's ability to provide services than almost any other authority. So by not compensating us as it should do, as the government claims to, we are losing in this city probably more than any other authority in the country with the possible exception of Oxford. Not only that, the situation will continue to get worse as the settlement funding continues to fall. Because that £5,000,000 will be frozen, so as our percentage goes down, the impact of that £5,000,000 will go down proportionally. So it is going to get worse and the gap will get bigger.

So in short, not only is this Council losing money on transitional grants, which a lot of Tory authorities are getting, and there's a very strong chance the government will announce more transitional grants for more Conservative authorities shortly. Not only are we losing as a result of deprivation factors in the grant settlement being taken out, not only are we being undercompensated for business rates discretion which we are urged to take 100% business rates discretion; but we're not getting that money back totally, but we are paying massively for the success of our universities in attracting students. Students are a good thing for our economy, but we need to be compensated. Labour compensated us, the Tories are not doing. Again, another way in which the Tories are discriminating against this city. Thank you.

36 OVERVIEW AND SCRUTINY ANNUAL REPORT 2016/17

The Chair of the Overview and Scrutiny Committee, submitted a report on the Overview and Scrutiny Annual Report 2016/17, as set out on pages 25 to 36 of the agenda.

RESOLVED to accept the Overview and Scrutiny Annual Report for 2016/17.

Councillors Jim Armstrong, Georgina Culley and Andrew Rule requested that their vote against the above decision was recorded.

37 NOTTINGHAM CITY COUNCIL RESPONSE TO THE LGBCE CONSULTATION ON WARDING PATTERNS IN THE CITY OF NOTTINGHAM

In the absence of the Leader, the Deputy Leader submitted a report on the Nottingham City Council response to the Local Government Boundary Commission for England (LGBCE) Consultation on Warding Patterns in the City of Nottingham, as set out on pages 37 to 94 of the agenda.

RESOLVED to endorse the proposal for submission to the LGBCE.

Councillors Jim Armstrong, Georgina Culley and Andrew Rule requested that their vote against the above decision was recorded.

38 AMENDMENTS TO THE CONSTITUTION

In the absence of the Leader, the Deputy Leader submitted a report on the Amendments to the Constitution, as set out on pages 95 to 96 of the agenda.

RESOLVED to

- (1) make the quorum for all Area Committees 3 members;**
- (2) disestablish the City Centre Forum;**
- (3) amend Standing Orders to reflect that substitutes are permitted for Standards Committee;**
- (4) note the following changes to the Standards Committee membership:**

- replacing Councillor Sally Longford with Councillor Leslie Ayoola;
- replacing Councillor Graham Chapman with Councillor Neghat Khan;
- replacing Councillor Leslie Ayoola and Councillor Neghat Khan as substitutes with Councillor Linda Woodings and Councillor Mohammed Saghir;
- the addition of two further substitutes – Councillor David Mellen and Councillor Nicola Heaton;

(5) approve the amendments to the Constitution required by the above changes.

Councillors Jim Armstrong and Andrew Rule requested that their decision not to vote on the above decision was recorded.

39 DECISIONS TAKEN UNDER URGENCY PROCEDURES

In the absence of the Leader, the Deputy Leader submitted a report on Decisions taken under Urgency Procedures, as set out on pages 97 to 100 of the agenda.

RESOLVED to

(1) note the urgent decisions (exempt from call-in):

<u>Ref no</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Reasons for urgency</u>
2870	04/07/17	Property Investment Acquisition – Project Everest	Exempt	The terms of the sale have been agreed
2878	18/07/17	Property Investment Acquisition – Sherwood Park	Exempt	The call-in period would seriously prejudice the Council's ability to meet timescales proposed by the vendor. This could result in the loss of the investment and result in abortive costs
2887	19/07/17	RHE Loan Facility	Exempt	The urgent need to secure gas and electricity supplies

(2) note the key decision that was taken under special urgency procedures:

<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision taker</u>	<u>Reasons for special urgency</u>
19/07/17	RHE Loan Facility	Exempt	Leader of the Council	The loan is required by RHE to support the introduction of a revised winter tariff by the company. This supports the delivery of their business plan. The company need to buy the utilities now to enable them to de-risk the price offered for the winter tariff

Councillors Jim Armstrong and Andrew Rule requested that their decision not to vote on the above decision was recorded.

40 THE CRIME AND DRUGS PARTNERSHIP PLAN 2015 TO 2020 (2017/18 REFRESH)

The Portfolio Holder for Community and Customer Services submitted a report on the Crime and Drugs Partnership Plan 2015 to 2020 (2017/18 Refresh), as set out on pages 101 to 114 of the agenda.

RESOLVED to approve the Partnership Plan 2015 to 2020 (2017/18 refresh), as set out in Appendix 1 of the report.

Councillors Jim Armstrong and Andrew Rule requested that their decision not to vote on the above decision was recorded.

41 MOTION

Moved by Councillor Brian Parbutt, seconded by Councillor Sally Longford:

The Council profoundly regrets the Conservative government's decision to scrap the electrification of the Midlands Mainline, two years after agreeing the scheme, and in the same week as announcing £30 billion of funding for Cross Rail 2.

This Council believes these announcements highlight the unfairness of government transport funding, which prioritises London and the South East against all other areas. London currently receives £2,595.68 per person of transport infrastructure funding, compared to just £218.94 in the East Midlands.

Therefore, this Council resolves to:

- write to Transport Secretary Chris Grayling urging the Government to reverse their decision to cancel the electrification of the Midlands

Mainline;

- write to the Department of Transport asking for an explanation as to why this scheme has been scrapped, when there was clear evidence of the economic benefits it would bring;
- campaign alongside other local authorities in the East Midlands for further investment in transport infrastructure in the region;
- lobby Members of Parliament to push this issue in Parliament.

The following amendment was proposed by Councillor Andrew Rule, seconded by Councillor Jim Armstrong:

Replace: The Council profoundly regrets the Conservative government's decision to scrap the electrification of the Midlands Mainline, two years after agreeing the scheme, and in the same week as announcing £30 billion of funding for Cross Rail 2.

With: This Council recognises the £760 million of investment in local transport projects provided by both Central Government and Local Enterprise Partnerships since 2010 which have benefited both the City and the wider region.

Replace: This Council believes these announcements highlight the unfairness of government transport funding, which prioritises London and the South East against all other areas. London currently receives £2,595.68 per person of transport infrastructure funding, compared to just £218.94 in the East Midlands.

With: This Council further notes the Government's commitment to HS2 and acknowledges the important role it will play in improving transport links in the North of the county.

Insert: This Council nevertheless profoundly regrets the decision to scrap the electrification of the Midland Mainline and Council resolves to.....

Amended motion to read:

This Council recognises the £760 million of investment in local transport projects provided by both Central Government and Local Enterprise Partnerships since 2010 which have benefited both the City and the wider region.

This Council further notes the Government's commitment to HS2 and acknowledges the important role it will play in improving transport links in the North of the county.

This Council nevertheless profoundly regrets the decision to scrap the electrification of the Midland Mainline and Council resolves to:

- write to Transport Secretary Chris Grayling urging the Government to reverse their decision to cancel the electrification of the Midlands Mainline;
- write to the Department of Transport asking for an explanation as to why this scheme has been scrapped, when there was clear evidence of the economic benefits it would bring;
- campaign alongside other local authorities in the East Midlands for further investment in transport infrastructure in the region;
- lobby Members of Parliament to push this issue in Parliament.

Councillors voted on the proposed amendment.

RESOLVED to reject the proposed amendment.

Councillors then voted on the original motion.

RESOLVED to carry the original motion.

Councillors Jim Armstrong, Georgina Culley and Andrew Rule requested that their vote against the above decision was recorded.

CHAIR

At this point in the meeting the Lord Mayor left and the Sheriff took over as Chair for the remainder of the meeting.

42 MOTION

Moved by Councillor Nick McDonald, seconded by Councillor Ginny Klein:

This Council recognises the Adult Social Care is facing an enormous challenge to cope with the rising level of demand and that in order to provide a sustainable system of care, reform is needed.

In order to provide this reform, this Council and its partners require the necessary transitional funding available to ensure current levels of care can be maintained during this period of change.

This Council therefore calls on the Government to provide the maximum amount of transitional grant funding available for Nottingham City Council to help ensure the best situation possible for those currently in need of care.

RESOLVED to carry the motion.

Councillors Jim Armstrong, Georgina Culley and Andrew Rule requested that their decision not to vote on the above decision was recorded.

43 EXTRAORDINARY MEETING

RESOLVED to hold an Extraordinary Council meeting at 5.00 pm on Monday 13 November 2017 to consider the installation of Sir David Greenaway as an Honorary Freeman of the City.

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CITY COUNCIL – 13 NOVEMBER 2017

REPORT OF THE LEADER

CREATION OF FRIENDSHIP AGREEMENT WITH ROVANIEMI, FINLAND

1 SUMMARY

- 1.1 A request has been received from Barbara White OBE from the Nottingham based charity, When You Wish Upon A Star, to establish a Friendship Agreement with the city of Rovaniemi as a result of the charity's ongoing commitments there.
- 1.2 Support for the Friendship Agreement was initiated by Councillor Mohammed Saghir when he was Sheriff in 2015/16 and this continued when he was Lord Mayor in 2016/17.

2 RECOMMENDATIONS

- 2.1 To establish a Friendship Agreement between Nottingham and Rovaniemi.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Barbara approached the Chief Executive's Office in February 2016 to suggest a formal link between the two cities and the practicalities of this have been discussed at a number of meetings.
- 3.2 The decision was discussed and agreed at the Leadership Group meeting on 9 November 2017, with the recommendation that it be noted at City Council.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 None.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 The charity was founded in Nottingham by Barbara White in 1990 and since then they have granted over 17,500 wishes across the UK. As well as wishes, the charity also organises a number of days out and treats for children.
- 5.2 Each year, When You Wish upon a Star takes around 50 children who are living with a life threatening illness from Nottingham to visit the 'real Santa Claus' in Rovaniemi (the capital of Lapland), and this year they will be taking them on 3 December.
- 5.3 Barbara became the recipient of an OBE in 2006.

6 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

- 6.1 The creation of the Friendship Agreement will be at no cost to the Authority

7 **LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

7.1 None.

8 **EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 Has the equality impact of the proposals in this report been assessed?

No
An EIA is not required because: the creation of a Friendship Agreement does not relate to new or changing services

Yes

9 **LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

9.1 None.

10 **PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

10.1 None.

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

CITY COUNCIL – 13 NOVEMBER 2017

REPORT OF THE LEADER

AMENDMENTS TO THE CONSTITUTION

1 SUMMARY

- 1.1 The Local Government Act 2000 requires the Council to keep its Constitution up to date. The amendments to be report and/or agreed are outlined below.
- 1.2 Councillors may wish to make reference to the current Constitution, which can be viewed online via the following link <https://www.nottinghamcity.gov.uk/about-the-council/nottingham-city-councils-constitution/>. If you have any difficulty accessing the Constitution, please contact Constitutional Services on 0115 8764301.

2 RECOMMENDATIONS

- 2.1 To note the membership changes approved by the Corporate Director for Strategy and Resources, detailed in Appendix 1.
- 2.2 To note the revised Portfolio Holder appointments and remits approved by the Leader, detailed in Appendix 2.
- 2.3 To note the Nottinghamshire County Council appointments to the joint bodies, detailed in Appendix 3.
- 2.4 To note the following amendment to the Scheme of Delegation, approved by the Leader:

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
7.	<p><u>Authorisation to invite and accept tender(s) and bid(s)</u></p> <p>Up to contract value of £25,000</p> <p>1. To have the power to invite tender(s) or bid(s) and to accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the council, or the supply of services to the council where the estimated contract value is below £25,000, subject to compliance with Contract Procedure Rules which require three quotations to be sought were the contract values are between £10,000 and £50,000;</p>	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit

	<p>For contract values above £25,000</p> <p>2. To have the power to invite tender(s) or bid(s) and to accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the council, or the supply of services to the council where the estimated contract value is above £25,000, subject to the appropriate level of approval level of executive Councillor or Board approval being sought and in compliance with Contract Procedure Rules which require:</p> <ul style="list-style-type: none"> (i) three quotations to be sought where the contract values are between £10,000 and £50,000; (ii) a full tender process being undertaken for a contract estimated to exceed £50,000. <p>For any schemes let in accordance with 2 above, a quarterly report must be forwarded to the Chief Finance Officer setting out the details of schemes let under this authority in the preceding quarter.</p> <p>3 Provided that authority to a let a contract has been obtained, acceptance of the most economically advantageous tender or bid for the award of concession/sponsorship contracts and the acceptance of other than the highest tender or bid with the agreement of the Chief Executive and the Corporate Director for Strategy and Resources and Chief Finance Officer.</p>			<p>Executive Board, Portfolio Holder or Corporate Directors and the Director for Public Health, depending on value of tender(s) or bid(s)</p>
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2.5 To note the following addition to the Scheme of Delegation, approved by the Leader:

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
7(a)	<p><u>Framework Agreements</u> Authority to enter in to Framework Agreements:</p> <p>(a) with an indicative contract value</p>	--	Executive	Relevant Portfolio Holder (in

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>between £50,000 to £999,999</p> <p>(b) with an indicative contract value of £1m or over (key decision)</p> <p>(NB – approval to enter in to a Framework Agreement does not constitute approval to spend against the framework which must be sought by appropriate Scheme of Delegation or other appropriate approval)</p>			<p>consultation with the Portfolio Holder with responsibility for commissioning)</p> <p>Commissioning and Procurement Sub Committee</p>

2.6 To approve the amendments to the Constitution required by the above changes.

3 REASONS FOR RECOMMENDATIONS

3.1 The Local Government Act 2000 requires the Council to keep its Constitution up to date.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

4.1 The Constitution ensures clarity of rights and duties to enable the Council to conduct its business lawfully and in line with Council policy, therefore, not updating the Constitution is not an option.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

5.1 The Constitution needs to be updated regularly to reflect changes in legislation and to ensure clarity of rights and duties, so regular reports are submitted to Council detailing changes.

6 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

6.1 N/A.

7 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

7.1 The Council would be in breach of its statutory duty if it did not update its Constitution, and it is essential that there is clarity for councillors, colleagues, partners and citizens about rights and duties.

8 EQUALITY IMPACT ASSESSMENT (EIA)

8.1 An EIA is not required because the report contains no changes to policy.

9 **LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

9.1 None.

10 **PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

10.1 The Council's Constitution – version 7.23.

10.2 Local Government Act 2000 and the Localism Act 2011.

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

APPENDIX 1

MEETING	MEMBERSHIP CHANGES
Nottinghamshire Police and Crime Panel	Removal of Councillor Nicola Heaton, due to a reduction in the number of seats
Basford and Bestwood Area Committee	Appointment of Councillors Nick Raine and Georgia Power to the vacant seats
Bulwell and Bulwell Forest Area Committee	Appointment of Councillor Cheryl Barnard to the vacant seat
Children and Young People Scrutiny Committee	Appointment of Councillors Cheryl Barnard and Georgia Power as substitutes
Greater Nottingham Light Rapid Transit Advisory Committee	Appointment of Councillor Nick Raine as a substitute
Health and Wellbeing Board	Appointment of Councillor Leslie Ayoola as a substitute
Health Scrutiny Committee	Appointment of Councillor Georgia Power to the vacant seat, and the appointment of Councillor Cheryl Barnard as a substitute
Licensing Committee	Appointment of Councillor Cheryl Barnard to the vacant seat
Planning Committee	Appointment of Councillor Cheryl Barnard to the vacant seat, and the appointment of Councillor Georgia Power as a substitute to replace Councillor Jane Urquhart
Standards Committee	Appointment of Councillors Nick Raine and Georgia Power as substitutes to replace Councillors David Mellen, Mohammed Saghir, Linda Woodings and Nicola Heaton
Regulatory and Appeals	Appointment of Councillor Cheryl Barnard to replace Councillor Rosemary Healy, the appointment of Councillor Nick Raine and Georgia Power to the vacant seats, and the removal of Councillor Nick McDonald as a substitute

APPENDIX 2

PORTFOLIO	REMIT
<p align="center">Strategic Infrastructure and Communications Councillor Jon Collins</p> <p align="center">Executive Assistant (Communications) Councillor Linda Woodings</p>	<p>Strategic Regeneration and Development Overview of all regeneration activity across the City City Centre, major regeneration projects Local Economic Partnership and European Funding</p> <p>Strategic and Operational Property</p> <p>Strategic Transport HS2 NET phase 1, 2 and 3 NCT board member</p> <p>Communications and Marketing</p> <p>Crime and Drugs Partnership</p> <p>International and European Links</p>
<p align="center">Resources and Neighbourhood Regeneration Councillor Graham Chapman</p> <p align="center">Executive Assistant (Neighbourhoods) Councillor Rosemary Healy</p>	<p>Resources: Finance Legal and Democratic Services, Monitoring Health and Safety Risk Management and Emergency Planning Collection of Council Tax and NNDR Housing and Council Tax Benefits Welfare Rights Income Generation and Commercialisation Facility and Building Services Corporate Council Transport Fleet</p> <p>Commissioning and Procurement: Corporate Strategic Commissioning</p> <p>Neighbourhood Regeneration Neighbourhood Retail Management Neighbourhood Management and Engagement Area Working Community Development</p> <p>Shareholder – Nottingham City Transport</p>
<p align="center">Early Intervention and Early Years Councillor David Mellen</p>	<p>Children’s Services Performing the Lead Role for Children’s Services in accordance with statutory requirements and guidance. Children’s Safeguarding, children’s social care Children in Care and Care Leavers Leading on early-intervention Children’s Partnership and Young People’s Plan Youth and Play teams, Youth Offending team Early Years including Children’s Centres Children’s Disability and Children’s Mental Health Lead on commissioning of Children’s Services</p> <p>Lead of refugees and asylum seekers</p>
<p align="center">Adults and Health Councillor Nick McDonald</p> <p align="center">Executive Assistant (Social Care) Councillor Marcia Watson</p>	<p>Health and Social Care Integration</p> <p>Adults: Corporate Strategies for Older People and Vulnerable Adults Championing Independent Living - telecare - catering Adult Safeguarding</p>

PORTFOLIO	REMIT
	<p>Health: Public Health and Wellbeing - health inequalities - smoking and avoidable injuries Chair of the Health and Well Being Board Mental Health and Well-being Teenage Conception Wider Health Links Lead on commissioning of Adults Services Passenger Transport Creative Quarter</p>
<p>Energy and Sustainability Councillor Dave Liversidge</p>	<p>Sustainability Robin Hood Energy Climate change and Carbon Reduction. Nature Conservation - Strategy Energy and energy bills Energy from Waste inc Enviroenergy (WRG) Nottingham Energy Partnership Waste collection and waste disposal</p>
<p>Planning, Housing and Heritage Councillor Jane Urquhart</p> <p>Executive Assistant (Housing and Flooding) Councillor Neghat Khan</p>	<p>Planning Planning Policy and Development Management Housing: Physical neighbourhood transformation and regeneration. Estate Management – Council and private Estates Private Housing and Private Rented Sector Performance of NCH and Housing Associations Student Housing Support to vulnerable people - homelessness - housing with care and support. Strategic and Retained Housing functions Regeneration Land and Property (tied in with above) HiMOs Flooding Responsibilities as a Lead Local Flood Risk Authority Heritage</p>
<p>Business, Education and Skills Councillor Sam Webster</p> <p>Executive Assistant (Business and Employment) Councillor Leslie Ayoola</p>	<p>Business & Growth Growth Plan Delivery City Centre Retail Management Business Support, Development and Liaison Inward Investment Place Marketing Organisation Sector Development Social Enterprise and Enterprise Development Smart Cities Schools Education Improvement Board Educational provision 3 – 16 including school re-organisation and governance, Academies and Free Schools Attendance</p>

PORTFOLIO	REMIT
	<p>Special Educational Needs – Special Education Schools Pupil Referral Units Employability in Schools Jobs and Skills: Lead on skills and employment</p> <ul style="list-style-type: none"> - Post 16 Training, FE and HE - Develop opportunities for young people and adults - Local Jobs for Local People and Making the Connections - Investment initiatives - Nottingham and Notts Futures Advice, Skills and Employment
<p>Leisure and Culture Councillor Dave Trimble</p>	<p>Leisure and Culture: Parks, allotments and open spaces and playgrounds Street Parks (Play Zones) Leisure Transformation Programme Museums and Heritage Sites Libraries, Arts and Events, Museums, Theatres and Sport Lead on arms length venues – Ice Arena, Playhouse, Theatre Royal, Royal Centre Nature Conservation – operational Tourism Markets, Fairs and Toilets Cemeteries and Crematoriums</p>
<p>Neighbourhood Services and Local Transport Councillor Sally Longford</p>	<p>Cleansing Street Scene Street Lighting Clean air/ Air quality Woodfield Industries Catering Meals at Home Neighbourhood Transport Traffic Management and Parking Highways Design and Maintenance Public Transport Area committee highways work Corporate Transport Fleet</p>
<p>Community and Customer Services Councillor Toby Neal</p> <p>Executive Assistant (Community Safety) Councillor Linda Woodings</p>	<p>Customer Services and customer care HR & Transformation Information Management and Assurance Equalities Partnerships - voluntary sector and faith Digital Inclusion and IT Community Sector: Lead role with the Community Sector and Volunteering Community Centres Community Cohesion Community Safety Overview of the Council’s Section 17 responsibilities. Public and Consumer Protection Community Safety and Respect for Nottingham</p>

PORTFOLIO	REMIT
	Domestic Violence Licensing and Environmental health Trading Standards Taxi Strategy One Nottingham

Nottinghamshire and City of Nottingham Fire and Rescue Authority

Councillor Parry Tsimbiridis
Councillor Andrew Brown
Councillor John Clarke
Councillor Sybil Fielding
Councillor Jonathan Wheeler
Councillor Vaughan Hopewell
Councillor John Longdon
Councillor Michael Payne
Councillor Francis Purdue-Horan
Councillor Mike Quigley MBE
Councillor Phil Rostance
Councillor Jason Zadrozny;

East Midlands Shared Services Committee

Councillor Byron Rhodes
Councillor Richard Shepherd

Joint Committee for Strategic Planning and Transport

Councillor Gordon Wheeler
Councillor Andy Brown
Councillor Jim Creamer
Councillor Eric Kerry

Greater Nottingham Light Rapid Transit Advisory Committee

Councillor Jim Creamer
Councillor Dr John Doddy
Councillor John Longdon
Councillor Kevin Rostance
Councillor Parry Tsimbiridis

CITY COUNCIL – 13 NOVEMBER 2017

REPORT OF THE LEADER

DECISIONS TAKEN UNDER URGENCY PROCEDURES

1 SUMMARY

- 1.1 As required by the Council's Constitution, this report informs Council of urgent decisions taken under provisions within both the Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules.

2 RECOMMENDATIONS

- 2.1 To note the urgent decisions taken, as detailed in the appendices.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure compliance with the procedures detailed in the Council's Constitution.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 None.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 Call-in and Urgency (Overview and Scrutiny) Procedure Rules: Councillors will be aware that the call-in procedure does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. Part 4 of the Constitution requires that where a decision is taken under the urgency procedure that decision needs to be reported to the next available meeting of Council, together with the reasons for urgency. The urgency procedure requires that the Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, one of the Vice-Chair's consent is required. Details of the decisions made where the call-in procedure has not applied due to urgency are set out in Appendix 1.
- 5.2 Special Urgency – Access to Information Procedure Rules: The Local Authorities Executive Arrangements (Access to Information) (England) Regulations 2012 introduced a requirement for 28 clear days public notice to be given of all proposed key decisions. Where it is not possible to give the full 28 days' notice, but there is time to give at least 5 clear days' notice, then the General Exception procedure (as set out in Part 4 of the Constitution, paragraph 13 of the Access to Information Procedure Rules) applies. Where 5 clear days' notice is also not possible, the above regulations provide for a Special Urgency Procedure.
- 5.3 An urgent key decision may only be taken under the Special Urgency procedure where the decision taker has obtained agreement that the decision is urgent and cannot reasonably be deferred from:
- (i) the Chair of the Overview and Scrutiny Committee; or
 - (ii) if there is no such person, or if the Chair of the Overview and Scrutiny Committee is unable to act, the Lord Mayor (as Chair of the Council); or

- (iii) where there is no Chair of either the Overview and Scrutiny Committee or Lord Mayor, the Sheriff (as Vice-Chair of Council).

Once agreement has been sought and as soon as is reasonably practicable, the decision maker must publish a notice at the Council's offices and on the Council's website that the decision is urgent and cannot reasonably be deferred.

- 5.4 In addition the procedure requires that the Leader submits at least quarterly reports to Council containing details of each executive decision taken during the period since the last report where the making of the decision was agreed as a case of special urgency (paragraph 16.2, Part 4 of the Constitution). Details of key decisions taken under the special urgency procedure are set out in Appendix 2.

6 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

- 6.1 None.

7 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 7.1 None.

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 An EIA is not required as the report does not relate to new or changing services or policies.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 9.1 None.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 The City Council's Constitution.
- 10.2 The delegated decisions and committee reports detailed in the appendices to the report, as published on the City Council's website.

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

URGENT DECISIONS (EXEMPT FROM CALL-IN)

<u>Decision reference number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision Taker</u>	<u>Consultee on urgency</u>	<u>Reasons for urgency</u>
2936	07/09/2017	Funding bids for Warm Homes Fund	£900,000	Portfolio Holder for Planning, Housing and Heritage	Vice-Chair of Overview and Scrutiny	Bid requirements/guidance and submission portal opened on 7 August 2017 with a submission deadline of 8 September 2017. The call-in period would mean that the submission deadline would not be met
2963	05/10/2017	Refurbishment of lighting and control equipment at the Council House	£49,957	Leader of the Council	Chair of Overview and Scrutiny	The current equipment is not fit for purpose and any further delay to the installation of new equipment will cause further reputational damage
2972	18/10/2017	Property Investment Acquisition – Project Castle	Exempt	Leader of the Council	Chair of Overview and Scrutiny	To allow call-in would affect the completion date of the project

SPECIAL URGENCY PROCEDURE – KEY DECISIONS

None

CITY COUNCIL - 13 NOVEMBER 2017

REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITY AND CUSTOMER SERVICES

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

1 SUMMARY

- 1.1 The Council adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') relating to acupuncture, tattooing, ear piercing and electrolysis with effect from 1 January 1983.
- 1.2 The Local Government Act 2003 ('the 2003 Act') enables the registration of businesses providing cosmetic piercing (piercing of the body including the ear) and semi-permanent skin colouring (including micro pigmentation, semi-permanent make-up and temporary tattooing) not previously included in the 1982 Act.
- 1.3 Bylaws made by Nottingham City Council ('the Council') in pursuance of section 15(7) of the 1982 Act to regulate the hygiene and practice standards in premises who register for tattooing, electrolysis, ear piercing and acupuncture are out-dated and it is appropriate to renew these bylaws to reflect the recommended model conditions produced by the Government.
- 1.4 The bylaws cover:
 - a. the cleanliness of premises and fittings therein;
 - b. the cleanliness of registered persons, and any person assisting registered persons, in carrying on the business of tattooing, acupuncture, ear piercing and/or electrolysis; and
 - c. the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with a business in respect of which a person is registered.
- 1.5 The adoption of model bylaws which cover acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, will not only ensure permanent skin-colouring, cosmetic piercing comply, it will also enable greater consistency across these businesses to conform to the same basic hygiene standards to minimise the spread of viral and bacterial infections.

2. RECOMMENDATIONS

- 2.1 To approve the adoption of the bylaws outlined in Appendix 1 to this report.
- 2.2 To authorise the Director of Legal and Governance and/or the Head of Legal and Governance to take all such steps as may be necessary to make, seal, advertise and obtain confirmation of the bylaws so as to bring them into effect.
- 2.3 That, subject to the confirmation of the bylaws referred to in recommendation 2.1 above, the existing bylaws relating to ear piercing, acupuncture, tattooing and

electrolysis in the City of Nottingham, made by the Council on 1 April 1988 and confirmed by the Secretary of State for Health on 1 March 1989, be revoked.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that persons who operate businesses within the City which could present a health risk to the public through the nature of their activities are required to comply with bylaws which promote hygiene standards, which will reduce the risk of the spread of viral and bacterial infections.
- 3.2 To establish a consistent and fair approach with all businesses presenting similar health risks that are required to register.
- 3.3 To enable the Council's Environmental Health Officers to enforce the bylaws across all businesses presenting similar health risks ensuring premises, practitioners and practices are in adherence.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 An option would be to not adopt the bylaws outlined in Appendix 1 to this report, however, this will mean that cosmetic piercing and semi-permanent skin colouring businesses will have no basic hygiene standards to legally comply with.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 On 1 January 1983, the Council adopted sections 14 to 17 of the 1982 Act in respect of the provisions relating to acupuncture, tattooing, ear piercing and electrolysis. The Council also made three sets of bylaws on 1 April 1988: one relating to acupuncture, one relating to tattooing, and one relating to ear piercing and electrolysis, which were all confirmed by the Secretary of State for Health on 1 March 1989 and all came into effect on 1 May 1989. These three sets of bylaws are attached to this report at Appendix 2.
- 5.2 The application of these bylaws and controls have been effective, however, there is an opportunity because of legislative, model bylaw and guidance changes, for the bylaws 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).
- 5.3 Approval has to be agreed by the Council and once this has been agreed and the bylaws made, formal request has to be given to the Secretary of State for the bylaws to be confirmed and to enable them to come into force.
- 5.4 Businesses are only required to register their premises and practitioners once, there are no on-going costs relating to their registration.
- 5.5 There are no requirements to consult businesses to adopt a change in the bylaws, however, registered businesses that receive a periodic inspection will be informed of the changes. We do not envisage that existing registered businesses will have difficulties meeting the basic hygiene standards required by the model bylaws.

- 5.6 There are transitional provisions in the 2003 Act which apply where the Council had already resolved that section 15 of the 1982 Act should be brought into force in their area for tattooing, ear piercing and electrolysis, as is the case in Nottingham. The Council was then automatically enabled to apply the registration and bylaws regime to cosmetic piercing and semi-permanent skin colouring.
- 5.7 The Council gave its approval to implement model bylaws issued by the Department of Health to supplement the existing model bylaws in 2005, and made them in 2005. However it is unclear whether the administrative process required before the bylaws could be sent to the Secretary of State for confirmation was completed, and the Secretary of State has no record of receiving the bylaws for confirmation.
- 5.8 It is recommended that the Department of Health's updated model bylaws outlined in Appendix 1 to this report are approved, which cover all types of skin piercing and skin colouring and replace the existing bylaws, and the three sets of existing bylaws, copies of which are shown at Appendix 2 to this report, are revoked.

6 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

- 6.1 Section 15(6) of the 1982 Act as amended by the 2003 Act enables Local Authorities to charge reasonable registration fees for registration of persons carrying on the business of cosmetic piercing or semi-permanent skin colouring. The fee should cover initial inspection of the premises, advising the businesses about registration and associated administration.
- 6.2 The current fee (2017/18) for ear piercing, tattooing and acupuncture is £67.00 per person registered plus £129.00 for the premises in which the activity takes place. It is proposed that there will be no additional charge for persons with existing registrations seeking to add cosmetic piercing or semi-permanent skin colouring to existing registrations for ear piercing or tattooing. New applicants will be charged the full fee. The fee will be subject to annual review.
- 6.3 No additional costs will be incurred in relation to extending the scheme to other businesses as any new premises would be added to the current inspection program operated by the Safer Business team.
- 6.4 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.

Michelle Pullen, Commercial Business Partner, 26 October 2017.

7 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 7.1 Bylaws relating to tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis are made under section 15 of the 1982 as amended by the 2003 Act. Bylaws relating to acupuncture are made under section 14 of the 1982 Act. These measures came into force on 1 April 2004 and, as with acupuncture, tattooing, ear piercing and electrolysis, local authorities were able to choose whether to adopt them. There are transitional provisions in the 2003 Act which apply where the

Council had already resolved that section 15 of the 1982 Act should be brought into force in their area. The Council adopted sections 14 -17 of the 1982 Act on 1 January 1988 and the transitional provisions contained in the 2003 Act apply. The Council is therefore automatically enabled to apply the registration and bylaws regime to cosmetic piercing and semi-permanent skin colouring. Under the provisions of the Council's Constitution, the approval of draft bylaws is reserved to full Council and it is within full Council's powers to make the bylaws outlined at Appendix 1.

- 7.2 The process for making bylaws under sections 14 and 15 of the 1982 Act is contained within section 236 of the Local Government Act 1972. This requires that, if approved by full Council, the bylaws must be sealed on behalf of the Council.
- 7.3 The sealing of the bylaws must be advertised in the local press and a copy of the bylaws will need to be placed on deposit at the Council's offices for a period of one month and a copy placed on the Council's website. During the public notice period members of the public can make representations or objections to the content of the bylaws to the Secretary of State.
- 7.4 When the public notice period has expired, the Council must then apply to the relevant Secretary of State for confirmation of the bylaws. When making a decision, the Secretary of State will take account of any representations or objections received. If confirmed by the Secretary of State, the bylaws will take effect on the date specified by the Secretary of State.
- 7.5 The Department for Health have confirmed that they continue to have responsibility for confirming bylaws made under section 14 and 15 of the 1982 Act. They have also confirmed that the bylaws outlined at Appendix 1 to this report are the current version, replacing those contained in the Local Government Act 2003 Regulation of Cosmetic Piercing and Skin-Colouring Businesses Guidance on Section 120 and Schedule 6.
- 7.6 It is proposed that existing bylaws attached to the report at Appendix 2 are revoked, but if the recommendations are passed, they will remain in force until the confirmation of the bylaws referred to in recommendation 2.1 to this report.
- 7.7 Any amendments required to the fees for registration (or confirmation that the fees will apply to registration) of cosmetic piercing and or semi-permanent skin colouring can be set by full Council if they wish, but this would appear to fall within the remit of Regulatory and Appeals Committee and any relevant sub-delegations to officers.
- 7.8 Crime and Disorder Act implications – the proposed bylaws would provide an additional power to promote basic hygiene standards and minimise the spread of viral and bacterial infections as identified in the report.

Tamazin Wilson, Solicitor, 19 October 2017

8 EQUALITY IMPACT ASSESSMENT (EIA)

8.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because this is a regulatory responsibility appropriate to specified premises and activity and there is no known equality impact associated with this.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

9.1 None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Local Government Act 2003 Regulation of Cosmetic Piercing and Skin-Colouring Businesses Guidance on Section 120 and Schedule 6 (published in 2004).

10.2 City Council – 18 July 2005 Report of the Portfolio Holder for Transport and Street Services Bylaws for the Registration and Cleanliness of Cosmetic Piercing and Semi-permanent Skin Colouring Businesses.

10.3 Local Government (Miscellaneous Provisions) Act 1982.

10.4 Local Government Act 1972.

10.5 Local Government Act 2003.

**COUNCILLOR TOBY NEAL
PORTFOLIO HOLDER FOR COMMUNITY AND CUSTOMER SERVICES**

MODEL BYLAWS

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

Bylaws 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 as amended by 2003 Act 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 Nottingham City Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

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

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

“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 bylaws 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 disposed of after each use, 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, including 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 bylaws relating to acupuncture, tattooing, ear piercing and electrolysis that were made by Nottingham City Council on the 1 April 1988 and were confirmed by the Secretary of State for Health on 1 March 1989 are hereby revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing bylaws 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 BYLAWS

Proprietors shall take all reasonable steps to ensure compliance with these bylaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 as amended provides that a registered person shall cause to be prominently displayed on the premises a copy of these bylaws 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 bylaws 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 bylaws 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 bylaws 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 bylaws 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 piercing using only a hygienic piercing instrument.***

*The exception whereby the bylaws 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).***

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NOTTINGHAM CITY COUNCIL

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of tattooing, made by Nottingham City Council in pursuance of section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1 Interpretation

(a) In these byelaws, unless the context otherwise requires:-

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

"Client" means any person undergoing treatment;

"Operator" means any person giving treatment;

"Premises" means any premises registered under Part VIII of the Act;

"Proprietor" means any person registered under Part VIII of the Act;

"Treatment" means any operation in effecting tattooing;

"The treatment area" means any part of premises where treatment is given to clients.

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

2 For the purposes of securing the cleanliness of premises and fittings therein a proprietor shall ensure that:-

(a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;

(b) The treatment area is used solely for giving treatment;

(c) The floor of the treatment area is provided with a smooth impervious surface;

- (d) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;
 - (e) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;
 - (f) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
 - (g) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down with a suitable disinfectant between the treatment of different clients, and thoroughly cleaned at the end of each working day;
 - (h) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
 - (i) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
- 3 For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment:-
- (a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:-
 - (i) is clean and in good repair, and, so far as is appropriate, is sterile;
 - (ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;

(b) An operator shall ensure that:-

- (i) any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
- (ii) all dyes used for tattooing are bacteriologically clean and inert;
- (iii) the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatments, or are sterilised before re-use;

(c) A proprietor shall provide:-

- (i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
- (ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
- (iii) an adequate constant supply of clean hot and cold water readily available at all times on the premises;
- (iv) adequate storage for all items mentioned in byelaw 3 (a) and (b) above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.

4 For the purpose of securing the cleanliness of operators:-

(a) An operator whilst giving treatment shall ensure that:-

- (i) his hands and nails are clean, and nails kept short;
- (ii) he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
- (iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
- (iv) he does not smoke or consume food or drink;

(b) A proprietor shall provide:-

- (1) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
- (ii) suitable and sufficient sanitary accommodation for operators.

THE COMMON SEAL of Nottingham)
City Council was hereunto)
affixed this First day of)
April 1988:-)

J.W. Peters

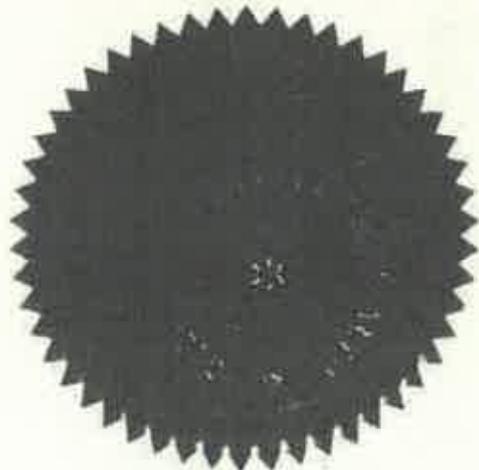
Lord Mayor

Thurmond

City Secretary and Secretary

JL
The foregoing byelaws are hereby confirmed by the Secretary of State for Health on 1 March 1989 and shall come into operation on 1 MAY 1989

JL
Caroline Stoppelbe
Assistant Secretary
Department of Health



NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

- A** A Proprietor shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down 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.
- B** Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration, and of the registration of the premises in which the offence was committed if such premises are occupied by the person so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- C** Nothing in these byelaws shall extend to the carrying on of the business of tattooing by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

NOTTINGHAM CITY COUNCIL

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of ear piercing and electrolysis made by Nottingham City Council in pursuance of section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1 Interpretation

(a) In these byelaws, unless the context otherwise requires:-

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

"Client" means any person undergoing treatment;

"Operator" means any person giving treatment;

"Premises" means any premises registered under Part VIII of the Act;

"Proprietor" means any person registered under Part VIII of the Act;

"Treatment" means any operation in effecting ear-piercing or electrolysis;

"The treatment area" means any part of premises where treatment is given to clients.

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

2 For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that:-

(a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings in any part of the premises used by clients and operators are kept clean and in such good repair as to enable them to be cleaned effectively;

(b) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;

(c) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;

- (d) All furniture and fittings in the treatment area are kept clean and in such good repair as to enable them to be cleaned effectively;
 - (e) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down regularly with a suitable disinfectant;
 - (f) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
 - (g) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment:-
- (a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:-
 - (i) is clean and in good repair and, so far as is appropriate, is sterile;
 - (ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
 - (b) An operator shall ensure that any needle, metal instrument, or other item of equipment used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
 - (c) A proprietor shall provide:-
 - (i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
 - (ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
 - (iii) an adequate constant supply of clean hot and cold water readily available at all times on the premises;
 - (iv) adequate storage for all items mentioned in byelaw 3 (a) and (b) above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators:-
- (a) An operator whilst giving treatment shall ensure that:-
 - (i) his hands are clean;

(ii) he is wearing clean clothing;

(iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;

(iv) he does not smoke or consume food or drink;

(b) A proprietor shall provide:-

(i) suitable and sufficient washing facilities for the use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;

(ii) suitable and sufficient sanitary accommodation for operators.

THE COMMON SEAL of Nottingham)
City Council was hereunto)
affixed the First day of)
April 1988:-)

LORD MAYOR

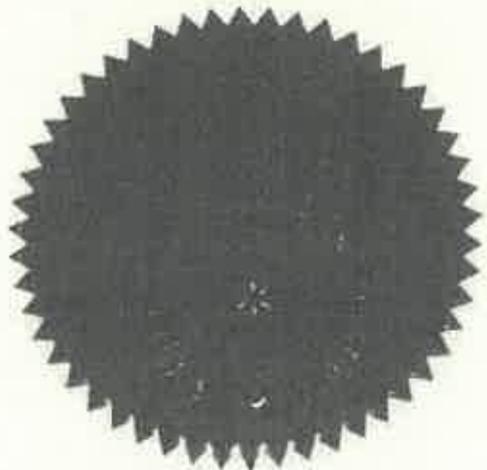
J. W. P. H. S.

M. J. S.

City Secretary & Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State for Health on 1 March 1989 and shall come into operation on 1 MAY 1989

M. J. S.
Assistant Secretary
Department of Health



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- C** Nothing in these byelaws shall extend to the carrying on of the business of ear piercing or of electrolysis as the case may be by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.



NOTTINGHAM CITY COUNCIL

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture made by Nottingham City Council in pursuance of section 14(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1 Interpretation

(a) In these byelaws, unless the context otherwise requires:-

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

"Client" means any person undergoing treatment;

"Operator" means any person giving treatment;

"Premises" means any premises registered under Part VIII of the Act;

"Proprietor" means any person registered under Part VIII of the Act;

"Treatment" means any operation in the practice of acupuncture;

"The treatment area" means any part of premises where treatment is given to clients.

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

2 For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that:-

(a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;

(b) The treatment area is used solely for giving treatment;

(c) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;

(d) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;

- (e) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
- (f) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant;
- (g) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
- (h) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.

3 For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment:-

- (a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:-
 - (i) is clean and in good repair, and, so far as is appropriate, is sterile;
 - (ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
- (b) An operator shall ensure that any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
- (c) A proprietor shall provide:-
 - (i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
 - (ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
 - (iii) an adequate constant supply of clean hot and cold water readily available at all times on the premises;
 - (iv) adequate storage for all items mentioned in byelaw 3 (a) and (b) above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.

4 For the purpose of securing the cleanliness of operators:-

- (a) An operator whilst giving treatment shall ensure that:-
 - (1) his hands and nails are clean and nails kept short;

- (ii) he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
 - (iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
 - (iv) he does not smoke or consume food or drink;
- (b) A proprietor shall provide:-
- (i) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
 - (ii) suitable and sufficient sanitary accommodation for operators.

THE COMMON SEAL of Nottingham)
 City Council was hereunto)
 affixed the *First* day of)
April 1988:-)

J. W. Jones

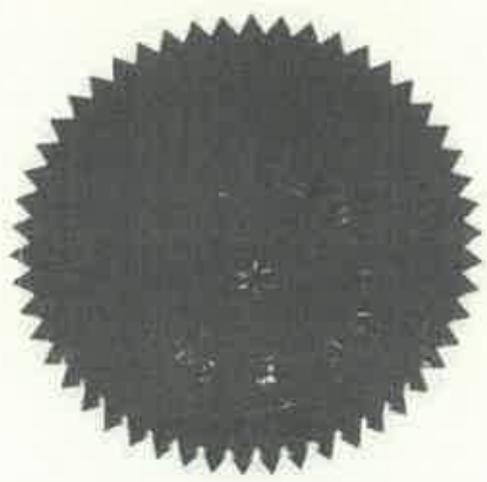
Lord Mayor

James ...

City Secretary and Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State for Health on *1 March 1989* and shall come into operation on *1 May 1989*

William Stojilka
 Assistant Secretary
 Department of Health



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- B** Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration, and of the registration of the premises in which the offence was committed if such premises are occupied by the person so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- C** Nothing in these byelaws shall extend to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.



CONFIDENTIAL

NOTTINGHAM CITY COUNCIL

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of tattooing, made by Nottingham City Council in pursuance of section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1 Interpretation

(a) In these byelaws, unless the context otherwise requires:-

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

"Client" means any person undergoing treatment;

"Operator" means any person giving treatment;

"Premises" means any premises registered under Part VIII of the Act;

"Proprietor" means any person registered under Part VIII of the Act;

"Treatment" means any operation in effecting tattooing;

"The treatment area" means any part of premises where treatment is given to clients.

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

2 For the purposes of securing the cleanliness of premises and fittings therein a proprietor shall ensure that:-

(a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;

(b) The treatment area is used solely for giving treatment;

(c) The floor of the treatment area is provided with a smooth impervious surface;

- (d) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;
 - (e) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;
 - (f) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
 - (g) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down with a suitable disinfectant between the treatment of different clients, and thoroughly cleaned at the end of each working day;
 - (h) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
 - (i) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
- 3 For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment:-
- (a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:-
 - (i) is clean and in good repair, and, so far as is appropriate, is sterile;
 - (ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;

(b) An operator shall ensure that:-

- (i) any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
- (ii) all dyes used for tattooing are bacteriologically clean and inert;
- (iii) the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatments, or are sterilised before re-use;

(c) A proprietor shall provide:-

- (i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
- (ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
- (iii) an adequate constant supply of clean hot and cold water readily available at all times on the premises;
- (iv) adequate storage for all items mentioned in byelaw 3 (a) and (b) above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.

4 For the purpose of securing the cleanliness of operators:-

(a) An operator whilst giving treatment shall ensure that:-

- (i) his hands and nails are clean, and nails kept short;
- (ii) he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
- (iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
- (iv) he does not smoke or consume food or drink;

(b) A proprietor shall provide:-

- (1) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
- (11) suitable and sufficient sanitary accommodation for operators.

THE COMMON SEAL of Nottingham)
City Council was hereunto)
affixed this ^{First} day of)
^{April} 1988:-)

J.W. Peters

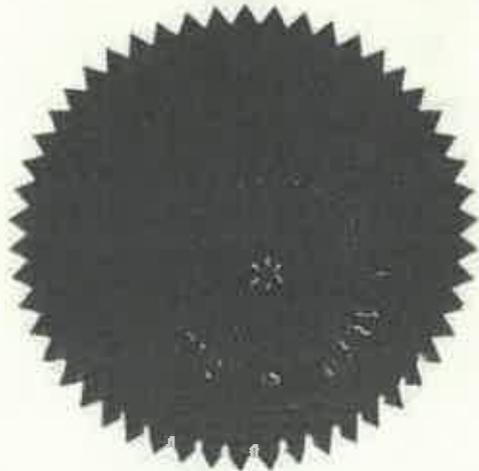
Lord Mayor

Thurmond

City Secretary and Secretary

JK
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JK
Jonathan Stoppelbe
Assistant Secretary
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NOTTINGHAM CITY COUNCIL

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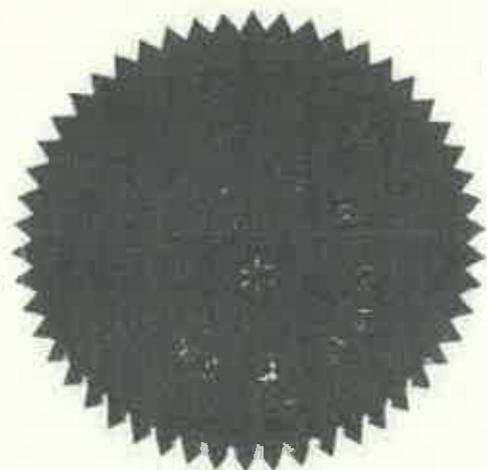
Lord Mayor

[Signature]

City Secretary and Solicitor

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[Signature]
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