

AGENDA



CABINET

MONDAY, 5 DECEMBER 2011

11.00 AM

**COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL,
GRANTHAM**

Beverly Agass, Chief Executive

MEMBERS: Councillor Mrs. Linda Neal (Leader/Portfolio: Strategic Partnerships), Councillor Paul Carpenter (Deputy Leader & Portfolio: Engagement & Corporate Services), Councillor Mrs Frances Cartwright (Portfolio: Economic Development), Councillor John Smith (Portfolio: Healthy Environment), Councillor Mike Taylor (Portfolio: Resources) and Councillor Terl Bryant (Portfolio: Housing)

Cabinet Support Officer: Lucy Bonshor 01476 40 61 20
e-mail: l.bonshor@southkesteven.gov.uk

Members of the public are entitled to attend the meeting of the Cabinet at which key decisions will be taken on the issues listed on the following pages. Key decisions are marked *.

1. APOLOGIES

2. MINUTES

Minutes of the meeting held on 7th November 2011.

(Enclosure)

3. DECLARATIONS OF INTEREST (IF ANY)

4. *COUNCIL TAX BASE 2012/13

Report HOF175 by Head of Finance.

(Enclosure)

5. *FEES & CHARGES REVIEW

Report HOF178 by Head of Finance.

(Enclosure)

6. LOCAL AUTHORITY MORTGAGE SCHEME

Report SD001 by Strategic Director Corporate Focus/Section 151 Officer.

(Enclosure)

7. *SKIN PIERCING BYELAWS

Report ENV557 by Healthy Environment Portfolio Holder.

(Enclosure)

8. MATTERS REFERRED TO CABINET BY THE COUNCIL, SCRUTINY COMMITTEE OR THE POLICY DEVELOPMENT GROUPS

9. ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.

10. REPRESENTATIONS RECEIVED FROM MEMBERS OF THE PUBLIC ON MATTERS WITHIN THE FORWARD PLAN (IF ANY)

11. REPRESENTATIONS RECEIVED FROM NON CABINET MEMBERS

12. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT



MEETING OF THE CABINET
7 NOVEMBER 2011 - 11.00 AM – 11.50 AM

PRESENT:

Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor John Smith
Councillor Mike Taylor
Councillor Teri Bryant

Councillor Mrs. Linda Neal - Chairman

Chief Executive (Beverly Agass)
Strategic Directors (Daren Turner, Ian Yates, Tracey Blackwell)
Head of Legal & Democratic Services (Lucy Youles)
Head of Finance (Richard Wyles)
Head of Development & Growth (Mark Williets)
Service Manager Planning Policy & Partnerships (Karen Sinclair)
Planning Policy Officer (Urban Extensions) (Andy Moger)
Conservation Officer (Karen Tomlinson)
Cabinet Support Officer (Lucy Bonshor)

Non-Cabinet Members : Councillor Bob Adams
Councillor Ibis Channell
Councillor Ian Selby

CO27. MINUTES

The minutes of the meeting held on 3rd October were agreed as a correct record of the decisions taken.

CO28. DECLARATIONS OF INTEREST (IF ANY)

Councillor John Smith declared a personal interest as a Member of the

Bourne Town Council with regard to agenda item 4, the Bourne Community Access Point.

CO29. *BOURNE COMMUNITY ACCESS POINT

Decision:

Cabinet approves the following:

- **The implementation of the Bourne Community Access Point (CAP) project (subject to planning approval)**
- **The preparation of specifications for the alterations to the Corn Exchange and subsequent award of contracts.**
- **The delegation for the negotiation of lease arrangements to the Strategic Director (Community and Environment) in consultation with the relevant Portfolio Holder.**

Considerations/reasons for decision:

- 1) Report HOF176 from the Head of Finance.
- 2) The project will integrate services from Lincolnshire County Council, South Kesteven District Council and Bourne Town Council to a single joint access point.
- 3) The ability to give customers access to a wide range of council services in an improved customer environment at one location.

Other options considered:

The benefits of the Bourne Community Access Point include optimising the use of assets, sharing resources, improving the customer offer and providing key services. Should the project not proceed then there will be limited opportunities to realise the full benefits.

CO30. *PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

Decision:

Cabinet approves the Draft Planning Obligations Supplementary Planning Document as set out in appendix A to report PLA914 for public consultation for a period of 8 weeks.

Considerations/reasons for decision:

- 1) Report PLA914 from the Economic Development Portfolio Holder.
- 2) The consultation is a statutory requirement to undertake public consultation as outlined in the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).
- 3) The Supplementary Planning Document seeks to ensure that

- contributions will only be sought from development where there is a recognised need to mitigate the impact of the development proposal.
- 4) Comments made by Members at the meeting concerning minor amendments required to the document and emphasising that the document was currently only in draft form and could be influenced by responses received during the consultation period.
 - 5) The Planning Obligations SPD is intended to provide policy support for securing Section 106 contributions in the interim period between now and the adoption of a CIL

Other options considered:

The Adopted Core Strategy provides the overarching policy framework within which this SPD complies. Policy SP4: Developer Contributions, sets out the Council's position with regard to Planning Obligations.

Policy SP4 also states that the Council intends to charge a Community Infrastructure Levy (CIL) throughout the District. The authority intends to develop a CIL by 2014. There is not a statutory obligation to do so, however, failure to put a CIL in place by his date will leave the Council disadvantaged as the use of Planning Obligations will be scaled back from 2014, limiting the ability to secure contributions towards infrastructure improvements without a CIL in place. The CIL will replace Planning Obligations as the mechanism for securing contributions towards providing infrastructure to support new development. Under current CIL arrangements affordable housing will continue to be secured through Section 106 Agreements, although the option of bringing this within the scope of CIL is the subject of a current Government consultation.

CO31. *STAMFORD CONSERVATION AREA APPRAISAL AND BOUNDARY REVIEW

Decision:

Cabinet approves the following:

- 1) **the adoption of the draft Stamford Conservation Area Appraisal and;**
- 2) **the recommended boundary changes.**

Considerations/reasons for decision:

- 1) Report PLA912 from the Economic Development Portfolio Holder.
- 2) The Conservation Area appraisal provides an overview of the historic development of Stamford and an analysis of its special architecture and historic character.
- 3) Local authorities have a duty to review the overall extent of conservation area designations in their area regularly.
- 4) Comments made by Members at the meeting to include reference to

the other conservation area situated in the Stamford area.

Other options considered:

The Council is required by Section 72 of the 1990 Act to produce character appraisals and to publish proposals for their management. This is the first Conservation Area appraisal document produced for Stamford which contains a comprehensive analysis of its special architectural and historic character since it was designated in 1967. The document is necessary to provide a basis for sustainable planning decisions which will preserve and enhance the character of the Conservation Area.

Not to amend the boundary. However, this would constitute a missed opportunity to include areas which are of sufficient architectural quality to merit protection and would positively contribute to the overall character of the Conservation Area and to exclude peripheral areas of insufficient interest as set out in Section 3 of the report. These alterations will ensure that the boundary is robust and justifies its status as an area of special historic and architectural importance.

DATE DECISIONS EFFECTIVE:

Decisions CO29, CO30 and CO31 as made on 7th November 2011 can be implemented on 16th November unless subject to call-in by the Scrutiny Committee Chairman or any five members of the Council from any political groups.

**South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham,
Lincolnshire NG31 6PZ**

**Contact: Cabinet Support Officer - Lucy Bonshor Tel: 01476 40 61 20
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REPORT TO CABINET

REPORT OF: Head of Finance

REPORT NO: HOF175

DATE: 5TH December 2011

TITLE:	COUNCIL TAX BASE 2012/13	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Mike Taylor Resources and Assets Portfolio Holder	
CONTACT OFFICER:	Richard Wyles Head of Finance 01476 406210 r.wyles@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required: N/A
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS		

1. RECOMMENDATION

Cabinet is recommended to approve the recording of the amounts shown below as the council tax bases for 2012/13, in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended).

<u>Parish</u>	<u>Band D Equivalents</u>
	No.
Grantham	11274.8
Stamford	7131.8
Bourne	5005.5
Allington	359.0
Ancaster	582.4
Aslackby & Laughton	113.7
Barholm & Stow	34.2
Barkston & Syston	263.6

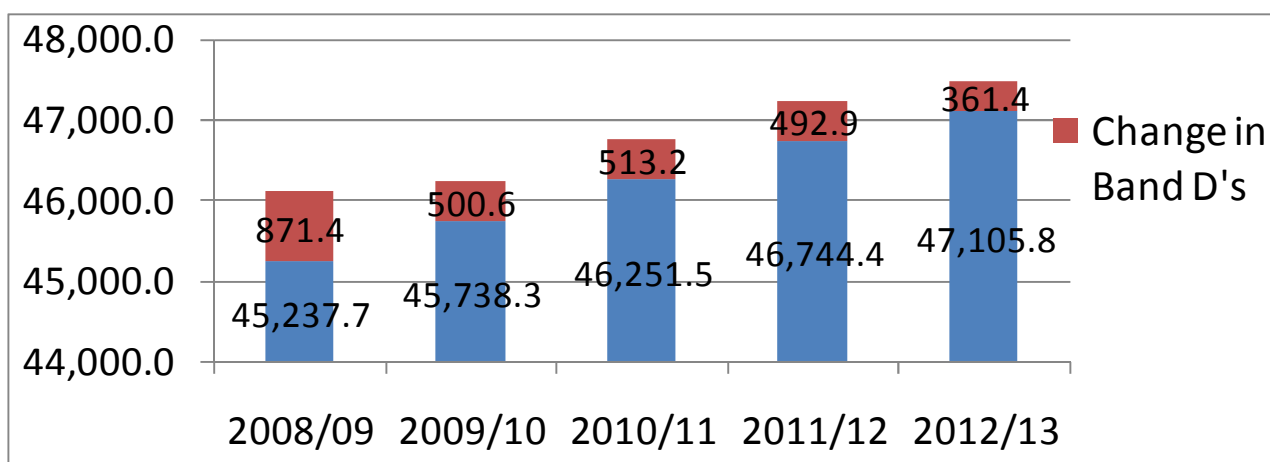
Barrowby	726.3
Baston	543.4
Belton & Manthorpe	205.0
Billingborough	485.1
Bitchfield & Bassingthorpe	58.1
Boothby Pagnell	64.2
Braceborough & Wilsthorpe	135.9
Ropsley, Humby, Braceby & Sapperton	341.3
Burton Coggles	38.8
Careby, Aunby & Holywell	68.6
Carlby	212.6
Carlton Scroop & Normanton	129.1
Castle Bytham	301.7
Caythorpe	539.8
Claypole	505.7
Colsterworth, Gunby & Stainby & N. Witham	737.9
Corby Glen	399.7
Counthorpe & Creeton	34.3
Deeping St James	2464.9
Denton	121.4
Dowsby	62.4
Dunsby	46.4
Stoke Rochford & Easton	86.6
Edenham	113.0
Fenton	56.0
Folkingham	299.4
Foston	218.1
Fulbeck	220.4
Greatford	126.1
Great Gonerby	809.3
Great Ponton	130.1
Haconby	194.3
Harlaxton	338.1
Heydour	155.5
Honington	71.6
Horbling	167.1
Hougham	79.5
Hough on the Hill	167.3
Ingoldsby	115.8
Irnham	103.7
Kirkby Underwood	84.1
Langtoft	752.8
Lenton, Keisby & Osgodby	66.8
Little Bytham	112.1
Little Ponton & Stroxton	70.9

Londonthorpe & Harrowby Without	1743.3
Long Bennington	899.3
Market Deeping	2058.5
Marston	151.1
Morton	831.1
Old Somerby	92.3
Pickworth	76.3
Pointon & Sempringham	199.7
Rippingale	346.8
Sedgebrook	144.9
Skillington	137.5
South Witham	489.5
Stubton	75.2
Swayfield	146.7
Swinstead	89.9
Tallington	200.8
Thurlby	816.9
Toft, Lound & Manthorpe	137.9
Uffington	316.4
Welby	77.5
Westborough & Dry Doddington	152.4
West Deeping	125.0
Witham on the Hill	99.9
Woolsthorpe	152.0
Wyville cum Hungerton	18.9

2. PURPOSE OF THE REPORT/DECISION REQUIRED

The requirements of the Local Government Finance Act 1992 amended by s84 of the Local Government Act 2003 allow each local authority to make its own arrangements for adopting the Council Tax base. The total dwellings on the Valuation List (59,887), after allowance for discounts and exemptions, convert by the formula to 47,105.8 Band D equivalents for 2012/13. This is an increase of 0.77% compared to 2011/12 (46,744.4 band D equivalents) which is 0.23% less than the assumption of 1% growth as identified in the Medium Term Financial Plan. Over the past few years there has been a trend of reduced growth levels as demonstrated in the graph below. The band D growth in 2008/09 was 1.97% which when compared to the 0.77% shows a 1.2% reduction and reflects the tough economical climate over recent years.

Given the reductions in Band D growth it is therefore important the Council has a high collection rate to ensure it maximises the potential income from Council tax. This is something the Council has strived to achieve and in recent years the collection rates have been consistently above 98%. In 2010/11 the Council's collection rate was 98.3% against the national average of 97.3% which demonstrates the high performance levels being achieved.



3. DETAILS OF REPORT

The council tax base is used to calculate how much each property will be charged to cover the net costs of the district council and the precepting authorities. The total net expenditure is divided by the council tax base to give the amount paid by individual households. The council tax base is calculated in line with Government regulations.

Council tax requires that all domestic properties are placed in one of eight valuation bands (Bands A-H). The Government has determined the council tax level for each property is assessed as a proportion of tax rate for a band D property.

The specific number of dwellings under each of the banding is given below:

	Band A entitled to disabled relief reduction	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
Total (rounded)*	26.25	15,146.50	11,862.75	9,558.25	7,974.50	4,861.00	2,459.25	973.00	62.00	59,924
Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
Number of Band D equivalent	14.60	10,097.70	9,226.60	8,496.20	7,974.50	5,941.20	3,552.30	1,621.70	124	47,048.8
Crown Properties										57
Tax Base for Formula Grant purposes										47,105.8
Anticipated collection rate										98.50%
Band D Equivalent collectable										

(*the total figures quoted are calculated after the deduction of the required discounts and exemptions)

4. OTHER OPTIONS CONSIDERED

None Applicable

5. RESOURCE IMPLICATIONS

None Applicable

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

None Applicable

7. COMMENTS OF FINANCIAL SERVICES

My comments are included in the report.

8. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Cabinet's approval of the council tax base detailed in this report is required in accordance with the legislation referred to.

9. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

None Applicable

10. APPENDIX

None

REPORT TO CABINET

REPORT OF: HEAD OF FINANCE

REPORT NO: HOF178

DATE: 5TH DECEMBER 2011

TITLE:	FEES AND CHARGES PROPOSALS 2012/13	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	None	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Mike Taylor Assets and Resources Portfolio Holder	
CONTACT OFFICER:	Richard Wyles, Head of Finance r.wyles@southkesteven.gov.uk 01476406210	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity		No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS		

1. RECOMMENDATION

Cabinet is asked to consider the proposed fees and charges for 2012/13 that have been recommended from Resources PDG and support their inclusion into the budget framework proposals and the appropriate consultation:

- Car parking – no increase but include a review of charges as part of the car parking strategy review
- Markets – inflationary increase only
- Bus stations – no inflationary increase
- Grantham cycle centre – inflationary increase only
- Arts centres – inflationary increase only
- Corn Exchange – no inflationary increase
- Licensing – inflationary increase only
- Outdoor recreation – inflationary increase only
- Grantham cemetery – inflationary increase only

- Green waste collection:
 - Joining fee for a new customer of £10 which includes their first green bin
 - Purchase of additional green bins £26
 - An annual charge of £25 per collection (first bin only)
 - For householders that have more than one green bin then subsequent bins will be emptied for £10 per annum per bin

2. PURPOSE OF THE REPORT

The fees and charges proposals for 2012/13 have been compiled by the Resources PDG and need to be taken into consideration as part of the budget compilation for the 2012/13 budget framework.

3. DETAILS OF REPORT

The Resources PDG have been reviewing fees and charges as a key element of their 2011/12 workplan and have commissioned Deloitte to undertake an income review benchmarking study which compared fees and charges across a number of east midlands councils. This review has also given exposure to over 50 local authorities charging regimes outside of the geographical boundaries of the east midlands.

Specifically there are a number of key themes that need to be considered to ensure the Authority maximises income generation:

- A clear corporate charging policy - subsidised service or cost recovery, concessions policy, correlation of charges to wider corporate priorities and impact of completion for similar services provided by the private sector
- Clarity over full cost recovery and subsidy
- A perspective on fairness in charging – impact charges have on specific groups or individuals
- Adopting a commercial approach – trading, flexible pricing structure to stimulate demand
- An approach to premium charging – to reflect either additional demand or an enhanced service
- Charges linked to environmental objectives

These key themes will form the next stage of the work to be undertaken by Resources PDG over the coming months in order to develop a coherent charging strategy that compliments and supports the Council's corporate plan. It is anticipated that the review will be completed by the summer of 2012. Therefore the implementation of the strategy will be incorporated into the budget proposals from 2013/14 but consideration needs to be given to fees and charges that are currently in place. In order to ensure that the current charges are kept in alignment with service costs it is recommended that the charges appended to the report are increased in line with inflation from 2012/13. However 2 specific charge headings should not be increased for 2012/13:

Corn Exchange – no increases are proposed as there will be significant disruption to the building during 2012 as the works commence for the conversion into the community access point.

Bus stations – benchmarking with neighbouring authorities has identified the current charges are proportionally greater whilst only offering limited facilities. This is causing concern and could create an adverse response for the future operation of the sites if not kept under review. A freeze on an increase for 2012/13 would assist with addressing the situation.

The review has also identified new opportunities for charging that should be considered for inclusion into the 2012/13 budget framework.

Green waste charging

During the public consultation in the summer 2010, a representative sample gave support for the introduction of charging for the collection of green waste of an annual charge of £25 (approximately 50p per week). The benchmarking review supports a charging regime and identified that a number of councils have introduced a chargeable service or are considering the introduction of an annual charge from 2012/13. The charge would contribute towards the recovery of the operational costs of the service and would establish the principle that the direct users pay for the service rather than the general taxpayer. The charge of £25 is broadly in line with other councils that have introduced a chargeable green waste service. It should be noted that if take up is lower than anticipated then the service will not achieve a breakeven position and may require a further review of the charging structure. Benchmarking also confirms that there could be an adverse impact on the Council's recycling rates of between 2-3% due to a potential reduction in green waste being collected.

Resources PDG is supporting the following fee proposals:

- Joining fee for a new customer of £10 which includes their first green bin
- Purchase of additional green bins £26
- An annual charge of £25 per green bin collection.
- For householders that have more than one green bin then subsequent bins will be emptied for £10 per annum per bin
- No concessions for householders
- No pro rata in-year payments.

The payment period will run from 1 April – 31 March each year.

Pre-planning advice

A recent charge that has become more prevalent across local authorities is for the provision of pre-application advice for planning services. Authorities are now commonly introducing a charge in this area for advice to commercial developers. This advice greatly assists the developers and helps eliminate any issues with their development proposals thereby greatly improving the quality of the planning applications. The benchmarking has revealed that South Kesteven is only one of three councils that currently offers a free service within the benchmarking group of 11 authorities. Resources PDG has agreed to undertake a review of this charging proposal as part of the fees and charges strategy review.

4. OTHER OPTIONS CONSIDERED

N/A

5. RESOURCE IMPLICATIONS

The fees and charges are compiled as part of the budget setting process.

6. RISK AND MITIGATION (INCLUDING HEALTH & SAFETY AND DATA QUALITY)

N/A

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

This will be considered as part of the introduction of the changes in fees and charges.

8. CRIME AND DISORDER IMPLICATIONS

None

9. COMMENTS OF FINANCIAL SERVICES

Financial considerations are included in the report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Council has the power to charge for the delivery of discretionary services in accordance with s.93 of the Local Government Act 2003. The power to charge is available provided the income received does not exceed the cost of the provision of the service.

11. APPENDICES:

Appendix - updated fees and charges

CAR PARK CHARGES

	Detail	Effective Date	2011/12	2012/13	VAT
			£	£	
	CAR PARKS - GRANTHAM				
1	SHORT STAY (except Wharf Road Grantham)				
	Up to 30 mins	01/04/11	0.50	0.50	Inclusive
	Up to 1 hour	01/04/11	0.80	0.80	Inclusive
	Up to 2 hours	01/04/11	1.30	1.30	Inclusive
	Up to 3 hours	01/04/11	1.80	1.80	Inclusive
	Up to 4 hours	01/04/11	3.00	3.00	Inclusive
	Over to 4 hours	01/04/11	4.00	4.00	Inclusive
	SHORT STAY Wharf Road Grantham				
	Up to 30 mins	01/04/11	0.50	0.50	Inclusive
	Up to 1 hour	01/04/11	0.80	0.80	Inclusive
	Up to 2 hours	01/04/11	1.30	1.30	Inclusive
	Up to 3 hours	01/04/11	1.80	1.80	Inclusive
	Up to 4 hours	01/04/11	6.00	6.00	Inclusive
	Over to 4 hours	01/04/11	8.00	8.00	Inclusive
2	LONG STAY				
	Up to 3 hours	01/04/11	1.80	1.80	Inclusive
	Up to 4 hours	01/04/11	2.50	2.50	Inclusive
	All Day	01/04/11	3.00	3.00	Inclusive
3	LONG STAY SEASON TICKETS				
	(Monday to Friday)				
	Per Quarter	01/04/11	99.00	99.00	Inclusive
	Per 6 months	01/04/11	190.00	190.00	Inclusive
4	LONG STAY SEASON TICKETS				
	(Monday to Saturday)				
	Per Quarter	01/04/11	120.00	120.00	Inclusive
	Per 6 months	01/04/11	230.00	230.00	Inclusive
	Season Ticket Discount Offer	Purchase	Additional Tickets Free		
		4	1		
		8	2		
		15	5		
5	EXCESS CHARGE NOTICES				
	Failure to display	01/04/11	80.00	80.00	O/Scope
	Fine after discount for Payment in 7 Days	01/04/11	40.00	40.00	O/Scope
	Parking for longer etc.	01/04/11	60.00	60.00	O/Scope
	Fine after discount for Payment in 7 Days	01/04/11	30.00	30.00	O/Scope

CAR PARK CHARGES

	Detail	Effective Date	2011/12	2012/13	VAT
			£	£	
	CAR PARKS - STAMFORD				
1	SHORT STAY				
	Up to 30 mins	01/04/11	0.50	0.50	Inclusive
	Up to 1 hour	01/04/11	0.80	0.80	Inclusive
	Up to 2 hours	01/04/11	1.30	1.30	Inclusive
	Up to 3 hours	01/04/11	1.80	1.80	Inclusive
	Up to 4 hours	01/04/11	3.00	3.00	Inclusive
	Over to 4 hours	01/04/11	4.00	4.00	Inclusive
2	LONG STAY				
	Up to 3 hours	01/04/11	1.80	1.80	Inclusive
	Up to 4 hours	01/04/11	2.50	2.50	Inclusive
	All Day	01/04/11	3.00	3.00	Inclusive
3	COACH PARKING (ALL DAY)				
	Cattle Market	01/04/11	10.00	10.00	Inclusive
4	LONG STAY SEASON TICKETS				
	(Monday to Friday)				
	Per Quarter	01/04/11	99.00	99.00	Inclusive
	Per 6 months	01/04/11	190.00	190.00	Inclusive
5	LONG STAY SEASON TICKETS				
	(Monday to Saturday)				
	Per Quarter	01/04/11	120.00	120.00	Inclusive
	Per 6 months	01/04/11	230.00	230.00	Inclusive
	Season Ticket Discount Offer	Purchase	Additional Tickets Free		
		4	1		
		8	2		
		15	5		
6	EXCESS CHARGE NOTICES				
	Failure to display	01/04/11	80.00	80.00	O/Scope
	Fine after discount for Payment in 7 Days	01/04/11	40.00	40.00	O/Scope
	Parking for longer etc.	01/04/11	60.00	60.00	O/Scope
	Fine after discount for Payment in 7 Days	01/04/11	30.00	30.00	O/Scope

MARKET CHARGES

	Detail	Effective Date	2011/12	2012/13	VAT
			£	£	
	MARKETS - GRANTHAM				
1	Standard Stall (3.05m x 1.22m)	01/04/12	21.00	21.50	Exempt
	Standard Casual Stall (3.05m x 1.22m)	01/04/12	23.00	23.50	Exempt
2	Pitch (3.05m x 3.05m)	01/04/12	19.50	20.00	Exempt
	Casual Pitch (3.05m x 3.05m)	01/04/12	20.00	20.50	Exempt
	Hot food units	01/04/12	23.00	23.50	Exempt
3	<u>Vehicles parked for storage</u>				
	Cars and light vans	01/04/12	6.20	6.40	Inclusive
	Large vehicles	01/04/12	9.50	9.80	Inclusive
	MARKETS - STAMFORD				
4	Standard Stall (3.05m x 1.22m)	01/04/12	22.50	23.00	Exempt
	Standard Casual Stall (3.05m x 1.22m)	01/04/12	25.00	25.50	Exempt
5	Pitch (3.05m x 3.05m)	01/04/12	20.00	20.50	Exempt
	Casual Pitch (3.05m x 3.05m)	01/04/12	22.00	22.50	Exempt
	Hot food units	01/04/12	25.00	25.50	Exempt
6	Craft Fair - Table	01/04/12	23.00	23.50	Exempt
7	Craft Fair - Stall	01/04/12	28.00	28.50	Exempt
8	<u>Vehicles parked for storage</u>				
	Cars and light vans	01/04/12	6.20	6.40	Exempt
	Large vehicles	01/04/12	9.50	9.80	Exempt
	MARKETS - BOURNE				
9	Standard Stall (3.05m x 1.22m)	01/04/12	18.00	18.50	Exempt
	Standard Casual Stall (3.05m x 1.22m)	01/04/12	19.00	19.50	Exempt
10	Pitch (3.05m x 3.05m)	01/04/12	15.00	15.50	Exempt
	Casual Pitch (3.05m x 3.05m)	01/04/12	15.00	15.50	Exempt
11	<u>Vehicles parked for storage</u>				
	Cars and light vans	01/04/12	6.20	6.40	Exempt
	Large vehicles	01/04/12	9.50	9.80	Exempt
12	Hire of stall for private function (collection only)*	01/04/12	10.00	10.30	Exempt
13	FOR ALL MARKETS				
	Farmers Markets - supply of stall cover in addition to standard stall charge	01/04/07	1.00	1.00	Exempt
	Fruit and Veg Excessive Waste Surcharge	01/04/10	£5 per stall	£5 per stall	

* any associated costs with delivery and set up will be charged accordingly

BUS STATIONS

	Detail	Effective Date	2011/12	2012/13	VAT
			£	£	
	BUS STATION - GRANTHAM				
1	Per departure	01/04/11	0.75	0.75	Inclusive
2	<u>Minimum Charge</u> 1-75 departures per annum	01/04/11	50.00	50.00	Inclusive
	BUS STATION - STAMFORD				
3	Per departure	01/04/11	0.75	0.75	Inclusive
4	<u>Minimum Charge</u> 1-75 departures per annum	01/04/11	50.00	50.00	Inclusive
	BUS STATION - BOURNE				
5	Per departure	01/04/11	0.75	0.75	Inclusive
6	<u>Minimum Charge</u> 1-75 departures per annum	01/04/11	50.00	50.00	Inclusive

CYCLE CENTRE CHARGES

	Detail	Effective Date	2012/12 £	2012/13 £	VAT
	CYCLE CENTRE AT ST CATHERINE'S ROAD GRANTHAM				
1	<u>13 weeks charge</u>				
	Small locker	01/04/12	26.50	27.00	Inclusive
	Large locker	01/04/12	31.50	32.50	Inclusive
2	<u>26 weeks charge</u>				
	Small locker	01/04/12	42.00	43.00	Inclusive
	Large locker	01/04/12	51.50	53.00	Inclusive
3	<u>52 weeks charge</u>				
	Small locker	01/04/12	60.00	62.00	Inclusive
	Large locker	01/04/12	73.50	76.00	Inclusive
4	Deposit for entry key and locker key	01/04/12	10.50	10.80	Inclusive

STREET SCENE CHARGES

	Detail	Effective Date	2011/12	2012/13	VAT
			£	£	
1	Green Waste				
	Green Waste bin (joining fee, first bin only)	01/04/12	26.00	10.00	O/Scope
	Additional Green Waste Bin	01/04/10	26.00	26.00	O/Scope
	annual collection charge (first bin)	01/04/12	n/a	25.00	O/Scope
	annual collection charge (subsequent each bin)	01/04/12	n/a	10.00	O/Scope
2	Other street scene charges				
	Additional Silver Recycling Bin	01/04/10	26.00	26.00	O/Scope
	Additional clear recycling sacks (pack of 15)	01/04/10	1.25	1.25	O/Scope
	Replacement of damaged wheelie bins*	01/04/10	26.00	26.00	O/Scope
	Replacement of damaged wheels and axles*	01/04/10	20.00	20.00	O/Scope
	Replacement of bin lid pegs*	01/04/10	5.00	5.00	O/Scope
3	Domestic Refuse Collection				
	Bulk household items - first item	01/04/03	10.00	10.00	O/Scope
	- each additional item	01/04/03	5.00	5.00	O/Scope
	Fridge collection	01/04/03	10.00	10.00	O/Scope
	Provision of additional recycling bags (per pack - 14 bags)	01/04/10	5.00	5.00	O/Scope
4	Dog Fouling Penalty	01/04/09	75.00	75.00	O/Scope
5	Litter Fixed Penalty Notice	01/04/09	75.00	75.00	O/Scope
6	Private Street Cleansing	01/04/10	Based on cost recovery		
	*where bins have been damaged by the resident				

CULTURAL SERVICES CHARGES

	Detail	Effective Date	2011/12	2012/13	VAT
ARTSCENE MEMBERSHIP - ARTS CENTRES					
1	<u>Annual membership</u>		£	£	
	Individual	01/04/12	18.00	18.50	Inclusive
	Double	01/04/12	23.00	23.50	Inclusive
STAGED PERFORMANCES					
The theatres and ballrooms are available for hire for theatrical productions, concerts, lectures, demonstrations, films and other performing arts events. Prices are as below.					
Guildhall Arts Centre, Grantham			£	£	
2	<u>Theatre Hire</u>				
	Performances -Commercial	01/04/12	280.00	285.00	Exempt
	Performances - Non Profit making	01/04/11	235.00	235.00	Exempt
	Dress rehearsals	01/04/12	180.00	185.00	Exempt
	Rehearsals (incl tech)	01/04/12	115.00	118.00	Exempt
	Lecture/demonstrations (Daytime)	01/04/12	85.00	87.00	Exempt
	Lecture/demonstrations (Evening)	01/04/12	185.00	190.00	Exempt
	Set up charge/technical support (max. 8 hours)	01/04/12	115.00	118.00	Exempt
3	Stamford Arts Centre				
	<u>Theatre Hire</u>				
	Performances -Commercial	01/04/12	295.00	300.00	Exempt
	Performances - Non Profit making	01/04/11	260.00	260.00	Exempt
	Dress rehearsals	01/04/12	180.00	185.00	Exempt
	Rehearsals (incl tech)	01/04/12	115.00	118.00	Exempt
	Lecture/demonstrations (Daytime)	01/04/12	85.00	87.00	Exempt
	Lecture/demonstrations (Evening)	01/04/12	185.00	190.00	Exempt
	Set up charge/technical support (max. 8 hours)	01/04/12	115.00	118.00	Exempt
	Technical surcharge per hire	01/04/12	51.00	52.00	Exempt
4	Bourne Corn Exchange				
	<u>Theatre Hire - Main Hall</u>				
	Performances	01/04/11	115.00	115.00	Exempt
	Dress rehearsals	01/04/11	90.00	90.00	Exempt
	Rehearsals	01/04/11	75.00	75.00	Exempt
	Set up charge/technical support (max. 8 hours)	01/04/11	115.00	115.00	Exempt
Performers Right Society charges may be applicable in addition to the above rates					
Hire conditions are available giving details of equipment and support offered; quotations provided on request.					

CULTURAL SERVICE CHARGES

WEDDING RECEPTIONS, PARTIES AND OTHER ROOM HIRE					
All three venues are available for wedding parties and similar functions. Packages are available to include provision of bars and catering. Prices are as below					
5	Guildhall Arts Centre, Grantham		£	£	
	<u>Casually let rooms (per hour)</u>				
	Ballroom - day rate up to 6pm	01/04/12	31.00	32.00	Exempt
	Ballroom - hourly evening rate 6 to 11pm	01/04/12	51.00	52.00	Exempt
	Ballroom - whole evening 6 to 11pm parties	01/04/12	265.00	270.00	Exempt
	Ballroom - whole evening 6 to 11pm concerts	01/04/12	210.00	215.00	Exempt
	Ballroom - (all day) Wedding rate	01/04/12	410.00	420.00	Exempt
	Ballroom - (all day) Wedding rate including setting up charge previous evening	01/04/12	675.00	695.00	Exempt
	Use of Ballroom kitchen per day	01/04/12	51.00	52.00	Exempt
	<u>Meeting rooms (per hour)</u>				
	Newton Room	01/04/12	26.00	26.50	Exempt
	The Green Room	01/04/12	21.00	21.50	Exempt
6	Bourne Corn Exchange				
	<u>Casually let rooms</u>				
	Main Hall - hourly rate	01/04/11	36.00	36.00	Exempt
	Main Hall -Friday or Saturday whole evening 6pm-12pm incl prem rate	01/04/11	260.00	260.00	Exempt
	Main Hall - (all day) 9am to 12pm excluding kitchen	01/04/11	410.00	410.00	Exempt
	Main Hall - (all day) 9am to 12pm including kitchen	01/04/11	465.00	465.00	Exempt
	Kitchen hire per day (50% discount due to building works)	01/04/12	125.00	62.50	Exempt
	Room set up or clear down as per hourly rate or part thereof	01/04/11	36.00	36.00	Exempt
	Room set up or clear down after midnight per hour or part thereof	01/04/11	51.00	51.00	Exempt
7	Stamford Arts Centre				
	<u>Casually let rooms (per hour)</u>				
	Ballroom - day rate up to 6pm	01/04/12	31.00	32.00	Exempt
	Ballroom - hourly evening rate 6 to 11pm	01/04/12	51.00	52.00	Exempt
	Ballroom - whole evening 6 to 11pm parties	01/04/12	400.00	410.00	Exempt
	Ballroom - whole evening 6 to 11pm concerts	01/04/12	305.00	310.00	Exempt
	Function ballroom/Blue room - (all day) Wedding rate	01/04/12	735.00	755.00	Exempt
	Function ballroom/Blue room Wedding rate including setting up charge previous evening	01/04/12	1,135.00	1,160.00	Exempt
	<u>Meeting rooms - per hour</u>				
	Blue Room/Rehearsal evening	01/04/12	21.00	21.40	Exempt
	Blue Room/Rehearsal daytime	01/04/12	16.00	16.30	Exempt
	Ireson/Burley/Exeter Room evening	01/04/12	15.00	15.30	Exempt
	Ireson/Burley/Exeter Room daytime	01/04/12	13.00	13.20	Exempt
	Additional cleaning charge for social functions	01/04/12	55.00	56.00	Inclusive
Performers Right Society charges may be applicable in addition to the above rates					
ROOM HIRE					
Meeting Rooms and function halls may be available for hire at each venue, prices from £10 per hour off peak. Additional meeting rooms may be available at the main council offices Grantham. Information available upon request.					

ENVIRONMENTAL HEALTH CHARGES

	Detail	Effective Date	2011/12	2012/13	VAT
			£	£	
	ENVIRONMENTAL HEALTH				
1	Premise Registration Fees				
	Acupuncture	01/04/12	123.50	125.00	O/Scope
	Tattooing	01/04/12	123.50	125.00	O/Scope
	Ear Piercing	01/04/12	123.50	125.00	O/Scope
	Electrolysis	01/04/12	123.50	125.00	O/Scope
	Skin Piercing	01/04/12	123.50	125.00	O/Scope
	Skin Permanent Marking	01/04/12	123.50	125.00	O/Scope
2	Additional activity at premise	01/04/12	61.50	63.00	O/Scope
3	Additional Individual Registration Fees				
	Acupuncture	01/04/12	61.50	63.00	O/Scope
	Tattooing	01/04/12	61.50	63.00	O/Scope
	Ear Piercing	01/04/12	30.50	31.00	O/Scope
	Electrolysis	01/04/12	61.50	63.00	O/Scope
	Skin Piercing	01/04/12	61.50	63.00	O/Scope
	Skin Permanent Marking	01/04/12	61.50	63.00	O/Scope
4	<u>Unsound Food</u>				
	Voluntary Surrender Certificate	01/04/12	33.00	34.00	Inclusive
5	<u>Frozen Food Exports</u>				
	Inspection and Certification	01/04/12	67.00	69.00	Inclusive
	Certification only	01/04/12	24.50	25.00	Inclusive
6	<u>Control of dogs</u>				
	Collecting and detaining stray dogs	01/04/96	25.00	25.00	O/Scope
	Kenneling charge	01/04/12	14.50	14.90	O/Scope
7	<u>Vehicle Salvage Operators</u>				
	Application	01/04/12	75.00	77.00	O/Scope
	Renewal	01/04/12	63.00	65.00	O/Scope
	ENQUIRIES IN CONNECTION WITH CONTAMINATED LAND				
8	Enquiries	01/04/12	108.00	110.00	O/Scope
9	Private sector housing charges	01/04/12		Hourly Rate	O/Scope
10	Immigration inspections	01/04/12		Hourly Rate	O/Scope

ENVIRONMENTAL HEALTH CHARGES

	Detail	Effective Date	2011/12	2012/13	VAT
			£	£	
	LICENCES				
1	Small lotteries - Registration	01/04/12	41.00	42.00	O/Scope
2	Small lotteries - Renewal	01/04/12	20.50	21.00	O/Scope
3	<u>Hackney Carriage and Private Hire</u>				
	Driver's licence - annual	01/04/12	76.00	78.00	O/Scope
	Driver's licence - Replacement	01/04/12	11.00	11.30	O/Scope
	Dual licence - supplementary charge	01/04/12	89.00	90.00	O/Scope
	Annual vehicle licence:				
	Private Hire	01/04/10	179.00	183.00	O/Scope
	Hackney Carriage	01/04/10	195.00	200.00	O/Scope
	Lost plate replacement fee	01/04/12	34.00	35.00	Inclusive
	Private Hire operators licence - annual	01/04/10	96.00	98.00	O/Scope
4	Monthly refund for unexpired months due to replacement of vehicle				
	Private Hire	01/04/12	14.92	15.00	O/Scope
	Hackney Carriage	01/04/12	16.25	16.50	O/Scope
5	One-off admin charge in respect of refund				
	Hackney Carriage	01/04/12	17.50	18.00	O/Scope
	Private Hire	01/04/12	16.50	17.00	O/Scope
6	Re-test of applicant's knowledge examination - following previous failure to reach required standard	01/04/12	20.50	21.00	O/Scope
7	<u>Animals Licences</u>				
	Animal Boarding Establishments	01/04/12	85.00	87.00	O/Scope
	Dog Breeding Establishments	01/04/12	85.00	87.00	O/Scope
	Pet Shops	01/04/12	85.00	87.00	O/Scope
	Riding Establishments	01/04/12	85.00	87.00	O/Scope
	Dangerous Wild Animals	01/04/12	85.00	87.00	O/Scope
	Sex Establishments	01/04/12	1,380.00	1,420.00	O/Scope
8	<u>Street Trading</u>				
	Other than Stamford High Street:-				
	Daily (payable monthly in advance)	01/04/12	16.50	17.00	O/Scope

SPECIAL EXPENSE AREAS

OUTDOOR RECREATION AREAS

	Detail	Effective Date	2011/12	2012/13	VAT
			£	£	
	OUTDOOR RECREATION				
1	<u>Pitches - Football/Rugby</u> Senior pitch letting (2 hrs), marking out and changing accommodation included:				
	Full rate	01/04/12	40.00	41.00	Inclusive
	Concessions	01/04/12	24.00	24.50	Inclusive
2	Junior pitch (ages 11-16) letting (2 hrs) and marking out: Full rate	01/04/12	17.50	18.00	Inclusive
3	Mini pitch letting (ages 8-11) (1 hr) and marking out: Full rate	01/04/12	10.50	10.80	Inclusive
4	<u>Tennis Court</u> Hard Courts		Free	Free	
5	<u>Cricket</u> Per Match	01/04/12	37.80	38.50	Inclusive

NOTES

Grantham

Dysart Park - tennis

Harrowby Lane - football

Wyndham Park - tennis

Stamford

Empingham Road - football, rugby, cricket

Uffington Road - football, cricket

Bourne

Recreation Road - football

SPECIAL EXPENSE AREAS

CEMETERY CHARGES

	Detail	Effective Date	2011/12 £	2012/13 £	VAT
	GRANTHAM CEMETERY				
	TRADITIONAL BURIAL GROUND				
1	Exclusive Right of Burial (Not exceeding 50 years) Standard grave space - Parishioners	01/04/12	446.00	455.00 *	Exempt
2	<u>Interment</u>				
	Person aged 16 years or over - single depth	01/04/12	456.00	465.00	Exempt
	Person aged 16 years or over - double depth	01/04/12	507.00	520.00	Exempt
	Child stillborn or below 16 years	01/04/12	199.00	205.00	Exempt
	Each additional coffin space	01/04/12	158.00	163.00	Exempt
3	<u>Licence for the Erection of Memorials</u>				
	Headstone (not exceeding 3 feet in height)	01/04/12	110.00	113.00	Exempt
	Headstone (each additional 6 inches)	01/04/12	110.00	113.00	Exempt
	Metal faced tablet	01/04/12	76.00	78.00	Exempt
	Additional inscription	01/04/12	43.00	44.00	Exempt
4	<u>Re Open Graves</u>				
	Interment Fee - single depth	01/04/12	456.00	465.00	Exempt
	Interment Fee - double depth	01/04/12	507.00	520.00	Exempt
	Interment ashes into grave	01/04/12	132.00	135.00	Exempt
	WOODLAND BURIAL GROUND				
5	All inclusive charge covering standard grave space, single depth interment, tree and plaque - Parishioners	01/04/12	1,016.00	1,045.00 *	Exempt
	*Please note there is a 50% additional charge for Non Parishioners (i.e. outside of Grantham boundary)				

HELPLINE CHARGES

	Detail	Effective Date	2011/12 £	2012/13 £	VAT
	HELPLINE SERVICE PRIVATE AND PUBLIC SECTOR				
1	<u>Monitoring Costs (per week)</u>				
	Monitoring only	01/04/12	1.61	1.65	Inclusive
	Monitoring and Mobile Warden	01/04/12	4.68	4.80	Inclusive
2	<u>Rented Helpline (per week)</u>				
	Monitoring only	01/04/12	3.82	3.95	Inclusive
	Monitoring and Mobile Warden	01/04/12	6.91	7.10	Inclusive
3	<u>Rented Portal unit (per week)</u>				
	Monitoring only	01/04/12	3.33	3.40	Inclusive
	Monitoring and Mobile Warden	01/04/12	6.43	6.65	Inclusive
4	Daily call-out from the Care Centre	01/04/12	1.61	1.65	Inclusive
5	Responsive visit by Mobile Warden	01/04/12	11.70	12.10	Inclusive
6	Rental of Lifeline Fall Detector	01/04/12	0.59	0.60	Inclusive

LAND CHARGES

	Detail	Effective Date	2011/12	2012/13	VAT
			£	£	
	LOCAL LAND CHARGE FEES				
1	Registration of a Charge on Part II of Register	01/04/11	75.00	75.00	O/Scope
2	Filing a Definitive Certificate of Lands Tribunal	01/04/11	3.00	3.00	O/Scope
3	Filing adjustment etc. for variation - cancellation of entry in Part II	01/04/11	8.00	8.00	O/Scope
4	Inspection of documents filed under Rule 10	01/04/11	3.00	3.00	O/Scope
5	Official search (including issue of Certificate) - whole of register	01/04/12	12.50	13.00	O/Scope
6	Office copy of entry in Register	01/04/12	11.50	12.00	O/Scope
7	Con 29 Part I enquiries - one parcel of land - each additional parcel	01/04/11 01/04/12	82.00 13.50	82.00 14.00	O/Scope O/Scope
8	Supplementary Part II enquiries - each printed enquiry except question 5 - Question 5 optional enquiry - Solicitor/Clients own enquiry - Question 22 common land	01/04/12 01/04/12 01/04/12 01/04/12	11.50 14.50 14.50 14.50	12.00 15.00 15.00 15.00	O/Scope O/Scope O/Scope O/Scope
9	Enquiries by personal searchers (per item)	01/04/12	14.50	15.00	O/Scope
10	Commercial Basic Search LLC1 and CON 29R	01/04/11	123.00	123.00	O/Scope
11	Expedited Search - 3 Day Turnaround	01/04/12	27.50	30.00	O/Scope
	CON29R UNREFINED DATA CHARGES				
12	Building Regulations Q1.1 (F to H)	01/04/12	8.12	6.85	O/Scope
13	Nearby Railway Schemes Q3.5	01/04/12	1.94	1.00	O/Scope
14	Outstanding Notices Q3.7 (A-D & F)	01/04/12	7.26	5.75	O/Scope
15	Contravention of Building Regulations Q3.8	01/04/12	1.72	1.50	O/Scope
16	Notices, Orders, Directions and Proceedings under Planning Acts Q3.9 (A-N)	01/04/12	5.47	4.70	O/Scope
17	Conservation Area Q3.10 (B)	01/04/12	2.17	1.00	O/Scope
18	Compulsory Purchase Q3.11	01/04/12	2.42	1.50	O/Scope
19	Contaminated Land Q3.12 (Bi & C)	01/04/12	11.74	10.60	O/Scope

REPORT TO CABINET

REPORT OF: Strategic Director – Corporate focus.

REPORT NO: SD001

DATE: 5 DECEMBER 2011

TITLE:	Local Authority Mortgage Scheme	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Mike Taylor Assets and Resources Portfolio Holder	
CONTACT OFFICER:	Daren Turner d.turner@southkesteven.gov.uk 01476406310	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity		Yes
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Sector State Aid Paper Sector Accounting Principles Paper Sector Risk assessment	

1. RECOMMENDATIONS

1. That Cabinet recommend to Council participation in the Local Authority Mortgage Scheme (LAMS), initially in partnership with a recognised national provider for £1m;
2. That Cabinet recommend that Council approve plans to extend the scheme across other lenders as they enter the scheme, or with Lloyds plc, up to a total value of £5m subject a full analysis of impact against priorities of the first £1m;
3. That the Resources PDG undertake initial development of a local policy for the scheme eligibility for Council approval;
4. Delegate to the Strategic Director (corporate services) the authority to investigate and where required execute the required legal documentation in order to satisfy scheme participants.

2. PURPOSE OF THE REPORT

2.1 The purpose of this report is to seek Cabinet approval for the Council to participate in the Local Authority Mortgage Scheme and seek initial approval to partner with recognised national provider to launch the scheme in the District of South Kesteven.

3. BACKGROUND

3.1 The Cabinet in the last six months have been working with the Corporate management team to refresh the Councils priorities and redraft the corporate plan. After an intensive period of information and data gathering about the challenges faced by the people of the district and consultation four key themes; **growing the economy, green and clean, leisure culture and the arts** and **balanced housing** have evolved from the Councils existing priorities. These new themes have been approved by Council and the revised corporate plan will be presented to Council on 8th December 2011.

3.2 Whilst gathering information to form the priorities Cabinet became aware of the plight of home buyers in the district, particularly first time buyers, as a result of the economic down turn and the increasing requirement as regards deposits by mortgage providers. This was leading to growth in the Councils own housing register and stagnation at the lower end of the property market in the district. This in turn could be inhibiting key works staying in or moving to our district and also young families staying in the area.

3.3 House prices nationally have continued to fall over the last 12 months, and the outlook remains uncertain. This pattern is followed in our district. The lack of buyers, together with the ongoing lack of mortgage availability means house prices are likely to continue to slide. Nationwide Building Society predicts house prices in 2011 to stay weak as a result of the uncertainty surrounding the economy and the Government's massive spending cuts.

3.4 There is still considerable concern about some areas of the housing market, particularly the low percentage of first time buyers. According to the Council of Mortgage Lenders (CML) mortgage lending in July 2011 fell by 6% compared to July 2010. The CML believes the housing market will remain subdued in 2011 due to uncertainty surrounding the economy and the ongoing mortgage rationing by lenders. The level of activity in the mortgage market is therefore expected to remain subdued.

3.5 Current constraints are a particular problem for first-time buyers, especially those unable to provide a substantial deposit. While mortgage insurance, shared ownership, and product innovation can all potentially play a part, none will provide a panacea to normalise the mortgage market for first-time buyers. This is likely to be a gradual process as confidence in funding markets and lending decisions is restored in the light of a more stable market environment. The preference for low loan to value mortgages is therefore expected to continue to restrict first time buyers in the current financial environment.

3.6 As a result banks and building societies will not lend to those home buyers who cannot provide up a deposit of 20 to 25 per cent I.E they are only prepared to lend 75%-80% loan to value (LTV). The typical entry level price for a property in the District is around £112k which would mean a deposit of around £28k is needed. With other costs on top of this, including stamp duty and other costs, this is effectively preventing most first time buyers from entering the property market.

3.7 This issue could adversely impact the delivery of the Council's priority themes of growing the local economy and balanced housing. The current economic environment may continue to bring uncertainty in the housing market and with the difficulties in obtaining an affordable mortgage; many potential home-buyers may remain in social / affordable housing units, thereby reducing the availability of social / affordable housing for those who may have a greater need. The lower end of the private housing market will remain slow which has connotations for the housing market generally.

4. Local Authority Mortgage Scheme

4.1 Sector Treasury Management services (currently the Council's treasury advisers) have developed a national scheme, initially in conjunction with the Lloyds banking group, to allow Councils to provide support to first time buyers. The scheme is aimed at first time buyers providing help for potential buyers who can afford mortgage payments - but not the initial deposit– to get on to the property ladder. There are 6 providers currently listed as “providers” in the scheme, they are Lloyds PLC, Leeds BS, Furness BS, Teachers BS, Saffron BS, and Leek BS (clearly the Council would look to a partner with a presence across our District to ensure maximum participation and impact)

4.2 The scheme would operate as follows:

- The Council would specify the qualifying characteristics for those who should qualify for a mortgage under the scheme (see section 5 below). The Council would also specify whether there would be a maximum loan value, and the total level of support offered by the council;
- Potential Buyers would approach the lender directly and the lender would deal with the Council. The Council will not know the identity of the individuals concerned, and have no role in approving individual mortgages;
- The Bank will assess the buyer against its own credit criteria, as well as the Council's criteria;
- If a potential buyer meets the strict credit criteria applied by the lender, and meets the criteria set out by the Local Authority to qualify for a mortgage under the scheme, the Local Authority will provide a top-up indemnity to the value of the difference between the typical Loan to Value (LTV) ratio of around 75% and a 95% LTV mortgage. The potential buyer will thereby obtain a 95% mortgage on similar terms as a 75% mortgage, but without the need to provide the substantial deposit usually required;

- The Council will deposit a sum with the bank equal to the total value of the overall indemnity offered (assuming cash backed lender requirement – see section 4.3);
- The bank would lend all the money agreed under the mortgage to enable the purchase to be made;
- The buyer would make repayments to the bank, and liaise with the bank on all issues relating to the mortgage; and
- The indemnity provided by the Council will last for 5 years. After this time the sum deposited with the bank is returned to the Council with interest.

4.3 The scheme can be supported by the Council in two ways, in that the indemnity is either cash backed or unfunded as follows:-

- If the indemnity is un-funded, the Local Authority will receive a premium a fixed amount of the value of the indemnity actually provided, typically in the region of £500 per mortgage.
- If the indemnity is “cash backed”, i.e. supported by a deposit, the Local Authority will be required to place a 5-year deposit at the start of the financial year to the full value of the indemnity being offered. The deposit will be in place for the term of the indemnity – i.e. 5 years (with the possibility of a further 2 year extension if the mortgage is in arrears at the end of the initial 5 years) - and may have conditions / structures attached. The Local Authority will receive a 5-year commercial deposit rate + a premium of 0.70% from the first lender to join the scheme, other lenders will offer similar terms.
- In accordance with the legislation, the lender will not have a legal charge over the deposit. In the event of an indemnity being called and an amount being payable by the Local Authority to the lender, a request for payment would be made by the lender. The Local Authority will undertake to settle the amount payable within 30 days.

4.4 The indemnity would only be called upon, leading to a cost for the Council, if a loss is crystallised by the lender. This would require a default by the buyer, repossession by the bank and then the property to be sold for less than the value of the mortgage.

By way of example:

- Property valued at £100k, mortgaged at £95k (funded Local Authority indemnity £20k, Bank Mortgage £75k), was subsequently sold for £70k, the bank would request the full £20k indemnity from the Local Authority. In this case the value of the property would need to have fallen by 30% from the original valuation;
- If the property was sold for £90k the bank would request £5k from the Council. In this case the value of the property would need to have fallen by 10% from the original valuation.

4.5 The Council will only face costs if both these situations arise – that there is default, and the subsequent resale value is less than the value of the mortgage. Such

costs would be funded from the interest gained in depositing the indemnity funds. Information from the Council of Mortgage lenders indicates that the number of repossessions by first charge mortgage lenders in 2010 was 0.3% of all mortgages. Over the five year period, the following would need to happen for the costs to the council to exceed the interest income (assuming a cash backed scheme):

- Defaults to be ten times higher than the 2010 level indicated by CML; AND
- Property prices to drop 10% from the level at the time the mortgage is approved

4.6 The scheme was initially launched through Lloyds Banking Group, however it is anticipated that more mortgage lenders will be invited to join the partnership as it progresses (six are currently on the list). Sector has been in discussions with the FSA approved mortgage lenders in the UK to raise awareness of the scheme. The scheme will operate on a nationwide basis and there will be no restrictions on the type and number of banks who will be entitled to participate (providing they have the necessary authorisation to offer residential mortgages in the UK). So far Blaby DC, Warrington and Blackpool Councils have formally adopted the scheme.

4.7 Cabinet recommend that the Council should initially approve £1m (cash backed) of indemnity to support the scheme with a recognised national provider. It should be noted that the scheme with Lloyds does not currently cover new build properties Lloyds may review this in time, other institutions offer this facility. It is further recommended that this is extended up to a maximum of £5m, following a review of the success of the initial £1m indemnity, as follows:

- Extending the scheme to cover other lenders as they enter the scheme, providing additional choice locally. Sector are currently in discussion with a number of lenders about entering the scheme, including lending on new build properties;
- Increasing the indemnity if the first tranche of funding is Exhausted and the scheme has delivered the outcomes required.

4.7 Extending the indemnity to £5m does not alter the financial risk profile. Whilst the possible sums payable following default could increase, so does the interest income to cover this.

4.8 Sector Treasury Services will undertake an annual audit of the scheme to ensure both parties are fully compliant with the agreement. The Council will agree with Lloyds a monthly performance report, so that it is able to demonstrate clear links to strategic objectives and also review the performance of the scheme in relation to its investment.

5. Legal position and local eligibility policy

5.1 Sector Treasury Services have sought Counsel's opinion on the legal basis for Councils to be able to support this scheme, along with the position regarding state aid. The Council continues to seek advice from its own legal advisers prior to formal adoption of the scheme

5.2 The Housing Act 1985 (as amended) provides the statutory framework for the scheme. The Act allows Local Authorities to "advance money to a person for the

purpose of acquiring a house” (section 435 of the act). Section 442 of the act allows a local authority to grant an indemnity to a lender to enable the lender to give the potential buyer a mortgage.

5.3 In order to participate in the scheme on this basis, the Council will need to develop a local policy for scheme eligibility. Resources PDG could be tasked to undertake some initial work in this respect once the overall principle of participating has been approved. The key elements of the policy will be to confirm the scheme as being cash backed, the areas of the District to be covered and the size of mortgage to be supported. The PDG may also consider the success factors for decision making on the additional £4m. The Council will then need to incorporate the policy into the local housing strategy and the treasury management policy, which will also need to be approved by Full Council as part of the Major Policy Framework. It is recommended that this is undertaken in time for consideration by Council at the meeting of March 1st 2012. Once the policy is approved, and associated legal agreements completed, the scheme can be launched.

7. OTHER OPTIONS CONSIDERED

To be considered further in policy development

8. RESOURCE IMPLICATIONS

Discussed in main body of the report.

9. RISK AND MITIGATION (INCLUDING HEALTH & SAFETY AND DATA QUALITY)

10. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

11. CRIME AND DISORDER IMPLICATIONS

None

12. COMMENTS OF FINANCIAL SERVICES

The scheme will commit, initially, £1m of the councils funds that would ordinarily be invested. Research tell us that at any one time the Council has in excess of £10m that is always invested in the markets and therefore not required for daily, weekly and monthly funding of services. This would reflect the level of reserves and balances the council carries. At present the Council is recouping 1.58% on longer term deposits, investment rates have seen dramatic falls since the onset of the economic downturn in 2008. The Lloyds LAM's scheme offers 70bbs premium on top of their existing 5year commercial deposit rate as at today's date that would return the council £43,000 pa and £215,000 over the five year term. Cleary this is multiplied by fivefold if the indemnity increases to £5m. Risk will relate to the likelihood of default and sale at less than purchase value. History dictates that default levels run at less than 0.5% of mortgages that sales proceeds would need to drop significantly if the Council was to put at risk its initial deposit as the interest earned would potentially out way any losses in the unlikely event they would occur.

13. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

Local authorities have the power to provide the indemnity referred to in this report in accordance with s. 442 of the Housing Act 1985 (as amended). The indemnity in the scheme proposed requires the deposit of security with a bank. Individual indemnities will be required in respect of legality. That legality will depend on the policy created to adopt the scheme, how that policy will contribute to the Council's strategic objectives and priorities, the process for financing the scheme, the eligibility criteria and, generally, how the policy will be implemented.

14. APPENDICES:

REPORT TO CABINET

REPORT OF: Healthy Environment Portfolio Holder

REPORT NO: ENV557

DATE: 14 November 2011

TITLE:	Registration of premises and skin piercers relating to the activities of body piercing and semi-permanent skin-colouring	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	To adopt the amendments made under Section 120 of the Local Government Act 2003 to Section 15 of the Local Government (Miscellaneous Provisions) Act 1982	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	John Smith Portfolio Holder for Healthy Environment	
CONTACT OFFICER:	Judy Hulland (Team Leader, Commercial Team) D F Price Environmental Health Services Manager	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: N/A
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Copy of proposed byelaws for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis	

1) RECOMMENDATIONS

That the Cabinet consider the proposed draft byelaws as set out at Appendix A to this report and make a recommendation to full Council to approve by:

- 1.1) Adopting by resolution sections 14 to 17 of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003) in their entirety to come into force at a date to be set within the administrative area of SKDC for the proper regulation of persons carrying out the practices of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.
- 1.2) Authorising the making of byelaws regulating the practice of acupuncture under Section 14(7) of the Local Government (Miscellaneous Provisions) Act 1982 as soon as Section 14 of that Act

is adopted as in Point 1.1 above within the administrative area of SKDC Authorise the making of byelaws regulating the practices of tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis under Section 15 (7) of the Local Government (Miscellaneous Provisions) Act 1982 as soon as Section 15 of that Act is adopted as in Point 1.1 above within the administrative area of SKDC the Head of Environmental Services be authorized to make the consolidated byelaw attached at Appendix A made under the provisions of Sections 14 (7) and 15(7) of the Local Government (Miscellaneous Provisions) Act 1982, as amended, and take all necessary steps to secure their confirmation with the Secretary of State and carry them into effect.

1.3) This proposal has been considered by the communities PDG at their meeting on 10th November last and in addition to the foregoing, the PDG recommended the following be incorporated in the registration /application process:

- Details of how records will be kept and what they will include.
- Parents/carers/guardians should be present at procedures performed on those under 18 years.

2) PURPOSE OF THE REPORT

To bring fully into force the regulatory framework of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act')(as amended by the Local Government Act 2003) within the South Kesteven District Council administrative area, including the provision of the making of byelaws for the proper regulation of businesses involved in the 5 skin piercing activities, namely tattooing, acupuncture, cosmetic piercing (including ear piercing) electrolysis semi-permanent skin-colouring.

3) DETAILS OF REPORT

3.1 Background Information

Part VIII of the 1982 Act originally provided for the regulation only of tattooing, acupuncture and ear piercing and electrolysis. This was subsequently amended by the Local Government Act 2003 to substitute the more comprehensive term 'cosmetic body piercing' for 'ear piercing' to accommodate the growing practice of piercing other parts of the human body, and to regulate the relatively new practice of semi-permanent skin-colouring which has grown up in the interim.

This amendment to the 1982 Act was triggered by the need to increase health protection and reduce the risk of transmission of blood borne virus (BBV) infections such as HIV, hepatitis B and hepatitis C and other infections.

In the past 2 years Environmental Health Services have dealt with several issues relating to blood borne viruses and other infections, and complaints from members of the public relating to skin piercing activities. For example:

- Following an infectious disease notification made under the Public Health Act of potential hepatitis C, an unregistered tattooist operating was identified. This person was operating out of an unregistered domestic premise. Minors (ie under 18 years old) were being tattooed which is illegal.
- A complaint was received following a young mother being admitted to hospital following an infection of a tattoo on a foot. There was a danger of amputation.
- Several complaints have been received from parents/guardians about body piercing of teenage children, some as young as 13 years old. This is not illegal, but currently can be undertaken in SKDC without operators and premises being registered. Therefore the risk of infection is increased.

Nationally there have been more serious consequences of unregulated skin piercing activity, for example, Daniel Hindle, a Sheffield resident died after an unregulated lip piercing procedure. Further details of this are publicly available at www.danaid.com

Each of the areas regulated by the 1982 Act required the enactment of its own set of byelaws requiring five sets of procedures, and models had only been issued by the Department of Health for three of the five areas of Regulation. This considerably slowed down the adoption of the revised byelaws by Local Authorities.

On the 7 September 2006, the Department of Health issued a revised model byelaw for the 1982 Act which consolidated all five areas of regulation into a single byelaw, considerably simplifying the adoption process.

SKDC has previously undertaken the regulation of the practices of tattooing, acupuncture, ear-piercing and electrolysis, within the district. However, the growing popularity of these activities and the addition of new activities of cosmetic body-piercing and semi - permanent skin colouration means that it is advisable to introduce the mandatory regulation of all of these activities through the bringing into force of Part VIII of the 1982 Act, in its amended post 2003 Act form. Currently within SKDC there are:

- 53 Tattooists at 14 premises
- 32 Acupuncturists at 21 premises
- 26 Persons undertaking electrolysis at 14 premises
- 63 Ear piercers at 32 premises

Service intelligence indicates that activities of cosmetic body-piercing and semi - permanent skin colouration are a growing trend nationally and within SKDC.

The predicted number of new registrations would be initially approximately 20 with approximately 5 per annum thereafter.

By registration of these activities the business is able to demonstrate to customers and other interested parties that they are regulated by SKDC. Consequently customers can look for registered premises and operators certificates. This information has to be kept as a public register, which would also be made available on the SKDC website.

The adoption of byelaws under the 1982 Act would generally replicate the existing guidance issued by SKDC, but would further provide that any breach of this guidance would carry with it the possibility of criminal prosecution. It would be an offence under Section 16 (2) of the 1982 Act for any person to contravene the proposed byelaws, which upon conviction could result in a fine of up to £1,500. The Court upon conviction would also have the power to cancel any registration under the 1982 Act, effectively causing any person convicted to cease to lawfully practice in these disciplines, and incurring a further offence should they practice unregistered.

An updated Minute specifying the adoption of the 1982 Act, including the amendments introduced by the 2003 Act, and the making of the byelaws under it would be required to be produced to the Magistrates Court prior to any prosecution for offences under the Byelaws for the avoidance of doubt as proof of the existence and validity of the byelaws for the Court to retain and apply for their future use.

The adoption of the new consolidated Model Byelaw by the Department of Health indicates that further revision of this area of law in the near future is unlikely and it should make the adoption of such byelaws simpler and cheaper.

3.2 Proposals

It is proposed that SKDC bring fully into force the entirety of Part VIII of the 1982 Act (as amended by the 2003 Act) within the district by a resolution under Section 13 of Part VIII of the 1982 Act, and in addition authorise the making of a full set of byelaws under the 1982 Act (as amended by the 2003 Act) in accordance with the new Model Byelaw issued by the Department of Health on the 7 September 2006.

To bring Part VIII fully into force, a date will need to be specified in a resolution of the Council when these provisions will fully come into force. Following the making of the resolution but before the coming into force of these provisions, it will be necessary for SKDC to publish a notice that they have passed a resolution under section 13 of the 1982 Act for two consecutive weeks in a local newspaper. The first publication of this notice has to be at least 28 days before the day specified in the resolution for the coming into force of these provisions.

Once Part VIII of the 1982 Act has fully come into force then SKDC may institute the procedure for the introduction of byelaws under Section 14(7) of the 1982 Act for acupuncture and Section 15(7) of the 1982 Act for tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.

At Appendix A is the new Model Byelaw as adapted for SKDC. Only a byelaw under this provision substantially similar to the Model byelaw will be confirmed by the Secretary of State.

It would be proposed to start the procedure for the enactment of the byelaws as soon as Part VIII of the 1982 Act has been brought fully into force.

3.3 Procedure for adoption of Bye Laws

The Procedure for adoption of byelaws is set out in Appendix B.

4) OTHER OPTIONS CONSIDERED

Consideration has been given to continuing without adoption of the amendments made under the Local Government Act 2003 leaving the skin piercing activities of body piercing and semi-permanent make-up an unregulated activity in SKDC. This would leave members of the public in SKDC at risk of blood-borne infection from these unregulated activities possibly resulting in increased health costs and decreased quality of living.

5) RESOURCE IMPLICATIONS

The cost of making the byelaws would be borne out of existing resources. There would be minor costs associated with placing of the advertisements in local papers.

The cost of enforcement of the byelaws would be met from existing resources already allocated to enforcement and should therefore not entail any additional expenditure or increase in the number of officers. Existing staff resources within Environmental Health Services can absorb these duties.

Fees are currently charged for registration of skin piercers and premises. It is anticipated that the scale of charges would be in line with those existing for tattooing, acupuncturists and electrolysis activities. These fees cover the costs of administration and registration inspections.

6) RISK AND MITIGATION

There is negligible risk and mitigation to the council.

7) ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

The Environmental Health Service Equality Impact Assessment has recently been completed and consulted on. Considerations from the Equality Impact Assessment have been incorporated into this report.

8) CRIME AND DISORDER IMPLICATIONS

Not applicable

9) COMMENTS OF FINANCIAL SERVICES

As confirmed within this report, any financial costs arising from implementing this decision will be met from within existing resources. Any fee and charge levels will be set in line with the existing charges and reviewed annually by the service manager. Any changes in fee levels will be need to be approved by Council and include consultation with relevant parties.

10) COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The making of byelaws is a function that can only be exercised by full Council. As noted in the report, before a byelaw, regulating the practice of acupuncture under section 14 (7) and the practice of tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis under section 15 (7) of the Local Government (Miscellaneous Provisions) Act 1982 the Council must first pass a resolution to adopt sections 14 to 17 of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003, on the basis that this amendment introduces wider definitions of cosmetic piercing and covers the new practices of semi-permanent skin- colouring not recognized by the 1982 Act.

11) COMMENTS OF COMMUNITY SAFETY AND LICENSING SERVICE

No Comments received following consultation

12) APPENDICES:

Appendix A - SKDC Byelaws for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.

Appendix B Procedure for Adoption of Byelaws

APPENDIX A

SOUTH KESTEVEN DISTRICT COUNCIL

BYELAWS

For the Regulation of

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

SOUTH KESTEVEN DISTRICT COUNCIL

BYELAWS

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

Interpretation

1. (1) In these byelaws, unless the context otherwise requires-
 "The Act" means the Local Government (Miscellaneous Provisions) Act 1982;
 "Client" means any person undergoing treatment;
 "hygienic piercing instrument" means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either-
 - (a) The lobe or upper flat cartilage of the ear, or
 - (b) Either side of the nose in the mid crease area above the nostril;**"operator"** means any person giving treatment, including a proprietor;
 "premises" means any premises registered under Part VIII of the Act;
 "proprietor" means any person registered under Part VIII 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 the premises where treatment is given to clients

(2) the Interpretation Act 1978 shall apply fully interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. (1) – for the purpose of securing the cleanliness of premises and for 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 materials, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the Local Authority;
 - (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilised for each treatment, is suitably stored after treatment and disposed of in accordance with relevant legislation and guidance as advised by the Local Authority;
 - (d) any furniture for 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 a 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 as a smooth impervious surface which is disinfected –

- (i) immediately after use;
- (ii) at the end of each working day.

- (f) any table, couch, or other item of furniture used in treatment is covered by a disposal 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” must be promptly displayed in the treatment area.

(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 sterilisation 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) 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, sterilised.
- (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 and touches a part is sterile;

- (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for Tattooing or semi-permanent skin colouring is sterile and inert;
 - (v) any container used to hold dye for Tattooing or semi-permanent skin colouring is either disposed of at the end of each treatment or is cleansed and sterilised before reuse.
- (b) a proprietor shall provide –
- (i) adequate facilities and equipment for –
 - (aa) cleansing; and
 - (bb) sterilisation, unless only pre-sterilised 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), (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 only in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable or alternatively a disposal 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 purposes 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 needs to be for the sole use of the operator.

(3) – where an operator gives acupuncture a proprietor shall ensure that the operator wears disposal examination gloves that have not previously been used with another client if –

- (a) if 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;
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids

- 5.** A person registered in accordance with Sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).
- 6.** The byelaws relating to acupuncture, ear piercing, electrolysis and tattooing were confirmed by the Secretary of State for Social Services on 19 June 1984 and brought into operation by South Kesteven District Council on 26 July 1984 are revoked.

THE COMMON SEAL of SOUTH KESTEVEN

DISTRICT COUNCIL was hereunto

Affixed in the presence of:-

[Authorising Officer]

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

[Printed name]

Member of the Senior Civil Service

Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part 8 of the Act. A person who contravenes Section 16(9) shall be guilty of an offence and liable for Summary Conviction to a fine not exceeding level 2 on the Standard Scale (see Section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on Summary Conviction to a fine not exceeding level 3 on the Standard Scale. If a person registered under Part 8 of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A Court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence when a person charged under the relevant sub sections of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practise 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 practise of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried by or under the supervision of such a person.

Nothing in these byelaws extends to the practise of acupuncture by or under the supervision of a person who is registered as a Dentist, or to premises in which the practise 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 reference in the introductory text to provisions of Section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture**
- The reference 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) of 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 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 requirement relating to dye or a container used to hold dye used for treatment in paragraphs 3(1)(a)(iv)(v) **apply to tattooing and semi-permanent skin-colouring**
- The requirement in paragraph 4(1)(a)(iii) that an operator wears disposal examination gloves that have not recently been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3)**
- The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument**
- The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **Dentist** applies to **acupuncture (see Section 14(8) of the Act)**

APPENDIX B

The Procedure for adoption of Byelaws is set out in section 236 of the Local Government Act 1972, once Part VIII of the 1982 Act had come into force. It would be for SKDC to formally resolve to adopt the byelaws set out in Appendix A. The resolution to make the byelaws would be given at the same time as the resolution to bring into force Part VIII of the 1982 Act and would be conditional upon the provision coming into force.

The adopted byelaws would then be made under the common seal of SKDC, following which a notice of SKDC's intentions to apply for their confirmation by the Secretary of State for Health must be given in one or more newspapers circulating in the area to which the byelaws are to apply.

For at least one month after the date of the publication of the newspapers, a copy of the byelaw must be held on deposit at the offices of the SKDC for inspection by the public at all reasonable hours, and SKDC must provide any person who applies with a copy of any part of the byelaws.

After the month for deposit has expired the application to the Secretary of State for Health would be undertaken by sending two sealed copies of the byelaw, together with copies of the newspapers advertising the byelaw.

On receipt of the sealed byelaws, provided that no objections have been received, they will normally be stamped as confirmed by the Secretary of State and returned to SKDC as soon as possible. Where an objection has been received following the advertisement of the byelaws, SKDC will be provided with copies of the objections for its officers to comment upon, which in turn will be considered by the Secretary of State. Should the Secretary of State still be unclear as to the proper resolution of these objections then a Public Inquiry may be ordered to be held into the objections to the adoption of the byelaws, and confirmation or refusal of confirmation dependent upon the Chair of the Inquiries decision.