

MEETING OF THE COMMUNITIES POLICY DEVELOPMENT GROUP

THURSDAY, 10 NOVEMBER 2011
2.30 PM



GROUP MEMBERS PRESENT

Councillor Bob Adams
Councillor Kelham Cooke
Councillor Breda Griffin
Councillor Charmaine Morgan

Councillor John Nicholson
(Chairman)
Councillor Jeff Thompson (Vice-
Chairman)
Councillor Raymond Wooten

OFFICERS

Head of Environmental Services
(David Banks)
Environmental Health Services
Manager (David Price)
Food, Health and Safety Officer
(Judy Hulland)
Climate Change Co-ordinator
(Michael Rickard)
Principal Democracy Officer (Jo
Toomey)

PORTFOLIO HOLDER

Councillor Terl Bryant
Councillor Mrs Frances Cartwright
Councillor John Smith (Healthy
Environment)

25. MEMBERSHIP

The PDG was advised that Councillor Adams was substituting for Councillor Mrs Taylor for this meeting only.

26. DECLARATIONS OF INTEREST

No declarations of interest were made.

27. ACTION NOTES FROM THE MEETING HELD ON 1 SEPTEMBER 2011

The action notes from the meeting held on 1 September 2011 were agreed as a correct record.

28. FEEDBACK FROM THE EXECUTIVE

The Portfolio Holder for Engagement and Corporate Services had forwarded a 'Driving for Life' leaflet. The programme was a driver awareness course for mature drivers.

Action point:

Display a copy of the 'Driving for Life' leaflet in the Members' Lounge.

29. SKIN PIERCING

The Environmental Health Service Manager presented report number ENV555 about the registration of premises and skin piercers relating to the activities of body piercing and semi-permanent skin-colouring. Implementation of the proposed byelaw would cover five areas of skin piercing: tattooing, acupuncture, cosmetic piercing (including ear piercing), electrolysis and semi-permanent skin-colouring. Mr Price clarified this did not include tanning processes like spray tans and sunbeds, only skin-colouring services where the skin was pierced. A presentation showed different examples of skin piercing and colouring, together with its potential consequences.

The proposed byelaw was designed to prevent the spread of blood-borne viruses and infections. It was estimated 20 additional registrations would come forward in the first year, with five a year thereafter, if the byelaw was introduced. The Council would keep a public register, which would be available on its website.

Concern was raised over whether registering with the Council could be interpreted by members of the public as a guarantee, and expose the Council to liability if anything went wrong. Officers stated that registration would convey approval and confidence but could not guarantee that nothing would go wrong. Council records would show whether a premise took satisfactory measures at the time of its last inspection (annually for tattooists and body piercing (excluding ear piercing), and every three years for the other establishments).

Officers confirmed that the only form of skin piercing that had a legal

minimum age was tattooing. Councillors expressed concern about safeguarding children and the actions taken by studios to ensure a young person has the consent of their parent/carer. It was queried whether there was any form of protection that could be written into the byelaw. Guidance from the legal officer indicated that the Council could only make additions relating to cleanliness of fittings, persons and persons-assisting, and the cleaning and sterilisation of materials and equipment.

The issue was raised over whether tighter regulation would drive people to businesses outside the district.

Action Point

Find out whether neighbouring authorities have adopted skin piercing byelaws and whether their terms differ from the model byelaw.

The following points were also raised as part of discussion:

- Whether record-keeping could be written into the draft byelaw – it would not be enforceable and, as it did not fit the cleanliness theme, could prevent the byelaw's adoption. Details of arrangements could be requested as part of registration process.
- The Council had power of entry through a warrant from the Magistrates Court. If a premise refused access for a routine inspection, they would have committed an offence.
- The Head of Environmental Services stated that the byelaw was introduced in Nottingham to control and improve establishments. Since its implementation the number of complaints had reduced.
- The Council could not compel skin-piercing establishments to carry out CRB checks on staff. Councillors were particularly concerned about unsupervised procedures on children. A strong recommendation for parents to be present for procedures on children could be built into the application process together with a warning for operators who fail to heed this.
- Education work has been carried out in schools as part of Personal, Social and Health Education lessons.
- The wording stating that premises should use disposable equipment "where possible" related to establishments that used older equipment, which was fully sterilised in a special unit
- The proposed byelaw was scheduled for Cabinet consideration

in December 2011/January 2012 before submission to Council in March 2012.

Recommendation

Cabinet recommend that Council:

- 1. Adopt 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.**
- 2. Authorise 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 (above) within the administrative area of SKDC**
- 3. 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 (above) within the administrative area of SKDC**
- 4. Authorise the Head of Environmental Services to make the consolidated byelaw as attached at Appendix A of report ENV555 made under the provisions of Section 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.**

The PDG also recommends the following be incorporated into 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**

Action point

Feedback amended registration procedures to the PDG reflecting the recommendations.

30. ENERGY REDUCTION AND CARBON MANAGEMENT

The Head of Environmental Services and Climate Change Co-ordinator gave a presentation on carbon management:

- There was increasing reliance on imported energy and a decline in natural resources, together with increasing costs for gas, electricity and road fuel.
- Several policies and drivers had been discontinued, however new and updated policies had been produced or were in production.
- Carbon management supported several of the Council's priorities: growing economy; keeping SK clean, green and healthy and good housing for all.
- SKDC had taken a number of steps to reduce energy use, including voltage optimisation, lighting upgrades, smarter driving training and upgrading the pool car fleet.
- Photovoltaic cells were being installed on council buildings.
- Services had provided a risk assessment of their service area in respect to sustainability and the impact of weather. Sustainability was being incorporated in service planning.
- Work supporting businesses was undertaken and would continue through sharing best practice.
- Guidance was provided for residents and information made available on the Council's website.
- Options for future activity include a move towards a sustainable future for energy use and mitigation against the effects of climate change were highlighted.

Councillors discussed the presentation:

- National sustainable planning policies were emerging. Councils could choose to go beyond this, for example using the Merton Rule.
- Any new Council policy would be subject to consultation, including consultation with different departments, to ensure a consistent approach.
- Greener driving habits were promoted to council employees; these were included in a handbook being produced for staff members. A version could be produced for wider publication.
- Taxi driver newsletters could highlight the impact of idling vehicle engines at taxi ranks.

- When looking to replace the council's fleet of vans, vehicles with 'stop/go' technology where the engine died down, should be considered.

The Head of Environmental Services explained that a draft energy management and climate change policy would be produced for the PDG's consideration on 5 January 2012. It would focus on the issues raised in the presentation. Cabinet would consider the policy in March 2012. Specific projects would be included in action plans that sit behind the policy.

31. QUESTIONS REFERRED FROM COUNCIL ON 20 OCTOBER 2011

Question:

Significant changes to secure tenancy are proposed under the Government's Localism Bill including the restriction of security of tenure for only 2 years for council tenants. Current proposals could impact on both existing and future council tenants, with consequences for private tenants/landlords and neighbouring owner-occupiers, as well. There will also be likely increased degradation of council assets.

Given it is up to individual councils to choose whether, and how to adopt this part of the Bill, please advise when this matter will be debated in Full Council.

A draft response was prepared by the Acting Head of Housing and Neighbourhoods. The proposed changes to the security of tenure (for future tenants) were discretionary. The contents of the Localism Bill were continually changing, making it difficult to predict the final details that would be in the Act.

One member advised that in 2008, the Council resolved that existing council tenants' agreements should not be terminated. The PDG felt that when the legislation was passed and enacted, and new policies prepared, they should be presented to them for consultation and consideration. The Portfolio Holder commented this would happen if implementation dates permitted sufficient time. PDG members said they would be prepared to hold an additional meeting if required.

Answer:

We are aware that the proposed changes to the security of tenure (of future tenants) will be discretionary for each Council and are currently working through the many proposed changes arising from

the Localism Bill. Reports will be presented to Cabinet and Council depending on the issue and policy proposal for change, or otherwise, as and when the relevant parts of the Bill are enacted and the Regulations are in force.

Question:

In response to concerns received over the potential risks to local heritage and community assets please provide the number and location of conservation areas; listed buildings; tree preservation orders and allotments – both existing and planned, within South Kesteven District Council.

Does the council believe that current protection is adequate?

A briefing note detailing conservation areas, listed buildings, tree preservation orders and allotments was circulated at the meeting. The Planning Policy and Partnerships Service Manager, who produced the report concluded that she felt current protections were adequate. The Economic Development Portfolio Holder clarified that each tree preservation order did not necessarily protect a single tree.

The PDG member who had proposed the question summarised her reason for asking: a Grade II listed building in Grantham was demolished and she explained that English Heritage only looked at buildings considered of national importance. Despite recognition when the council identified buildings of value and in the townscape assessment, the building was not protected.

Discussion ensued around conservation areas, comparing the street scenes of Grantham and Stamford. Conservation areas across the district were reviewed on an ongoing basis. Some areas may not have been adopted because too many adaptations to buildings' exteriors may already have taken place. The Councillor who asked the question felt that conservation area work in Grantham was concentrated around the town centre and the very old parts of town. She felt that without the protection of a conservation area, there was no legal protection for heritage buildings.

The response from the Planning Policy and Partnerships Service Manager was noted.

32. WORK PROGRAMME

Upcoming topics for PDG consideration were noted.

33. ANY OTHER BUSINESS

Following a trip to Oakham, one PDG member asked whether the Council operated a food hygiene rating scheme. She was advised the Council did run a scheme, however it was being superseded by a national scheme. The criteria within the national scheme were not as stringent as the local scheme. When asked whether award criteria could be more stringent, the PDG was advised that all criteria had to be standard.

34. CLOSE OF MEETING

The meeting was closed at 16:26.