



Uttlesford District Council

Chief Executive: John Mitchell

Council

Date: Tuesday, 14 April 2015
Time: 19:30
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: All Members of the Council

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given two working days' prior notice.

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest**
To receive any apologies and declarations of interest
- 2 Minutes previous meeting** 5 - 14
To receive the minutes of the meeting on 26 February 2015
- 3 Matters arising**
To consider matters arising from the minutes
- 4 Chairman's announcements**
To receive any announcements from the Chairman

- 5 Reports from the Leader and members of the Executive**
To receive matters of report from the Leader and members of the Executive
- 6 Members' questions to the Leader, members of the Executive and chairmen of committees (up to 15 Minutes)**
To receive members questions
- 7 Matter received from the Executive - Pay Policy 2015/16** 15 - 32
To approve the Council's Pay Policy 2015/16
- 8 Matters received about joint arrangements and external organisations**
Matters concerning joint arrangements and external organisations
- 9 Matters received from committees and working groups** 33 - 34
To receive the minutes of the meeting of the Independent Persons appointment Panel
- 10 Amendments to the Constitution** 35 - 44
To approve amendments to the Constitution
- 11 Appointment of s151 Officer** 45 - 46
To approve the appointment of the s151 Officer
- 12 Adoption of byelaws** 47 - 56
To adopt an updated model bylaw for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis by the council
- 13 To consider nominations for the posts of Chairman and Vice-Chairman of the Council as required under Article 5.1.2**
To be laid on the table for the Annual Council meeting on 26 May 2015
- 14 Chairman's urgent items**
To consider any items that the Chairman considers to be urgent.

MEETINGS AND THE PUBLIC

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Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

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COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 26 FEBRUARY 2015 at 7.30pm

Present: Councillor K Artus – Chairman.
Councillors H Asker, G Barker, S Barker, C Cant, R Chambers, J Cheetham, P Davies, A Dean, R Eastham, K Eden, M Felton, M Foley, E Hicks, S Howell, D Jones, A Ketteridge, J Ketteridge, T Knight, R Lemon, J Loughlin, K Mackman, J Menell, E Oliver, D Perry, V Ranger, J Redfern, H Rolfe, J Rose, D Sadler, J Salmon, A Walters, and D Watson.

Officers in attendance: J Mitchell (Chief Executive), M Cox (Democratic Services Officer), M Perry (Assistant Chief Executive – Legal), R Harborough (Director of Public Services) and A Webb (Director of Finance Corporate Services).

C67 MATTERS RECEIVED FROM THE EXECUTIVE

There were no matters received from the Executive.

C68 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J Davey, I Evans, J Freeman, E Godwin, S Harris, D Morson, E Parr, J Parry, J Rich, L Smith and L Wells.

C69 MINUTES

The minutes of the meeting held on 18 December 2014 were received and signed by the Chairman as a correct record.

C70 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that had had raised £97 for Help for Heroes at a recent rock band event. A second liaison meeting had been held at Carver Barracks to discuss the Community Covenant.

C71 APPOINTMENT OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE

Councillor Knight, Chairman of the Independent Persons Appointment Panel reported that after considering the applications and interviewing a strong field of applicants, the Panel had recommended the appointment of two of the candidates.

RESOLVED that Mr D Pearl and Mrs C Wellingbrook-Doswell be appointed as Independent Persons on the Standards Committee until the end of the next council term.

C72 REPORTS FROM THE LEADER AND MEMBERS OF THE EXECUTIVE

The Leader reported on a recent meeting with Essex authorities, which had discussed possible devolution of powers from Whitehall. The meeting had put forward the Greater Essex Area Development proposal, which would include representatives from Essex County Council, the two unitary authorities and the 12 districts. All authorities had been asked to lodge an expression of interest before the May election. At the meeting there had been a broad cross political consensus in support of the principle, but the Leader said that further work would need to be undertaken into the details of any proposal and to seek a greater understanding of the potential benefits for Uttlesford.

Councillor Ranger reported on recent discussions around health issues, which fell under his portfolio. He explained that the council was working with the Clinical Commissioning Group to progress future plans for the district, looking in particular towards integrated care services.

Councillor Walters tabled his report on activities under his portfolio. This included updates on the Local Highways Panel, the Wenden Road cycle path, the Uttlesford Cycling Strategy, Highway Rangers and Uttlesford Policing.

Councillor Oliver said that with support of the Uttlesford Highways Panel, ECC had granted an experimental winter closure for a byway in Clavering. However, the 4 x 4 users had pulled out the posts restricting access and it was clear that these measures would need to be more robust if this type of closure was to be successful. Councillor Barker replied that ECC Highways had now addressed this issue.

C73 MEMBERS' QUESTIONS TO THE LEADER MEMBERS OF THE EXECUTIVE AND COMMITTEE CHAIRMEN

Councillor Rose asked Councillor S Barker about the take up of the green bin service and whether this was intended to replace the village skips. It was explained that the skips were requested and paid for by the parish councils. The green bin was a discretionary paid for service, which cost £40 per year. Councillor Eastham asked if there was a discount for residents who paid by direct debit. In reply Councillor Barker said that most customers already paid by direct debit as this gave more certainty for the service going forward. She considered that £40 per year was very good value.

In reply to a question about the progress of the Reynolds Court Sheltered Scheme in Newport, Councillor Redfern said the Planning Committee would consider the application on 11 March 2015 and it was hoped that the work would commence as soon as possible.

Councillor A Ketteridge asked Councillor Chambers to comment on the recent newspaper quote from Councillor Lodge (ECC) that Uttlesford had withdrawn council tax relief from its poorest families. Councillor Chambers explained that the Local Council Tax Support Scheme had been introduced 3 years ago. The Government had suggested that residents of working age who previously received 100% council tax relief should make a contribution of 30%. The council's scheme had subsidised the affected residents so that they only paid 8%. As part of the phased introduction of the Government's scheme this had increased to 12% in the following year. He said that compared to all other Essex authorities, the Uttlesford scheme had given the greatest amount of support to its residents.

Councillor Hicks asked Councillor S Barker if the North Essex Parking Partnership (NEPP) could address the problems with commuter parking at Knights Way, Great Dunmow, as this was preventing the refuse vehicles getting through to the properties in surrounding streets. Councillor Barker replied that a temporary parking restriction might be appropriate, but it was important that the area was looked at as a whole, as a restriction in one area might just push the problem elsewhere. She understood that the Great Dunmow Town Management Group was in the process of developing a scheme, which would be considered by the NEPP at its March meeting.

Councillor Menell said that 106 members of the public plus lawyers and advisors had attended the meeting of the Uttlesford Planning Policy Working Group (UPPWG) on 23 February in order to convince the Members that the proposed Gypsy and Traveller site at 5 Acres Wicken Bonhunt/Arkesden was unsuitable and unsustainable. Residents had left feeling positive, that they had been listened to, only to be disillusioned 24 hours later when informed that new information from the applicant would not be received until 31st March, the day after the next planned meeting of the group. It was now likely that a decision wouldn't be taken until June. She said this was sidestepping the issue and disrespecting the residents and she asked for the information to be ready and available for the meeting on 30 March 2015.

Councillor Rolfe replied that the UPPWG had considered the representations received to the Gypsy and Traveller consultation, some officer recommendations had been included in the report but no decisions had been taken. There had been no officer recommendation in respect of the 5 acre site. The Highways Authority and the Environment Agency had raised no objections and the council was required to give due consideration to the advice of the statutory bodies. The meeting had heard and taken on board the comments and conflicting views from the local community, and as a result further information was being obtained on the issues raised.

There had also been a commitment to visit the proposed sites before a decision was taken and the Government's announcement on a change of definition to Gypsies and Travellers for planning purposes was expected shortly, which might affect the situation going forward. The council was going through a process and a response would be made once all the information was available.

Councillor Knight asked about the collection of council tax from the Gypsy and Traveller sites. It was explained that all the sites in the district were in private ownership and there was no problem with the collection as the charge was made on the land.

Councillor Watson asked Councillor Rolfe if he would congratulate Saffron Walden Town Council on its decision to defend the Kier appeal and also We Are Residents' (WAR) decision to help with funding the appeal in the light of the more optimistic legal advice that had recently been received. The Leader replied that Uttlesford was clear on its own decision on this issue and this position had not changed.

C74 CORPORATE PLAN AND CORPORATE RISK REGISTER

Councillor Rolfe presented the Corporate Plan and the Corporate Risk Register and drew members attention to the four main themes that contributed to the overall ambition for a high quality and low tax council.

RESOLVED that the Corporate Plan for 2015-20 and Corporate Risk Register be approved.

C75 BUDGET 2015/16

Councillor Chambers introduced the budget 2015/16. He said this was the culmination of 4 years excellent work. The council's financial situation was stable, there were sufficient reserves to withstand future uncertainties and the council had a solid platform to build on. The district's council tax had been reduced each year with services being retained and increased where possible. Uttlesford was now one of the best run small councils in the country, which was the result of sound financial management. He expressed his thanks to all the officers in the Finance Department for all their hard work and assistance in preparing this budget.

He presented the budget reports, which had been approved by both Scrutiny Committee and Cabinet.

He said that as part of the budget setting process, the Section 151 Officer was required to give formal advice on the robustness of estimates and the adequacy of reserves. This year one new risk had been identified concerning the risk to working balances if the introduction of Universal Credit was delayed. The other ongoing risk areas would continue to be closely monitored and Cabinet would receive regular updates. He drew attention to the Reserves Strategy, which was a new addition to the papers. The council was following advice to maintain the working balance at the current level of around £1.2 m, and to manage other risks through earmarked reserves.

The Medium Term Financial Strategy identified a stable financial position and budget surpluses for at least the next two years. From 2017 much would depend on the future of the New Homes Bonus (NHB) as some sort of reform was

expected. The key point was to be in a position to react and reduce the extent to which the revenue budget was funded from NHB, by maintaining financial discipline and looking for new ways to provide services at lower cost, and to grow income from other sources.

The council's reserves were healthy, sufficient to cope with foreseeable scenarios, and to make meaningful investments in services, but this should avoid ongoing pressure to the Council's bottom line.

The Treasury Management Strategy, which governed the use of bank accounts had been reviewed and endorsed by the council's independent advisers. External borrowing was not expected to be required in the next 5 years and the council would continue to operate a prudent approach to investment.

The Capital Programme for the next five years set out a programme of spending for 2015/16, £3.9m on General Fund schemes and £ 9.8m on housing schemes.

Councillor Redfern then spoke in relation to the HRA budget and the 5 year business Plan. The proposed average rent increase was 2.2%, which was in line with Government recommended guidelines. She explained that there was an opportunity to sell designated temporary accommodation units from the HRA to the General Fund at market value. Draft approval had now been received from the Secretary of State and this capital receipt to the HRA would enable the council to deliver its ambitious programme of new council housing and to upgrade its sheltered accommodation and existing housing stock. The five year forecast showed that total investment in council housing improvements during the next five years would be around £42m.

Councillor Chambers concluded with the report on the General Fund 2015/16 and highlighted proposed areas of investment. He stated that the Administration had proposed a 3% cut in the district council tax which would benefit all council taxpayers and continue to be the lowest council tax in Essex.

Members noted an addition to the fees and charges report to include the charges for planning pre-application advice for commercial properties.

Councillor Chambers proposed, and it was duly seconded that the recommendations, as set out on page 29 of the agenda pack, including the amendment to the Fees and Charges report, be approved.

Councillor Artus asked why extra provision had been made in the budget in relation to Business Rates. He was informed that this sum was to cover any costs that might be associated with any future appeals.

Councillor Loughlin questioned whether the £1m in reserves would be sufficient for the on going costs of the local plan preparation bearing in mind the likely need for consultants and additional studies. In reply she was informed that the local plan would be building on previous studies, the work was ongoing and budgeted for, so the funds set aside should be sufficient.

Councillor Dean said that he welcomed some aspects of the budget proposals. He thought the transfer of temporary housing from the HRA to the General Fund was a sensible move to enable the programme for council houses to continue. He also welcomed the detailed report on reserves which was long overdue.

He then proposed the following motion, which was seconded by Councillor Foley 'that the council resolves to adopt the following alternative budget proposals

1. *Council Tax*

It is proposed that in order to protect the Council Tax base it is more progressive to give a Council Tax Rebate rather than a Council Tax cut. The proposal is for a flat rate rebate of £4.25 per household. This means the Council will be, in relative terms, helping to support the occupants of lower band properties more than the occupants of higher band properties and so would be seen to be acting more fairly.

The cost in the first year is the same as a 3% cut but is actually a lower cost option to the Council in the long term as the base is protected for any future increases that may be necessary to take account of central Government cuts.

2. *Recycling*

It is proposed to invest £60,000 per annum initially for three years in the promotion of increased recycling and the education of new and existing residents to avoid contamination occurring. The money will be allocated to:

- *Two officers visiting households and neighbourhoods to explain the merits of more effective recycling and reduced contamination*
- *An officer at the transfer station to monitor contamination levels and to ensure the penalties claimed are accurate*
- *Better promotion of recycling across the district, such as through the introduction of 'Welcome Packs' and the consideration of local incentives.*

This will be funded in year one from the 2015/16 forecast underspend.

3. *Rangers*

A sum of £45,000 per annum allocated to the Rangers service to recruit an additional operative to place a greater emphasis on rural areas. This sum is to include the purchase of equipment and supplies. It is also intended that the way the service operates would be renegotiated with Essex County Council.

This will be funded in year one from the 2015/16 forecast underspend.

4. *Welcome Packs*

It is proposed to develop welcome packs for both new residents and residents who move between Wards. We will work with Town and Parish Councils to include local information. The budget will be £5,000 per annum and will be funded from 2014/15 forecast underspend.

5. Photovoltaic Panels

It is proposed to allocate £400,000 for the installation of photovoltaic panels on council buildings. This will lead to a reduction in energy costs incurred by the council offset in part by the feed-in tariff. The cost of this project will be funded over 2 years from the re-working of existing Reserves.

6. Capital Initiatives Fund

It is proposed to allocate an initial £1,500,000 to a fund to pump prime infrastructure associated with growth in the district. Examples are car parking and pedestrian access, schemes to bring more jobs and public spaces. This fund will be established from the forecast budget underspend in 2015/16 and the reworking of the Strategic Initiatives Fund and other Reserves. Further allocations will be made to the fund from underspends and Reserves in succeeding years to support delivery of the new Local Plan.

7. Local Plan

The budget for Planning Policy will be revised at an early date to incorporate internal and external costs for the production of a new Local Plan. All external expenditure on consultants and studies will be subject to scope and costs being agreed by Members to ensure transparency.

Councillor Dean explained his proposed amendments. In relation to the first point, for a flat rate council tax rebate of £4.25 per household, he said this had the same effect in budgetary terms as the Administration's proposal for a 3% cut, but in terms of fairness his proposal would give the same amount to everyone and not favour the better off.

Councillor Rolfe replied that the budget was a balance of income, investments, services and reserves and though he welcomed the spirit of the amendment he would not support it for the following reasons:

When council tax was increased it did so proportionately, so it was only fair for the same to happen when it was reduced. This was a system that the residents understood and in any event it was too late for a rebate to be made and the cost of administration would be prohibitive. The council was committed to recycling, but was developing a plan based around education, and would not necessarily need to spend the sum of money suggested. The welcome pack was a good idea but he felt that town and parish councils should fund this. The solar panels would require a feasibility study as to the current cost/value of the exercise for the council. The council had already established the Strategic Initiatives Fund, which would support growth projects in the district.

Councillor S Barker said that UPPWG at its recent meeting had listed the cost of the studies to be carried out in relation to the Local Plan. This information was available to Members and the public and was a transparent process.

She reported that a new recycling contract would commence in May, which would be a good opportunity to review how best to pass on information to residents. She said ECC was looking at ways to improve promotion across Essex and this could be discussed at the Waste Strategy Panel.

Councillor Howell said the council's budget over the past 4 years had a clear vision and clarity and had met the principles of low cost and high quality. He could see some merit in Councillor Dean's amendments but questioned the proposal of a one off rebate at this time. There appeared to be an assumption in the suggested amendments that problems could be solved by spending money. There were more effective approaches for example in relation to recycling, it was education that was the key and councillors themselves had a responsibility to promote this.

Other Members commented on the suggested amendments. Councillor Mackman said that points 5 and 6 of the amendment proposed a budget allocation of around £2m and he felt that further consultation was required before such a commitment could be made.

In reply Councillor Dean said that it was correct that the rebate would be a one-off as the financial situation for future years was unclear. He agreed that there should first be feasibility studies in relation to his proposals, and the public's views should be sought on the capital fund spending, but he had hoped the suggested amounts could be earmarked within the budget.

The amendment was then put to the vote and was lost by 5 votes to 25.

The motion was then put to the vote and in accordance with the Council Procedural Rules a recorded vote was taken

RESOLVED to approve the following recommendations in relation to the budget 2015/16

Robustness of Estimates and Adequacy of Reserves

RESOLVED TO

- 1 Take account of the advice in the report when determining the 2015/16 General Fund budget and Council Tax.
- 2 Approve the risk assessment relating to the robustness of estimates as detailed in the report.
- 3 Set the minimum safe contingency level for 2015/16 at £1.214 million.
- 4 Adopt the attached Reserves Strategy.
- 5 Agree that no transfers to or from the Working Balance should be built into the 2015/16 budget.

Temporary Accommodation

RESOLVED that Council approves the transfer of the eight designated temporary accommodation units from the HRA to the General Fund at the estimated market value cost of £1,047,000.

Medium Term Financial Strategy

RESOLVED to approve the Medium Term Financial Strategy

Treasury Management Strategy

RESOLVED to approve the following items:

- Treasury Management Strategy 2015/16, Appendix A.
- Prudential Indicators, Appendix A1.
- Minimum Revenue Provision (MRP) Statement, Appendix A2
- Economic Forecast, Appendix A3

Capital Programme

RESOLVED to approve, the Capital Programme and associated financing of the programme as set out in the report.

Housing Revenue Account Budget

RESOLVED to approve, the HRA Revenue Budget and 5 Year Financial Strategy.

General Fund Budget and Council Tax

RESOLVED to approve:

- 1 The General Fund Budget and Council Tax requirement of £4,653,312 summarised in paragraph 24 and detailed in Appendices A to C.
- 2 The amended criteria with regard to Members Allowances (New Homes Bonus) paragraph 30.
- 3 The schedule of Fees and Charges at Appendix E
- 4 The Council Tax Resolution as set out in Appendix F

For the motion: Councillors Artus, Asker, G Barker, S Barker, Chambers, Cheetham, Davies, Eastham, Eden, Felton, Hicks, Howell, Jones, A Ketteridge, J Ketteridge, Knight, Lemon, Menell, Oliver, Perry, Ranger, Redfern, Rolfe, Rose, Sadler, Salmon, Walters, Watson.

Against the motion: Councillors Cant, Dean, Foley, Loughlin, Mackman

The council considered a proposal to delegate the approval of late claims for Member expenses. The Constitution and Financial Regulations required all late claims to be submitted within one month of the end of the month within which the expense has occurred. However, there were currently some claims outstanding and officers had no authority to approve these. It was suggested that delegated authority be sought until May 2015 for these claims to be dealt with, but it was stressed that no further late claims would be approved beyond this period.

RESOLVED that authority to approve Councillors' claims for expenses for approved duties made outside the stipulated period set out in Part 6 of the Member Handbook be delegated to the Chief Executive and/or the Director of Finance and Corporate Services, and that this authority shall extend to all claims made in the 12 month period up to the local elections on 7 May 2105, and shall end thereafter.

The meeting ended at 9.45pm.

Committee: Full Council

Agenda Item

Date: 14 April 2015

7

Title: Pay Policy

Author Adrian Webb – Director of Finance and Corporate Services

Item for decision

Summary

1. There is a requirement under the Localism Act 2011 for authorities to publish a pay policy and to review it annually. The policy sets out the pay and remuneration schemes in place and sets the criteria for the forthcoming year.
2. The policy was considered at the Cabinet meeting on 19 March 2015 and was recommended for approval.

Recommendations

3. It is recommended that members approve the Pay Policy as set out in Appendix One.

Financial Implications

4. There are no implications for the council's budget beyond those approved as part of the 2015/16 budget setting process.

Background Papers

5. None

Impact

Communication/Consultation	Staff have been made aware of the requirement to publish this information. Unison have been provided with a copy of the document
Community Safety	No specific implications
Equalities	No change from 2014/15
Health and Safety	No specific implications
Human Rights/Legal Implications	No specific implications
Sustainability	No specific implications
Ward-specific impacts	No specific implications
Workforce/Workplace	No specific implications as the policy only

	combines in to one document polices already in place
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Background

6. The Localism Act 2011 put in place a requirement for councils to approve a Pay Policy before the start of each financial year. The policy will be used for the forthcoming year to determine recruitment, retention and reward for both existing and new staff.
7. All relevant government directives and guidance notes have been used to compile this policy.
8. It is possible to amend the policy during the year but any amendments must be approved by Full Council.
9. In accordance with the councils wish to demonstrate transparency, and to comply with the requirements of the Act, the policy and associated documents will be published on the internet.
10. An Equalities Impact Assessment has been completed and is attached as Appendix Two.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The policy is not approved by 31 March	1 The report is being presented at Cabinet in advance of the deadline	2 Failure to comply with the Localism Act	Policy is before Members in advance of the deadline
The policy hinders recruitment during the forthcoming year	1 The policy reflects the current employment criteria	2 The council may lose suitable staff	It is possible to amend the policy subject to Full Council approval.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Pay Policy

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The aims of this policy

Uttlesford District Council (UDC) is committed to providing clear guidance on matters of policy all our employees, promoting a culture of fair treatment, respect and dignity, irrespective of individual differences.

This policy aims to provide managers and employees with clear guidance on how these policies will be managed and maintained in the workplace. It also meets the statutory requirements of the Localism Act 2011 with regard to the transparency of our pay and remuneration policies and the way we implement these throughout the authority.

Due to the nature of its content, it is intended that this policy will be used in conjunction with a number of existing policies within the organisation. Where relevant these documents will be referenced accordingly.

All relevant government directives and guidance notes have been used to compile this policy.

The contents of the policy and the application of them will be reviewed and approved on an annual basis by Full Council to ensure a consistent and fair approach to the remuneration of staff at all levels. Staff will only be paid in accordance with the conditions outlined in this document.

In managing the application of this policy, consideration should be given to the individual's requirements and circumstances in relation to the protected characteristics as detailed under the Equality Act 2010.

From January 2015 UDC is now an accredited Living Wage employer.

This policy applies to all UDC employees.

Any employee who requires this policy in an alternative format or language should contact HR Admin.

Associated Documents:

HRP 6	Secondment Policy
HRP 7	Job Evaluation Scheme
HRP 8	Essential User Policy
HRP 9	Excess Travelling Time and Expenses Policy
HRP 12	U-Perform Appraisal Process
HRP 13	Acting-Up Payments
HRP 15	Standby and Recall to Work Payment Policy
HRP 24	Organisational Change Policy
HRP 33	Standard Conditions of Service
HRP 47	General Allowances and Subsistence Rates
HRP 48	Long Service Award Policy

Introduction

UDC recognises that to attract, retain and motivate quality staff, fair and equitable pay and reward processes need to be adopted and managed. These processes should be based on the current and future requirements of the organisation. They should also recognise that changes in both employee expectations and motivational needs, along with influential external factors such as labour market conditions, need to be continually considered and managed through these policies.

Robust pay and reward processes provide clarification and understanding of what contributions and responsibilities are required of employees at all levels and how their input is recognised and rewarded. It also supports the identification of the required values, behaviours and performance levels of the organisation in order for it to meet its key corporate and operational goals.

All of the policies referred to in this document have been formulated in accordance with local and national pay and reward standards and guidance. UDC works in partnership with Essex County Council's Human Resources (HR Partnership) therefore all policies will be implemented and managed with direct support from this group.

Policy Framework

1. Definitions

For the purpose of this policy only the term 'Chief Officer' is defined as follows:

- Any member of the Corporate Management Team (CMT)
- Any senior role evaluated between the pay Bands 1 – 4 (see section 3 below)

The term 'lowest paid staff' is defined as follows:

- Those staff members whose role is evaluated between Scale 2 – 3 on the NJC pay scale chart (see section 2 below)

2. Job Evaluation

UDC adopts job evaluation processes that aim to maintain fairness and equity in the grading of posts throughout the authority (see HRP 7). Jobs are only subject to evaluation if they are new posts or where a current post has significantly changed in relation to responsibilities and/or reporting lines.

UDC has two formal review processes that it applies dependant upon the expected outcome of the role being evaluated:

- UDC Job Evaluation Scheme From Scale 2 to PO 16
- Hay System of Job Evaluation From Scale SM2 upwards

UDC Job Evaluation Scheme

The scheme focuses on the content and responsibilities of the role and not the person

doing the job. It compares elements of the job against pre-determined factors ensuring that jobs are measured logically and fairly. Job Evaluation Panels are held on a frequent basis at the Authority and organized by the UDC HR team. This process is actioned by a core team of trained officers from within the authority. One member of each evaluation panel must be a representative of the union. Also a representative from the HR Partnership will be present at each panel and chair the proceedings, making notes of the decisions and helping with the decision-making process. Following CMT approval, Managers must submit a job profile along with a supporting questionnaire and structure chart which is then evaluated by the team where points are allocated against a number of factors.

Hay System of Job Evaluation

Where a role is anticipated to be graded above PO 16, it will be submitted to the HR Partnership for evaluation through the Hay System. This process is adopted for senior roles within the authority as it allows for greater emphasis on key management factors. It uses a points allocation system.

Job Evaluation and Salary

The salary of any given UDC role is determined by an evaluation process. Salary bands are identified against the level of points awarded to a role. UDC policy is that there is no restriction upon the position in a salary band at which new recruits can be appointed. Appointing managers or members may use any point within the evaluated salary scale to recognise a successful applicant's experience, qualification, technical knowledge, technical skills and market value.

3. Pay

Salary Bands

UDC adopts the recognised National Joint Council (NJC) salary bands for its lower paid roles as detailed in the 'Green Book' (see HRP 33). These are developed through negotiations with Local Government employers and trade unions and are updated and applied in line with national circumstances. These pay bands are structured through a series of Spinal Column Points (SCP).

Roles that are evaluated at a Chief Officer level have an independent salary band scheme applied to them. The scheme and associated bands are approved by Full Council.

The salary bands are as follows:

Role	Band	Minimum	Maximum
Chief Executive	BAND 1	£ 100,000	£ 110,000
Directors	BAND 2	£ 75,062	£ 83,403
Statutory Officers	BAND 3	£ 67,389	£ 75,061
Assistant Directors	BAND 4	£ 48,436	£ 67,388
Director Reports (<i>capped at £57,911</i>)			

For all Chief Officers, with the exception of the Chief Executive, there is an annual 'cost of living' rise which, when known, will be added to the Band 2, 3 and 4 ranges.

Information on actual sums paid to Chief Officers is contained within the annual accounts which are published on the council website each June. A link to the relevant page is below

<http://www.uttlesford.gov.uk/finance>

Average Salaries

At the time of issue of this policy, the approximate average salary for all 'Green Book' salaried employees is £24,268 and the median salary is £20,253.

Due to the introduction of the Living Wage we have no one employed by the authority on the Scale 1 'Green Book'. All of our employees start on Scale 2, which is currently £15,523 FTE.

The current average salary for Chief Officers is £67,298 and median is £55,625.

Salary Ranges

It is the council's policy that the salary range for the role of Chief Executive will normally be no greater than eight times the average salary of a Scale 1 'Green Book' employee.

It is the council's policy that the salary range for the role of Director will normally be no greater than six times the average salary of a Scale 1 'Green Book' employee.

It is the council's policy that the salary range for the role of Statutory Officer will normally be no greater than five and a half times the average salary of a Scale 1 'Green Book' employee.

It is the council's policy that the salary range for the role of Assistant Director will normally be no greater than five times the average salary of a Scale 1 'Green Book' employee.

As a Living Wage employer all starting salaries are no lower than Scale 2 so all requirements are met.

All annual salaries are paid pro rata to part time working officers based on the number of hours they are contracted to work.

Increments in Pay

For 'Green Book' roles, increments in pay normally occur on an annual basis, subject to satisfactory performance within the role. The increment reflects a move to the next level SCP within a band. Once a role has reached the highest SCP within a band there will be no further incremental pay awards.

Increments in pay for Chief Officers will only be awarded through the Chief Officer Performance and Reward Scheme (see section 6 below).

Annual 'cost of living' award may also be awarded to all officers, with the exception of

the Chief Executive, as a result of negotiations between the Local Government Employers and trade unions.

Pay Protection

UDC operates a pay protection policy which provides a mechanism to assist employees to adjust to a reduction in pay arising from organisational change, job evaluation or redeployment. Pay protection will apply to permanent employees from the effective date of the change of grade for a period of two years as follows:

Where the alternative suitable employment within UDC is at a lower grade, pay protection will be up to a maximum of one grade only from the highest SCP of that lower graded post regardless of the employee's grade in their previous role for the first year following redeployment. Pay protection for the second year will reduce to 50% of the amount paid in the first year.

Living Wage

In January 2015, The Living Wage Foundation accredited Uttlesford District Council as a Living Wage Employer. The Living Wage commitment will see that everyone working at UDC, regardless of whether they are permanent employees or third-party contractors and suppliers; receive a minimum hourly wage of £7.85 (significantly higher than the national minimum wage of £6.50).

The Living Wage is an hourly rate set independently and updated annually. The Living Wage is calculated according to the basic cost of living using the "Minimum Income Standard" for the UK.

4. Additional Payments

Returning Officer Payment

The Council has a duty to appoint a Returning Officer for all elections that it runs. For District and Parish elections, the Returning Officer fee is met by the District Council. This fee, and the fees of all other people employed by the Returning Officer, is paid in accordance with the Council's agreed scale of fees and expenses for elections.

Acting up payments

Acting up payments are awarded where officers temporarily undertake duties at a higher grade (see HRP 13). Payment is usually made where an officer is covering over 20% of the duties of the higher-grade post. The amount payable is calculated by assessing the percentage of the higher-level post covered and the difference between the officer's current salary and the salary band minimum of the grade of the post covered.

Secondments

The authority provides the opportunity for officers to undertake roles on a secondment basis (see HRP 6). In most cases the secondee will be paid at the same level as their substantive post however, where the secondment post is of a higher pay band than their current role, a higher salary may be applied for the secondment period. This salary will be agreed by all relevant managers and HR representatives.

Essential User Car Allowance and Mileage Rates

The authority pays an Essential User Car Allowance to roles that meet the specified criteria. Where officers require the use of a vehicle to complete their day-to-day responsibilities, business mileage can be claimed (see HRP 8 & 47). Essential user allowance is only available to those qualifying people on salary grades up to and including PO13-16

Any such allowances and mileage payments are calculated and applied in accordance with HM Revenue & Customs rates.

Lease Car Scheme

UDC has previously offered those officers that qualified for Essential User status the opportunity to lease a car through an approved scheme. Following a corporate review of allowances and benefits in March 2011 the scheme has now been closed and has not been available to any Essential Users. For those officers that currently lease a car through the scheme, once their three year lease period expires (the remainder of leases will expire before the end of the 2015/16 financial year), they will no longer be eligible for any further lease vehicles.

UDC Allowance

The authority has previously paid a local UDC allowance to all staff, on Scale 6 or below, after one years' continuous service. The allowance of £561 is paid in addition to an annual salary payment. Following a corporate review of allowances in 2011, this allowance is no longer paid to any staff commencing employment within the authority after 1st April 2011.

If an employee moves from one role to another within the council the employee will cease to be entitled to the UDC Allowance. The only exception to this is where the move is part of a section reorganisation with an associated consultation process. In this case where the employee is required to move role the allowance will continue to be paid providing the original scheme criteria remain i.e. the new role is evaluated at Scale 6 or below.

Excess Travel Allowance

Additional travelling expenses can be claimed by employees when their work base is changed by circumstances beyond their control or they are transferred to a new work base (see HRP 9). The Officer is paid an allowance equal to the difference between the cost of travelling from their home to their new work place and from their home to their original workplace. The allowance is paid for a maximum period of three years from the date of transfer.

The UDC Excess Travelling Expenses Scheme is agreed within the scope of 'Green Book' conditions.

Meeting Allowances

Officers graded at 'Green Book' Senior Officer 1 (SO1) to Principal Officer (PO16) can claim an allowance for attendance at evening and out of hours meetings relating to council business.

Standby and Recall to Work Payments

Officers are eligible for these payments if in respect of their contracted duties they are required, or volunteer, to be on a call out rota or list, or respond to calls outside of normal working hours. Eligibility for standby and recall to work payments will be confirmed in the terms and conditions of the officer's contract of employment.

Market Supplements

Following the corporate review of allowances in 2011 the authority does not apply market supplement payments to any role. If however, the employment market dictates the need to apply a supplement to particular roles, these will be applied in accordance with relevant protocol.

Long Service Awards

The authority acknowledges the importance of employees who are committed to their work and wishes to reward the loyalty of those officers who have Long Service with UDC. Long Service Awards are given upon the successful completion of 20, 30 and 40 continuous service at UDC or one of its predecessor authorities.

Awards are made as follows:

20 years service	Vouchers to the value of £250
30 years service	Vouchers to the value of £500
40 years service	Vouchers to the value of £750

Staff Suggestion Scheme

The authority has since 2007 run a staff suggestion scheme, U-Suggest where members of staff are invited to come up with good ideas for improving the way the authority works. Where suggestions are innovative, cash prizes may be linked to the amount of any savings the council makes as a result of putting them into practice. Suggestions can receive awards of between £10 and £250. There may also be encouragement awards given of up to £25 for ideas which show merit or special effort. To date a total award of £1,160 has been paid to officers through the scheme.

5. Recruitment

All officers recruited by UDC will be given a formal written contract detailing the particulars of their employment and the compensation they will receive in exchange for the work they perform. These contracts will reflect the status of the employee's employment i.e. permanent, temporary, casual etc.

The specific terms of the contracts are detailed in a Written Statement of Particulars for Local Government Employees (Scale 1 – P016) which will accompany the contract.

The Statement of Written Particulars for staff on SM2 and Chief Officer Grades will reflect the different terms and conditions that apply to those roles.

Chief Officers will normally be appointed at the bottom of the appropriate pay scale. However the Chief Executive has the authority to appoint above the bottom of the appropriate pay scale should the need arise.

Any changes to terms and conditions of employment will follow consultation and, where necessary, negotiation with individuals and recognised trade unions.

6. Reward & Recognition

To monitor the performance of all 'Green Book' officers, the authority adopts a local appraisal process, U-Perform (see HRP12). Performance will be reviewed and graded against the achievement of a number of key objectives and the demonstration of relevant values and behaviours. There are no additional monetary rewards other than incremental progression within the officer's pay band for acceptable performance within this scheme. Alternative rewards such as additional leave and recognition letters may be awarded for 'very good' or 'exceptional' performance.

For all Chief Officers, with the exception of the Chief Executive, a local Performance and Reward scheme was proposed in 2007 but has not been implemented. Chief Officers only receive the salary as set out in section 3 above, they do not receive performance related pay nor do they receive bonuses.

Increments in pay for the Chief Executive may be awarded by the Leader of the Council following scheduled performance reviews.

7. Career Progression Schemes

In some areas of the authority officers are offered progression in their roles through a career progression scheme. Within such schemes, progression is usually awarded after successful completion of particular qualifications or work experience. Details of the scheme and how it will be applied to an individual will be documented in their contract of employment.

The authority also offers opportunities for apprenticeships and other national schemes such as school work experience placements. Apprenticeships have their own national pay scheme and are therefore outside of this policy.

8. Pension

The Local Government Pension Scheme (LGPS) is open to all new and existing employees of the authority.

The government has introduced new overriding pension legislation to make it easier for people to save for their retirement.

It requires all employers to Auto Enroll all eligible jobholders into a workplace pension scheme who are:

- not already in a workplace pension scheme and or previously opted out;
- earning over £10,000 gross per year (or £192 per week or £833 per month) - These figures relate to Tax year 2015/16 and are reviewed on an annual basis each April
- aged 22 or over;
- and under State Pension Age.

An employee may decide at any time to opt out of membership of the LGPS but will be automatically be re-enrolled into the scheme on what is called the "re-enrolment date"

if, on that date, an employee is aged at least 22, under State Pension Age and earning more than £10,000 (current figure), or pro-rata per pay period, exception to this is if an employee has opted out within 12 months prior to the “re-enrolment date”. At that point an employee will not be re enrolled until the next “re enrolment date”

The workplace pension scheme provided is the Local Government Pension Scheme (LGPS) which is a qualifying pension scheme, which means it meets or exceeds the government’s standards.

9. Severance

On cessation of employment from the authority, officers including Chief Officers will only receive compensation:

- (a) in circumstances that are relevant e.g. redundancy
- (b) in the application of any employer discretions provided by the LGPS and/or
- (c) that complies with the specific term(s) of a Settlement Agreement.

The authority adopts an early retirement policy (see HRP 25)

Settlement Agreements (previously known as Compromise Agreements)

In exceptional circumstances to avoid or settle a claim or potential dispute, the authority may agree payment of a settlement sum through the issue of a Settlement Agreement. All cases will be overseen by the Legal Department in conjunction with the relevant line manager to ensure all legal, financial and contractual responsibilities have been met.

More information and help

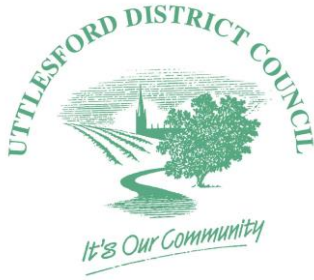
Associated documents

All associated documents listed in this policy are available on request

Contact for more information

HR: Tel: 01799 510424

Email: humanresources@uttlesford.gov.uk



Uttlesford District Council

Fast-track equality impact assessment (EqIA) tool

What is this tool for?


This tool will help you to assess the impact of existing or new strategies, policies, projects, contracts or decisions on residents and staff. It will help you to deliver excellent services, by making sure that they reflect the needs of all members of the community and workforce.

What should be equality impact assessed?

You only need to equality impact assess strategies, policies, projects, contracts or decisions that are **relevant** to equality. If you are not sure whether your activity is relevant to equality take the 'relevance test' on Page 9.


How do I use the tool?

This tool is easy to use and you do not need expert knowledge to complete it. It asks you to make judgments based on evidence.



The tool uses a system of red flags  to give you an indication of whether or not your responses are identifying potential issues. Getting a red flag does not necessarily indicate a problem, but it does mean that your assessment is highlighting issues or gaps in data that may require further investigation or action.



If there is insufficient space to answer a question, please use a separate sheet.

General information		
1	Name of strategy, policy, project, contract or decision.	Pay Policy
2	What is the overall purpose of the strategy, policy, project, contract or decision?	To allocate financial resources to UDC services enabling corporate priorities, statutory requirements and policy objectives to be met
3	Who may be affected by the strategy, policy, project, contract or decision?	<input type="checkbox"/> Residents <input checked="" type="checkbox"/> Staff <input type="checkbox"/> UDC service users
4	Responsible department and Head of Division.	Adrian Webb, Director of Corporate Services on behalf of CMT
5	Are other departments or partners involved in delivery of the strategy, policy, project, contract or decision?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes – all departments.
Gathering performance data		
6	Do you (or do you intend to) collect this monitoring data in relation to any of the following <u>diverse groups</u> ?	<input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Disability <input checked="" type="checkbox"/> Sex <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Gender Reassignment <input checked="" type="checkbox"/> Sexual Orientation <input checked="" type="checkbox"/> Religion & Belief <input checked="" type="checkbox"/> Pregnancy and Maternity <input checked="" type="checkbox"/> Marriage and Civil Partnerships <input checked="" type="checkbox"/> Rural Isolation




7	How do you (or how do you intend to) monitor the impact of the strategy, policy, project, contract or decision?	<input type="checkbox"/> Performance indicators or targets <input type="checkbox"/> User satisfaction <input type="checkbox"/> Uptake <input type="checkbox"/> Consultation or involvement <input checked="" type="checkbox"/> Workforce monitoring data <input type="checkbox"/> Complaints <input type="checkbox"/> External verification <input type="checkbox"/> Eligibility criteria <input type="checkbox"/> Other: Budget monitoring process; internal audit, external audit <input type="checkbox"/> None 
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Analysing performance data

8	Consider the impact the strategy, policy, project, contract or decision has already achieved, measured by the monitoring data you collect. Is the same impact being achieved for diverse groups as is being achieved across the population or workforce as a whole?	<input checked="" type="checkbox"/> Yes * <input type="checkbox"/> No* <input type="checkbox"/> Insufficient  <input type="checkbox"/> Not applicable  <p><i>*Please state your evidence for this, including full document titles and dates of publication for audit purposes. Where applicable please also state the nature of any issues identified:</i></p>
---	---	--

		No specific groups are referred to in the documents and none of the information within the documents will have a differential impact on any group.
9	Is uptake of any services, benefits or opportunities associated with the strategy, policy, project, contract or decision generally representative of <u>diverse groups</u> ?	<input checked="" type="checkbox"/> Yes * <input type="checkbox"/> No* <input type="checkbox"/> Insufficient  <input type="checkbox"/> Not applicable  <p><i>*Please state your evidence for this, including full document titles and dates of publication for audit purposes. Where applicable please also state the nature of any issues identified:</i></p> <p>No specific groups are referred to in the documents and none of the information within the documents will have a differential impact on any group.</p>

Checking delivery arrangements


10	<p>You now need to check the accessibility of your delivery arrangements against the requirements below. Click on the hyperlinks for more detailed guidance about the minimum criteria you should meet.</p> <p><i>If assessing a proposed strategy, policy, project, contract or decision, indicate 'Yes' if you anticipate compliance by launch of implementation.</i></p> <table data-bbox="1169 1470 1445 1848"> <thead> <tr> <th></th> <th>Yes</th> <th>No </th> <th>N/A</th> </tr> </thead> <tbody> <tr> <td>The premises for delivery are accessible to all.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Consultation mechanisms are inclusive of all.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Participation mechanisms are inclusive of all.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>		Yes	No 	N/A	The premises for delivery are accessible to all.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Consultation mechanisms are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Participation mechanisms are inclusive of all.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Yes	No 	N/A														
The premises for delivery are accessible to all.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>														
Consultation mechanisms are inclusive of all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
Participation mechanisms are inclusive of all.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>														

If you answered 'No' to any of the questions above please explain why giving details of any legal justification.

Checking information and communication arrangements

11 You now need to check the accessibility of your information and communication arrangements against the requirements below. Click on the hyperlink for more detailed guidance about the minimum criteria you should meet.

If assessing a proposed strategy policy, project, contract or decision, indicate 'Yes' if you anticipate compliance by launch of implementation.



	Yes	No 	N/A
Customer contact mechanisms are accessible to all.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electronic, web-based and paper information is accessible to all.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Publicity campaigns are inclusive of all.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Images and text in documentation are representative and inclusive of all.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answered 'No' to any of the questions above please explain why, giving details of any legal justification.


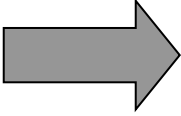
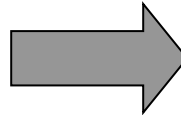
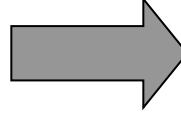
Future Impact

12 Think about what your strategy, policy, project, contract or decision is aiming to achieve over the long term and the ways in which it will seek to do this. This is your opportunity to take a step back and consider the practical implementation of your strategy, policy, project, contract or decision in the future. As well as checking that people from diverse groups will not be inadvertently excluded from or disadvantaged by any proposed activities, it is also an opportunity to think about how you can maximize your impact, reach as many people as possible and really make a difference to the lives of everyone in Uttlesford regardless of their background or circumstances.

Is it likely to inadvertently exclude or disadvantage any diverse groups?

- No
- Yes * 
- Insufficient evidence 

*Please state any potential issues identified.

Improvement actions	
13	<p>If your assessment has highlighted any potential issues or red flags, can these be easily addressed?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No* </p> <p><input checked="" type="checkbox"/> Not applicable</p> <p><i>*If Yes, please describe your proposed action/s, intended impact, monitoring arrangements implementation date and lead officer:</i></p>
Making a judgement – conclusions and next steps	
14	<p>Following this fast-track assessment, please confirm the following:</p> <p><input checked="" type="checkbox"/> There are no inequalities identified that cannot be easily addressed or legally justified  No further action required. Complete this form and implement any actions you identified in Q13 above</p> <p><input type="checkbox"/> There is insufficient evidence to make a robust judgement.  Additional evidence gathering required (go to Q17 on Page 7 below).</p> <p><input type="checkbox"/> Inequalities have been identified which cannot be easily addressed.  Action planning required (go to Q18 on Page 8 below).</p>
15	<p>If you have any additional comments to make, please include here.</p> <p><input type="checkbox"/> None</p>
Completion	
16	<p>Name and job title (Assessment lead officer)</p> <p>Adrian Webb Director of Finance and Corporate Services</p> <p>Name/s of any assisting officers and people consulted during assessment:</p> <p>CMT</p> <p>Date: Date of next review:</p> <p>19 Marrch 2015 February 2016</p> <p><i>For new strategies, policies, projects, contracts or decisions this should be one year from implementation.</i></p>

Item 9 – matters received from committees

INDEPENDENT PERSONS APPOINTMENT PANEL held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 10am on 18 FEBRUARY 2015

Present: Councillor T Knight (Chairman)
Councillors C Cant, D Jones and Mrs Butcher-Doulton
(Independent Persons).

Officers in attendance: M Cox (Democratic Services Officer), M Perry (Assistant Chief Executive – Legal) and A Rees (Democratic and Electoral Services Officer).

Also Present: The candidates in relation to item 3.

IP8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Barker and M Lemon.

IP9 MINUTES OF THE PREVIOUS MEETING

The minutes were signed by the Chairman as a correct record.

IP10 EXCLUSION OF THE PUBLIC

RESOLVED that under section 100I of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

IP11 TO INTERVIEW CANDIDATES FOR THE POSITION OF INDEPENDENT PERSON ON THE STANDARDS COMMITTEE

The Panel interviewed the five candidates for the position of Independent Person on the Standards Committee. After carefully considering each candidate, the Panel decided to recommend two candidates for appointment. It was agreed that Cllr Knight would verbally report the recommendations to Full Council.

The Assistant Chief Executive – Legal said he would contact each candidate informing them of the Panel's decision.

The meeting ended at 6.20pm

Committee: Full Council

Agenda Item

Date: 14 April 2015

10

Title: Amendments to the Constitution

Author: Maggie Cox –Democratic Services Officer

Item for decision

Summary

The Council is asked to consider the following amendments to the Constitution.

i) To approve an amendment to the Employment Procedural Rules in line with the recently issued Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015/881.

ii) Consequential changes to reflect the reduction in the number of Councillors from 44 to 39 and other minor amendments to the Articles and Procedural Rules.

Recommendations

1. Members adopt the revised Officer Employment Procedure Rules with effect from 11 May 2015.
2. Under Procedure Rule 20.2, the constitutional changes in appendix 2 be proposed and seconded and then stand adjourned to the next ordinary meeting of the Council.

Financial Implications

3. None

Background Papers

4. none.

Impact

- 5.

Communication/Consultation	n/a
Community Safety	n/a
Equalities	n/a
Health and Safety	n/a
Human Rights/Legal Implications	As provided for in Article 16 changes to the Constitution can only be made by Full Council

Sustainability	n/a
Ward-specific impacts	n/a
Workforce/Workplace	n/a

Situation

Officer Procedure Rules

- 1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015/881 require an amendment to the Council's Officer Employment Procedure Rules which are to be found in Part 4 of the Members' Handbook. Under the Local Authorities (Standing Orders) (England) Regulations 2001 the head of paid service, the s.151 officer and the monitoring officer have statutory protection and no disciplinary action may be taken against them (apart from suspension on full pay) other than in accordance with a recommendation in a report made by a designated independent person.
- 2 That provision is being repealed with effect from 11 May 2015 and replaced with a requirement that any decision to dismiss one of those officers must be taken by Full Council. Before taking action the Council must appoint a committee to include at least 2 from the independent members of a Standards Committee. Before voting on disciplinary action the Council must take into account any advice, views or recommendations of the panel, the outcome of any disciplinary investigation and any representations received from the officer concerned.
- 3 Councils are required to adopt standing orders in the form contained in the Schedule to the 2015 Regulations no later than the first ordinary meeting of the Council after 11 May 2015. A copy of the Officer Employment Procedure Rules showing the amendments in tracked changes is appendix 1. Any deviation from these amendments would be unlawful.

Amendments to Articles and Procedural Rules

- 4 The amendments in appendix 2 set out changes to the text to reflect the reduction in the Council's membership from 44 to 39 councillors. It also updates clauses in the Access to Information Procedural rules to reflect current practice and legislative changes, and the future operation of the area forums.
- 5 These amendment will stand automatically adjourned to the next ordinary meeting of the council.

Risk Analysis

There are no risks associated with this report

Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or an officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment.

- i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
- iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service and chief officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

- i) the duties of the officer concerned; and
- ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply

for it; and

- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. **Appointment of Head of Paid Service**

This process is subject to mandatory standing orders regulations.

The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the executive.

4. **Appointment of chief officers and deputy chief officers**

This process is subject to mandatory standing orders regulations.

- (a) A committee or sub-committee of the Council will appoint chief officers. That committee or sub-committee must include at least one member of the executive.
- (b) An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the executive has been received.
- (c) Appointment of deputy chief officers is the responsibility of the Head of Paid Service or his/her nominee.

5. **Other appointments**

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary action**

~~(a)~~

~~**Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.~~

- (b) ~~Independent person. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.~~
- (e) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

7. Dismissal

Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

DISCIPLINARY PROCEDURE FOR RELEVANT OFFICERS:-

1. In the following paragraphs—

(a) "the 2011 Act" means the Localism Act 2011(b);

(b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

(c) "independent person" means a person appointed under section 28(7) of the 2011 Act;

(d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;

(e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

(f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g) “relevant officer” means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

2. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

6. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.

7. The authority must appoint any Panel at least 20 working days before the relevant meeting.

8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—

(a) any advice, views or recommendations of the Panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant officer.

9. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.”

CONSTITUTIONAL AMENDMENTS

Part 1 – Summary and Explanation

How the Council operates	The Council is composed of 39 (44) Councillors
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Part 2 - Articles

Article 2 – Members of the council.	2.1 – Composition and eligibility Add - The council will comprise 39 members
	2.2 - Election and terms of councillors Add - The next election to be held in May 2019
Article 10 – Area Forums	Delete all text The new council will consider alternative options to engage with the wider community and parish councils and seek their views on services in the District.

Part 4 - Procedural Rules

Access to information Procedure Rules	Rule 1 - scope Remove references to area forum
	Rule 4 – Time of meetings 4.4 add at 7.00pm or 7.30pm
	Rule 5 – Notice of meeting Add the words - or publishing on the council's website
	Rule 14 Forward Plan 14.1 Delete all text – no longer a statutory requirement 14.2 remove reference to area forum

Committee: Council

Agenda Item

Date: 14 April 2015

11

Title: Appointment of s151 Officer

Author: John Mitchell, Chief Executive

Item for decision

Summary

1. At its meeting of 15 July 2014 Council resolved to appoint Mr Adrian Webb as s151 Officer on an interim basis. In the nine months since that decision Mr Webb and his team have overseen an unqualified audit, set out a medium term financial strategy and a budget for 2015-16, all to exemplary standard. This is on top of his other duties as a Corporate Director. It is considered that the appointment should be made permanent.

Recommendations

2. That the function of s151 Officer falls within the role of Mr Adrian Webb

Financial Implications

3. This is a statutory post and there are no direct expenditure implications

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	s.113 Local Government Finance Act 1988 requires that the person appointed as s.151 officer must be a member of one or more of recognised professional bodies listed in that Act.

Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. At its meeting of 15 July 2014 Council resolved to appoint Mr Adrian Webb as s151 Officer on an interim basis. In the nine months since that decision Mr Webb and his team have overseen an unqualified audit, set out a medium term financial strategy and a budget for 2015-16, all to exemplary standard. This is as well as his other duties as a Corporate Director.
7. Mr Webb is the only employee of the Council with the necessary qualification and experience to be appointed to the role of s.151 Officer and there is therefore no alternative candidate for appointment. It is considered that the appointment should now be made permanent.

Risk Analysis

8.

Risk	Likelihood	Impact	Mitigating actions
The Council does not appoint a s151 Officer	1 – the Council is a responsible authority	4 – the Council would be acting illegally	Confirm the nomination of Mr Webb

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Committee: Full Council

Agenda Item

Date: 14/04/2015

12

Title: Adoption of updated model byelaws for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis by the council.

Author: Pamela Pope, Environmental Health Officer Item for decision

Summary

1. Members are asked to agree the recommendations set out below to adopt the updated byelaws for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis by local authorities. Adoption of the updated model byelaws will ensure that businesses carrying out these activities are all monitored by Environmental Health Officers to ensure their compliance.

Recommendations

2. The updated byelaws as appended be adopted.

Financial Implications

3. There are some minor costs relating to advertising and postage which can be met within existing resources
4. There are adequate resources in the environmental health commercial team to monitor compliance with the byelaws as proposed to be updated, The registration fee of £170 for businesses that provide semi-permanent skin colouring will result in modest additional revenue.

Background Papers

5. Regulation of tattooing and body piercing businesses Standard Note: SN/SC/5079 Updated model byelaws for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Impact

Communication/Consultation	
Community Safety	An increased level of public health protection.

Equalities	None
Health and Safety	To help ensure the safety of persons undergoing skin piercing treatments
Human Rights/Legal Implications	<p>The Council's powers have previously been limited to regulating ear-piercing, tattooing, electrolysis and acupuncture. In order for the Council to have powers to regulate cosmetic piercing and semi-permanent skin colouring, new byelaws relating to these activities will be necessary.</p> <p>Subject to approval by this Committee an application will be made to the Secretary of State for Health for confirmation of the byelaws using the following procedure: least one month before applying to the Secretary of State for confirmation, notice of the Council's intention to apply for confirmation must be given in at least one local newspaper circulating in the area to which the byelaws apply</p> <p>A copy of the byelaw will be available for inspection by the public, without charge and at all reasonable times during that month, at the Council's offices</p> <p>The byelaws must have the Council's Seal affixed to them before being sent to the Secretary of State.</p>
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	Resource requirement of extra inspections and advice visits to be met within existing workforce

Situation

- Under the Local Government (Miscellaneous Provisions) Act 1982 the local authority in England and Wales is responsible for regulating and monitoring businesses offering the services of ear-piercing, acupuncture, electrolysis and tattooing. This Act has now been amended to include bodypiercing and semi-permanent skin-colouring techniques such as micropigmentation, semi-permanent make-up and temporary tattoo services.

7. All of these procedures involve some degree of skin piercing and therefore carry potential health risks to those undergoing them, for example, skin infections, transmission of blood-borne diseases.
8. Businesses wanting to offer these services must register both the premise and themselves with the local authority and must follow the relevant associated conditions that are within the relevant byelaws.
9. Local authorities have the powers to inspect any premises that carry out piercing or tattooing, and make sure that they are observing local byelaws that relate to the hygiene of their premises, staff and equipment.

Updated Byelaws

10. Updated model byelaws for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis by local authorities' have been developed by the Department of Health to include the additional activities of body-piercing and semi-permanent skin colouring. (Cosmetic piercing refers to both ear-piercing and bodypiercing).
11. It is a criminal offence for a registered business to be in breach of the relevant byelaws, or for a business offering the services not to be registered with the local authority
12. By adopting the 'Updated model byelaws for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis by local authorities' it will ensure the safety for customers of businesses offering these services within the district of Uttlesford.
13. The new model byelaws will replace the existing byelaws in relation to acupuncture, tattooing, ear- piercing and electrolysis.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Businesses breach the byelaws leading to a potential risk of skin infections, allergic or toxic reactions to various substances used on or in the skin, and transmission of blood borne viruses (such as hepatitis or HIV).	2 It is possible that some businesses will fail to adequately protect public safety	3 The public will be put at risk of infections	All registered & new Businesses to be given a copy of the updated byelaws. Regular inspections carried out by Environmental Health Officers to ensure compliance with byelaws

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1:

MODEL BYELAWS

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

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

Interpretation

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

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

“client” means any person undergoing treatment;

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

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

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

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

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

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

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

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

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

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
- (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

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

- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

- (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
- (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

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

- (a) shall ensure that an operator—
- (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and
- (b) shall provide—
- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

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

- (a) the client is bleeding or has an open lesion on an exposed part of his body;
or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

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

6. The byelaws relating to *state subject matter* that were made by *insert name* on the *insert date* and were confirmed by *insert name of confirmation authority* on *insert date* are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

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

Member of the Senior Civil Service
Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

