

TO: ALL MEMBERS OF THE COUNCIL

Your Ref /
Eich Cyf

Our Ref / Ein Cyf ^{CO}

Date / Dyddiad 21/07/2010

Ask for / Gofynner am Ceri Owen

Direct Dial / Rhif Union 01352 702350

Fax / Ffacs

Dear Sir / Madam,

A SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD** on **THURSDAY, 29 JULY 2010** at **14:00** to consider the following items.

Yours faithfully



Democracy and Governance Manager

AGENDA

1. **PRAYERS**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST**
4. **CONSTITUTIONAL MATTERS: COMMITTEES**
Report of Head of Legal and Democratic Services enclosed
5. **MEMBER CHAMPIONS FOR OVERVIEW & SCRUTINY AND MEMBER SUPPORT & DEVELOPMENT**
Report of Democracy and Governance Manager enclosed
6. **MEMBERS ALLOWANCES**
Report of Democracy and Governance Manager enclosed

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7. **NOTICE OF MOTION**

The following notices of motion have been received from Councillors: A.P. Shotton and C.J. Dolphin

(i) Councillor A.P. Shotton

"That this Council notes:

That the increase in VAT from 17.5% to 20% announced in the Government's June Budget will fall hardest on those least able to afford it.

That the Increase in VAT will lead to higher prices for goods and services; will have a disproportionate impact on pensioners and other low income groups; and will have a severe impact on businesses, charities and community groups in Flintshire.

That the effect of the increase in VAT, when taken with other measures in the Budget, will be unfair to pensioners, who have not had a compensatory increase in other benefits and allowances.

That the way the VAT increase will affect pensioners and other low income groups runs counter to the Government's Coalition Agreement statement on 20 May 2010 that it would "ensure that fairness is at the heart of those decisions so that all those most in need are protected".

That the Institute of Fiscal Studies has stated the VAT increase was not "unavoidable", as the Chancellor of the Exchequer said in his Budget speech.

That this Council resolves:

To write to the Chancellor of the Exchequer raising concerns about the impact of the proposed VAT increase on pensioners, other vulnerable groups and businesses in Flintshire.

To call on the Members of Parliament representing Flintshire to stand up for local pensioners, businesses and the wider community, to voice their opposition to this unfair increase in VAT and to vote against it in Parliament".

(ii) Councillor C.J. Dolphin

"That Members not be entitled to claim subsistence allowance for approved duties within the Flintshire area and the scheme of allowances be amended accordingly".

8. **FLINTSHIRE FUTURES PROGRAMME AND BUDGET 2011/12**

To receive a presentation from the Head of Finance which will cover:-

1. National position and Welsh Assembly response to date
2. Flintshire financial position, our response and the timeline
3. Flintshire Futures Programme, principles and themes
4. Flintshire Futures and Budget 2011/12 - priorities and next steps

9. **FOOD SERVICE PLAN 2010/2011**

Report of Director of Environment enclosed

10. **ADOPTION OF CONTROLS OVER SEXUAL ENTERTAINMENT VENUES**
Report of Director of Environment enclosed

11. **REGULATION OF ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING & ELECTROLYSIS**
Report of Director of Environment and Head of Legal and Democratic Services enclosed

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL**
DATE : **29 JULY 2010**
REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**
SUBJECT : **CONSTITUTIONAL MATTERS: COMMITTEES**

1.00 PURPOSE OF REPORT

- 1.01 To consider whether to make any changes to the appointment and/or size of committees in the light of the recommendations of the Constitution Committee, review political balance and appoint chairs and vice-chairs of Standing Committees.

2.00 APPOINTMENT OF COMMITTEES

- 2.01 At the Annual Meeting on 11 May it was resolved to defer making any changes to the appointment of Committees and determining their size pending further consideration by the Constitution Committee. At its meeting on the 14 July the Constitution Committee reconsidered its previous decision to recommend the merger of the two Overview and Scrutiny Committees relating to People and Performance and Corporate Management and resolved to recommend not to do so and keep the status quo. Accordingly Members are requested to confirm the appointment of the following Committees for 2010/11:-

1. Corporate Management Overview & Scrutiny Committee
2. People and Performance Overview & Scrutiny Committee
3. Lifelong Learning Overview & Scrutiny Committee
4. Social and Health Overview & Scrutiny Committee
5. Community and Housing Overview & Scrutiny Committee
6. Environment and Regeneration Overview & Scrutiny Committee
7. Overview and Scrutiny Co-ordinating Committee
8. Planning and Development Control Committee
9. Audit Committee
10. Constitution Committee
11. Licensing Committee

3.00 DETERMINATION OF THE SIZE OF COMMITTEE

- 3.01 The Constitution Committee at its meeting also recommended that there should be a reduction in the size of the Co-ordinating Committee from 21 to 15 Members. There is no proposal to alter the size of any of the other Standing Committees and the following suggestions are recommended for approval:-

<u>Committee</u>	<u>Number of Seats</u>
Each of the Overview & Scrutiny Committees	15
Co-ordinating Committee	15
Planning and Development Committee	21
Audit Committee	7
Licensing Committee	12
Constitution Committee	21

- 3.02 The size of Committees should reflect the need to achieve a fair political balance and any changes will require corresponding amendments to the Constitution.

4.00 TERMS OF REFERENCE OF COMMITTEES

- 4.01 With one exception relating to the Regulation of Investigatory Powers Act, the existing terms of reference of committees were approved without amendment at the Annual Meeting. However, the Constitution Committee at its meeting on the 17 December, 2009 recommended that the terms of reference of the Co-ordinating Committee be amended to include responsibility to scrutinise regional working and the Council's relationship with the Welsh Assembly Government. Members are therefore requested to confirm the proposed amendment.
- 4.02 At its meeting on the 14 July the Committee also asked officers to consider a revision to the terms of reference of Overview & Scrutiny Committees. A further report will be submitted to the Constitution Committee in due course.

5.00 POLITICAL BALANCE - ANNUAL REVIEW

- 5.01 The Council needs to decide the allocation of seats to political groups in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended.
- 5.02 The basis of the statutory requirements is that committee seats should be allocated to political groups in so far as practicable in the same proportion as those groups have to the total membership of the County Council.
- 5.03 The allocation of seats or committees to the political groups will need to recognise that:-
- (i) There must be no one party committees.
 - (ii) Where there is a majority group it is entitled to a majority upon every committee. (This does not apply where the largest group does not have an overall majority).

- (iii) The total number of seats allocated to each political group should be (in so far as is practicable) in the same proportion as those groups strengths upon the full Council.
 - (iv) Each committee should (so far as is practicable) have the same proportional division between political groups as is represented upon the full Council.
- 5.04 A recent change in the Liberal Democrat Group numbers requires a review to the political balance reported to the meeting of the County Council on the 11 May, 2010. Councillor Tim Newhouse will now become a non aligned Member and this increases the number of non aligned Members to three. If the County Council agrees with the recommendations of the Constitution Committee there will be six less places to allocate to the Co-ordinating Committee and the number of available seats on all Committees will be reduced from 172 to 166. Appendices A and B apply the political balance rules to committees if the Constitution Committee's recommendation is approved.
- 5.05 In considering Appendices A and B the Council needs first to confirm the allocation of seats on committees to non aligned Members. During the course of the municipal year one non aligned Member, Councillor Armstrong-Braun, resigned from the Committees which he had been allocated at the last Annual Meeting but has now asked that he be considered as a member of the Environment & Regeneration Overview and Scrutiny Committee for the new municipal year. In the last municipal year the Alliance Group had an arrangement with Councillor Gareth Roberts whereby he took one of the Alliance places on the Planning Committee. He was also allocated seats on the Community and Housing and Licensing Committees. Councillor Newhouse had previously been allocated a place on the Lifelong Learning Overview & Scrutiny Committee. The non aligned Members' preferences can be considered at the meeting.
- 5.06 Members are requested to confirm the proposals for the allocation of seats on committees set out in Appendices A and B.

6.00 APPOINTMENT OF CHAIRS AND VICE-CHAIRS OF STANDING COMMITTEES

- 6.01 Appointment of Chairs and Vice-Chairs of Standing Committees are required to be appointed with the exception of the Standards Committee.
- 6.02 It will be noted that the Constitution makes special arrangements in relation to the Chairs and Vice-Chairs of the Audit and Licensing Committees. In the case of Audit Committee, the Chair and Vice-Chair are required to be selected from amongst the main opposition group(s) on the Council. In relation to the Licensing Committee, the Chair and Vice-Chair is required to be chosen from amongst the main opposition group on the Council. Any

departure from this practice will accordingly require an amendment to the Constitution.

6.03 At its meeting on the 26 April, 2010 the Constitution Committee agreed to recommend to the County Council that the position of Chair and Vice-Chair of the Planning & Development Control Committee should not be held by a Member of the Executive.

6.04 It is intended that a suggested list of Chairmen and Vice Chairmen will be circulated at the meeting for approval.

7.00 RECOMMENDATIONS

7.01 That the Council confirms the appointment of Committees as set out in paragraph 2.01.

7.02 That the Council confirms the number of seats on Committees as set out in 3.01.

7.03 That the Council confirms the proposals for the allocation of seats set out in Appendix A and B.

7.04 That the Council appoints the Chairs and Vice Chairs of Committees.

8.00 FINANCIAL IMPLICATIONS

8.01 None as a result of this report.

9.00 ANTI-POVERTY IMPACT

9.01 Not applicable.

10.00 ENVIRONMENTAL IMPACT

10.01 Not applicable.

11.00 EQUALITIES IMPACT

11.01 Not applicable.

12.00 PERSONNEL IMPLICATIONS

12.01 Not applicable.

13.00 CONSULTATION REQUIRED

13.01 Constitution Forum

14.00 **CONSULTATION UNDERTAKEN**

14.01 Constitution Forum.

15.00 **APPENDICES**

15.01 Appendix A & B - Political balance calculations

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

As referred to in the report.

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APPENDIX A

(A) COMPOSITION OF COUNCIL

Alliance		(A)	25	(35.714%)
Labour		(L)	22	(31.428%)
Liberal Democrat		(L/D)	11	(15.713%)
Conservative		(CON)	9	(12.857%)
Non Alligned	1	(NA)	1	(1.43%)
	2		1	(1.43%)
	3		<u>1</u>	(1.43%)

70(B) TOTAL SEATS ON COMMITTEES

6 x Scrutiny		@ 15	90
1 x Planning		@ 21	21
1 x Co-ordinating		@ 15	15
1 x Audit		@ 7	7
1 x Licensing		@ 12	12
1 x Constitution		@ 21	<u>21</u>

166(C) DISTRIBUTED TOTALS

Alliance		59.29	60
Labour		52.17	52
Liberal Democrat		26.09	26
Conservative		21.34	22
Non Alligned	1	2.37	2
	2	2.37	2
	3	2.37	<u>2</u>

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APPENDIX B

(D) ALLOCATION OF SEATS

		Alliance	Lab	Lib Dem	Con	NA (1)	NA (2)	NA (3)
1	A - Overview & Scrutiny	15	5	5	2	2	1	
2	B - Overview & Scrutiny	15	5	5	2	2		1
3	C - Overview & Scrutiny	15	5	5	2	2		1
4	D - Overview & Scrutiny	15	5	5	3	2		
5	E - Overview & Scrutiny	15	5	5	3	2		
6	F – Overview & Scrutiny	15	6	5	2	2		
7	Co-ordinating	15	6	4	3	2		
8	Planning	21	8	6	3	3	1	
9	Audit	7	3	2	1	1		
10	Licensing	12	4	4	2	1		1
11	Constitution	21	8	6	3	3		1
		166	60	52	26	22	2	2

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

REPORT TO: **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL**
DATE : **29 JULY 2010**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **MEMBER CHAMPIONS FOR OVERVIEW & SCRUTINY AND
MEMBER SUPPORT & DEVELOPMENT**

1.00 PURPOSE OF REPORT

1.01 To consider a recommendation from the Constitution Committee.

2.00 BACKGROUND

2.01 The Council has seven Members who act as Member Champions for various areas as detailed in Appendix 1. The Member Champions have been appointed in different ways and at different times.

2.02 At the Constitution Committee meeting on the 17 December 2009 consideration was given to a report from the Head of Legal & Democratic Services on Member Champions. The report identified a number of issues and recommended the setting up of a Task & Finish Group of Members to review the role and make appropriate recommendations to rationalise the present situation.

2.03 The Task & Finish Group met on the 28 May and its recommendations were reported to the Constitution Committee meeting of the 14 July 2010. A copy of that report is attached as Appendix 2. The Constitution Committee resolved to recommend that the Council cease to have Member Champions. It is for the Council to consider this recommendation in relation to the Member Champions for Overview & Scrutiny and Member Support and Development.

2.04 When the Overview & Scrutiny Champion was decided by the Coordinating Committee in 2004 it followed the North Wales Scrutiny conference where a presentation had been given by the Director of the Centre for Public Scrutiny, which had made particular reference to the Scrutiny Champions Network. The idea was that each authority should nominate a Member and an officer to act as Scrutiny Champions so that the Centre for Public Scrutiny could e-mail appropriate material. The Coordinating Committee decided that the Member Champion for Overview & Scrutiny should be the Chair of the Overview & Scrutiny Coordinating Committee from time to time.

2.05 In relation to the Member Champion for Member Support and Development, this is a requirement of the WLGA Charter for member support and development. It is a requirement of the Charter that there is a Member

Champion and Member Development Working Group made up of members and officers. It was decided the Chair of this Working Group from time to time would be the Member Champion.

3.00 CONSIDERATIONS

- 3.01 During the discussion at the Constitution Committee meeting of the 14 July some Members expressed the view that the Member Champion role should be undertaken by the appropriate Executive Member. In relation to the Overview & Scrutiny Champion, it could not be an Executive Member that undertakes this role. In relation to the Member Champion for Member support and development, the current Member Champion is the appropriate Executive Member. During the debate in the Constitution Committee it was made clear that the proposal was not intended as a reflection on any of the current Member Champions or the work they have done as Member Champions.
- 3.02 In view of the ongoing review of the Overview & Scrutiny Committee structure there may be changes to the role of the Coordinating Committee, the number of Members on the Committee and the Chairmanship of it. If it is decided that the Overview & Scrutiny Champion should continue it is open to the Council to decide that due to changes to the Coordinating Committee the Champion should be someone other than the Chair of that Committee.
- 3.03 If the Council was to decide that either or both of these two Member Champion roles should continue, a written role description based on the model WLGA role description for Member Champions could be introduced. A copy of that role description is attached as Appendix 3.
- 3.04 If Council decided that either or both of these Member Champion roles should continue but there was a concern about any of the issues identified in the report to the Constitution Committee, the Council may wish to determine how those issues should be addressed or refer them to the Constitution Committee or elsewhere for resolution.

4.00 RECOMMENDATIONS

- 4.01 For Council to determine whether either or both of the Overview & Scrutiny and Member Support and Development Member Champions should continue.
- 4.02 If pursuant to paragraph 4.01 above either or both are to continue to determine how to pursue the issues in paragraphs 3.03 and 3.04 above.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Amending the Members Allowance Scheme to include work as a Member

Champion as an approved duty could be met from within the existing Member allowance budget.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 With existing Member Champions individually.

12.00 APPENDICES

12.01 Appendix 1 - Table of Member Champions
Appendix 2 - Report to Constitution Committee Meeting 14 July 2010
Appendix 3 - WLGA Member Champion Role Description

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Report to the Executive of the 1 April 2009
Minutes of the Coordinating Committee meeting of the 29 January 2004
Minutes of the Constitution Committee meeting 17 December 2009

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APPENDIX 1

Member Champion	Area	Appointed
Councillor Robin Baker	ICT	Decision of the Executive
Councillor Hilary McGuill	Overview & Scrutiny	Decision of the Coordinating Committee
Councillor Neville Phillips	Member Support & Development	Decision of the Member Development Working Group
Councillor Veronica Gay	Older People	Appointed by the Leader
Councillor Emlyn Cooke	Energy	Appointed by the Leader
Councillor Carolyn Thomas	Biodiversity	Appointed by the Leader
Councillor Eric Owen	Supporting People	Appointed by the Leader

FLINTSHIRE COUNTY COUNCIL

Appendix 2

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **14 JULY 2010**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **MEMBER CHAMPIONS**

1.00 PURPOSE OF REPORT

- 1.01 To consider recommendations from the Member Champions Task & Finish Group.

2.00 BACKGROUND

- 2.01 At the Constitution Committee meeting on the 17 December 2009 consideration was given to a report from the Head of Legal & Democratic Services on Member Champions. A copy of that report is attached as Appendix A. At that meeting the Constitution Committee resolved that a Task & Finish Group be established consisting of Councillors R C Bithell, A Halford, P G Heesom, V Gay and A P Shotton.
- 2.02 Following the Constitution Committee and prior to the first meeting of the Task & Finish Group each Member Champion had the opportunity to discuss their role with the Democracy and Governance Manager. This informed the report to the Task & Finish Group which met on the 28 May 2010. A copy of that report is attached as Appendix B. Attached as Appendix C are the minutes of that meeting of the Task & Finish Group.

3.00 CONSIDERATIONS

- 3.01 At the commencement of the Task & Finish Group meeting Councillor Bithell questioned whether there was a need for Member Champions. His view and the opposite view taken by Councillor Gay are summarised in Appendix 3. The Task & Finish Group then proceeded to consider various issues relating to Member Champions, including the issues identified in paragraph 2.03 of the report to the Constitution Committee meeting of the 17 December 2009 (Appendix A).
- 3.02 The report of the Democracy & Governance Manager explained the processes that had been used to appoint Member Champions. The Scrutiny Champion had been appointed by the Coordinating Committee, the Champion for ICT by the Executive and the other Member Champions by the Leader.
- 3.03 The Task & Finish Group then proceeded to consider how Member Champions should be appointed in the future. With the exception of the

Overview & Scrutiny Champion the appointment of other Champions is an Executive function. The Task & Finish Group formed the view that appointment as a Member Champion should be based on Member skills rather than on the membership on any particular Group. It was indicated that Member Champions should have the support of all Members if part of their role was to deal with queries or concerns raised by Members.

3.04 The Task & Finish Group recommend the following process for the future appointment of Member Champions:-

- That an open invitation to all Members be made for nominations for each of the Member Champion roles.
- That any nominations should be seconded and that each candidate nominated should make a written statement indicating how they would fulfil the role.
- All such nominations received will then be considered at the same Council meeting which would make a recommendation on each appointment to the Executive. The Overview & Scrutiny Champion would not be an Executive appointment.

3.05 The next issue considered by the Task & Finish Group was whether greater publicity should be given to the Member Champions. The Task & Finish Group recommend that:-

- A letter should be sent to all Members giving details of the current Member Champions and their roles.
- This information should also be put on the Member information part of the Infonet.
- That the public be made aware of the various Member Champions through the Customer Services part of the Council's Website.

3.06 The Task & Finish Group went on to consider role descriptions for the Member Champions. At present the Member Champions for Biodiversity, Older People and for Supporting People have written role descriptions. The Task & Finish Group decided to recommend to the Committee that role descriptions be prepared for the remaining Member Champions.

3.07 The next issue considered by the Task & Finish Group was identifying how Champions should report back on their activities to the County Council. Various alternative suggestions have been made in relation to this. These include an annual report to County Council whereby each Member reports on the issues relating to their work during the year and the issues that have been raised with them. Another suggestion is that information could be reported on the Member information part of the Infonet and letters sent by Member Champions to all Members from time to time. It has also been

suggested that the Champions report periodically to their appropriate Overview & Scrutiny Committee.

- 3.08 The last issue considered by the Task & Finish Group was the extent to which the activities of Champions should be eligible for travelling and subsistence allowance. It is recommended that work as a Member Champion should be added to the list of approved duties in the Council's Scheme of Member Allowances. This would ensure that the Member Champions qualify for travelling and subsistence allowance and are not out of pocket.

4.00 RECOMMENDATIONS

- 4.01 For the Constitution Committee to consider the recommendations of the Task & Finish Group set out in paragraphs 3.04 to 3.08 above.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Amending the Members' Allowance Scheme to include work as a Member Champion as an approved duty could be met from within the existing Members allowance budget.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

- 11.01 With existing Member Champions individually.

12.00 APPENDICES

- 12.01 Appendix A - Constitution Committee Report 17 December 2009
- Appendix B - Task & Finish Group Report 28 May 2010
- Appendix C - Task & Finish Group Minutes

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Report to the Executive of the 1 April 2009
Minutes of the Coordinating Committee meeting of the 29 January 2004
Minutes of the Constitution Committee meeting 17 December 2009

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FLINTSHIRE COUNTY COUNCIL

Appendix A

REPORT TO: **CONSTITUTION COMMITTEE**
DATE : **17 DECEMBER 2009**
REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**
SUBJECT : **CHAMPIONS**

1.00 PURPOSE OF REPORT

1.01 To consider setting up a Task & Finish Group to review the roles and appointments of Champions.

2.00 BACKGROUND

2.01 At the meeting of the County Council held on the 24 August, 2009 the Leader of the Council withdrew a Notice of Motion which stated:

"That work as a Member Champion be added to the list of approved duties in the Members' Allowance Scheme with effect from 1 April, 2009."

2.02 Some research undertaken in connection with the Notice of Motion established that there was no single process for the appointment of Champions. In addition there was no clear picture as to the reporting or accounting lines between Champions and the responsible Executive Member, Committee Chair or Directorate.

2.03 Requests have been made for the Constitution Committee to consider reviewing the position with a view to:

- Establishing what processes have been used to appoint Champions in the past.
- Considering the rationalisation of an appointments process.
- Considering role descriptions for Champions.
- Identifying how Champions should report back on their activities to the County Council.
- Considering the extent to which the activities of Champions should be made eligible for travelling and subsistence allowance within the Members' Allowance Scheme.

3.00 CONSIDERATIONS

3.01 The role of Champions was considered briefly at the last meeting of the Corporate Management Overview & Scrutiny Committee and it was agreed

at the suggestion of the Chairman of the Constitution Committee that the matter be left with the Constitution Committee to avoid duplication of effort.

- 3.02 Members are invited to consider setting up a Task & Finish Group. The Group could at its first meeting consider those arrangements which have already been put in place and the remit of existing Champions where this has been set out. It is suggested that the Task & Finish Group comprise Members of each of the four political groups on the Council and report back in due course in relation to those matters set out in paragraph 2.03.

4.00 RECOMMENDATIONS

- 4.01 That Members consider setting up a Task & Finish Group to review the role and appointment of Champions and make appropriate recommendations to rationalise the present situation.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None

6.00 ANTI POVERTY IMPACT

- 6.01 None

7.00 ENVIRONMENTAL IMPACT

- 7.01 None

8.00 EQUALITIES IMPACT

- 8.01 None

9.00 PERSONNEL IMPLICATIONS

- 9.01 None

10.00 CONSULTATION REQUIRED

- 10.01 All Members of the Council through the democratic process.

11.00 CONSULTATION UNDERTAKEN

- 11.01 Limited consultation so far.

12.00 APPENDICES

- 12.01 -

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

As referred to in the report.

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FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NO.

REPORT TO: **MEMBER CHAMPIONS TASK & FINISH GROUP**
DATE: **28 MAY 2010**
REPORT BY: **HEAD OF LEGAL & DEMOCRATIC SERVICES**
SUBJECT: **MEMBER CHAMPIONS**

1.00 **PURPOSE OF REPORT**

1.01 To consider the arrangements relating to Member Champions pursuant to the decision of the Constitution Committee meeting of the 17 December 2009.

2.00 **BACKGROUND**

2.01 At the Constitution Committee meeting on the 17 December 2009 consideration was given to a report from the Head of Legal & Democratic Services on Member Champions. A copy of that report is attached as **Appendix 1**. At that meeting the Constitution Committee resolved that a Task & Finish Group be established consisting of Councillors R C Bithell, A Halford, P G Heesom, V Gay and A P Shotton.

2.02 During consideration by the Constitution Committee there was uncertainty on a number of aspects of the Member Champion role that required clarification. These included the relationship with Executive Members, the role of the Champions and entitlement to allowances. During consideration it was also identified there was a need to formally identify the Champions as there was a lack of awareness of who were Member Champions.

2.03 Following the Constitution Committee meeting and prior to this first meeting of the Task & Finish Group each Member Champion has had the opportunity to discuss their role with the Governance & Democracy Manager.

3.00 **CONSIDERATIONS**

3.01 The first consideration is to identify which Member Champions have been formally appointed. There are two ways in which Member Champions have been appointed, either by formal resolution of a Committee or the Executive or secondly, by appointment from the Leader of the Council. Attached as **Appendix 2** is a table of the seven Member Champions indicating the area they are Champion for and the way in which they were appointed. One issue

for the Working Group to consider is whether greater publicity should be given to these Member Champions so that their existence is better known by other Members and by officers.

- 3.02 Another consideration is to clarify the role of Member Champions. When the Member Champions were appointed, varying details about their role was provided. Those appointed by Committee or Executive are considered first followed by those appointed by the Leader.
- 3.03 When the Overview & Scrutiny Champion was decided by the Coordinating Committee in 2004 it followed the North Wales Scrutiny Conference where a presentation had been given by the Director for the Centre for Public Scrutiny, which had made particular reference of the Scrutiny Champions Network. The idea was that each authority should nominate a Member and an officer to act as Scrutiny Champions so that the Centre for Public Scrutiny could e-mail appropriate material. The Coordinating Committee decided that the Member Champion for Overview & Scrutiny should be the Chair of the Overview & Scrutiny Coordinating Committee from time to time. When at its meeting of the 1 April 2009 the Executive appointed Councillor Robin Baker as Member Champion for ICT, the report explained that the appointment was to reflect the key role that the ICT strategy played in the Council's business planning and governance frameworks. In relation to the Member Champion for Member Support and Development, this is a requirement of the WLGA Charter for Member Support and Development. It is a requirement of the Charter that there is a Member Champion and Member Development Working Group made up of Members and officers to sponsor the Member Development Strategy and the Member development programme. It was decided the Chair of this Working Group from time to time would be the Member Champion.
- 3.04 In relation to the Member Champions appointed by the Leader he has explained that their roles were intended to:-
- a) Comply with any guidance/requirement from WAG;
 - b) To form a focal point of specialism;
 - c) To support/relieve/inform Executive Members, and
 - d) Provide a resource for Members, or constituents who had problems, enquiries, complaints or whatever relating to those specialisms.
- 3.05 In discussions with the individual Member Champions two have indicated that they have a written role description issued by WAG (the Member Champions for Biodiversity and Older People). The discussions with individual Member Champions have also indicated a degree of similarity in how they view their role, including being a point of contact for their particular area for other Members, officers, the public and outside bodies. Whilst Councillor Neville Phillips is also the Executive Member for the area he is Champion of, the other Member Champions (with the exception of Overview & Scrutiny) see themselves as helping the appropriate Executive Member in a particular specialised and time consuming area. The Working Group may feel that it is appropriate for each Member Champion to have a written role description.

3.06 Another consideration for the Working Group is in relation to Member Champions entitlement to allowances. Member Champions are not eligible for special responsibility allowances. Member Champions are however, eligible for care allowance so are able to reclaim expenses necessarily incurred in caring for dependents whilst carrying out those duties, subject to a maximum of £403 per month. The Member Champion may also be able to recover expenses incurred in travel & subsistence. This is dependent upon whether the work falls within of the list of approved duties contained in paragraph 3.01 of the Members' Allowance Scheme, such as attendance at a Body to which the Council makes appointments or attendance upon an officer of the Council upon Council business. At present the list of approved duties does not include work as a Member Champion and this can mean that on occasions a Member Champion's expenses on travel & subsistence is not reimbursed. Representations have been received from the Older People's Partnership Network that the Older People's Champion should be able to access out of pocket expenses with regard to the discharge of her role. The Group may wish to recommend that work as a Member Champion is added to the list of approved duties.

4.00 RECOMMENDATIONS

4.01 For the Working Group to consider the issues raised in paragraphs 3.01 to 3.06 of this report and any other issue the Task & Finish Group wishes to raise with a view to these being included in a report to the Constitution Committee.

5.00 FINANCIAL IMPLICATIONS

5.01 Amending the Members' Allowance Scheme to include work as a Member Champion as an approved duty could be met from within the existing Members' Allowance budget.

6.00 ANTI-POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITY IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None arising directly from this report

11.00 CONSULTATION UNDERTAKEN

11.01 With existing Member Champions individually.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

Background Documents

Report to Executive of 1 April 2009

Minutes of Coordinating Committee meeting on 29 January 2004.

Contact Officer: Peter Evans
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APPENDIX 2

Member Champion	Area	Appointed
Councillor Robin Baker	ICT	Decision of the Executive
Councillor Hilary McGuill	Overview & Scrutiny	Decision of the Coordinating Committee
Councillor Neville Phillips	Member Support & Development	Decision of the Member Development Working Group
Councillor Veronica Gay	Older People	Appointed by the Leader
Councillor Emlyn Cooke	Energy	Appointed by the Leader
Councillor Carolyn Thomas	Biodiversity	Appointed by the Leader
Councillor Eric Owen	Supporting People	Appointed by the Leader

**MEMBER CHAMPIONS TASK & FINISH GROUP MEETING
OF THE 28 MAY 2010**

Present: Councillors: R C Bithell, V Gay
and Democracy & Governance Manager

Apologies: No apologies were received

Appointment of Chairman

Councillor Bithell was appointed Chairman.

Declarations of Interest

Councillor Gay declared a personal non prejudicial interest arising from her role as a Member Champion.

Member Champions

The Democracy & Governance Manager introduced his report and summarised it. Councillor Bithell questioned whether there was a need for Member Champions. In his view it was for officers to advise Members rather than another Member to do so as Member Champion. He also felt that for Executive functions the role was part of that of the appropriate Executive Member and that they were regularly in touch with the Welsh Assembly Government as a result of their Executive role in a way that a Member Champion not on the Executive would not be. Councillor Gay took the opposite view and indicated that the effect of making the Executive Member the Member Champion could lead to that Member being overloaded and the quality of the Member Champion role suffering as a result. Councillor Gay indicated that in relation to her role as a Member Champion for Older People other larger Councils as well as Flintshire had someone other than the Executive Member appointed as the Champion.

The Democracy & Governance Manager advised that in reporting back to the Constitution Committee the views of Councillor Bithell would be included but that the Task & Finish Group had been given the task of advising on certain issues relating to the role and would expect the Task & Finish Group to address these issues. Councillor Bithell agreed that the issues needed to be considered and the meeting proceeded to do so.

The first issue that the Constitution Committee at its meeting on the 17 December 2009 had asked to be considered was to establish what processes had been used to appoint Member Champions in the past. The report of the Democracy & Governance Manager explained that the Scrutiny Champion had been appointed

by the Coordinating Committee, the Champion for ICT by the Executive and the other Member Champions by the Leader.

Councillor Bithell indicated that the issue of how Member Champions should be appointed in the future should be considered. Councillors Bithell and Gay agreed that appointment as a Member Champion should be based on that Member's skills rather than on their membership of a particular Group. The Democracy & Governance Manager explained that with the exception of the Overview & Scrutiny Champion the appointment of the other Champions was an Executive function. He also indicated that Member Champions should have the support of all Members if part of the role was to deal with queries or concerns Members had. Both Councillors Bithell and Gay believed there should be an open and transparent process of appointing Member Champions. It was agreed to recommend to the Constitution Committee the following process:-

- That an open invitation to all Members be made for nominations for each of the Member Champion roles.
- That any nomination should be seconded and that each candidate nominated make a written statement indicating how they would fulfil the role.
- All such nominations received would then be considered at the same Council meeting who would make a recommendation on each appointment to the Executive.

The next issue considered was that identified in the report to the meeting of whether greater publicity should be given to the Member Champions so that their existence is better known by Members and officers. In considering this issue it was agreed to recommend that a letter should be sent to all Members giving a list of the current Member Champions and their roles for which they were the Champion. This should also be put on the Member information part of the Infonet. Councillor Gay indicated that in addition to Members and officers the public needed to be made aware of the various Member Champions. Councillor Gay suggested that this be done through the customer services part of the Council's website. This process would enable queries raised by the public to be channelled to the appropriate part of the Council and a record of them kept. The Democracy & Governance Manager indicated that he would need to make enquiries of Chris Guest as the appropriate Head of Service for this area as to the practicalities of this.

With this caveat the Constitution Committee was recommended to agree that a letter be sent to all Members detailing the current Member Champions and their roles and this information be placed on the Infonet and on the Customer Services part of the web.

The next issue was the question of written role descriptions for the Member Champions. The Democracy & Governance Manager reported that three of the existing Member Champions had written role descriptions namely, the Member Champions for Biodiversity, Older People and for Supporting People. It was agreed to recommend to the Constitution Committee that role descriptions be prepared for the remaining Member Champions. The Democracy & Governance

Manager would enquire of WAG if they had role descriptions for the other four Member Champions. If they did then this would be the recommended role description. If they did not, then a new role description would be prepared by the Democracy & Governance Manager in consultation with the current post holder and the Leader, which would then be reported to the Constitution Committee for approval.

The next issue was to identify how Champions should report back on their activities to the County Council. Councillor Bithell suggested that there be an annual report to County Council on the issues relating to their work during the year and the issues that had been raised with them. In addition, information could be reported on the Member information part of the Infonet and letters sent by the Member Champion from time to time to Members updating them.

The last issue was one of Member Champion entitlement to allowances. The Democracy & Governance Manager explained the current situation in relation to travel and subsistence reimbursement being dependant upon an approved duty which at present did not include work as a Member Champion. Councillor Bithell was of the view that work as a Member Champion should qualify for travel and subsistence allowance and the current scheme be amended to allow for this. Councillor Bithell was also of the view that a Member Champion should be able to claim care allowance for undertaking work as a Member Champion. The Democracy & Governance Manager explained that this was the existing situation.

The meeting lasted from 2.00 pm until 3.00 pm.

Member Champion Role Description

1. Accountabilities

To Full Council

2. Role Purpose and Activities

Within the Council

- To promote the interest being championed within the Council's corporate and service priorities
- To promote the needs of the client group represented in the interest to the decision makers within the council
- To work with the decision makers in the Council to establish strategies/policies/work plans connected with the interest
- To maintain an awareness of all matters connected with the interest
- To contribute to good practice and the continuous improvement of services and functions related to the interest
- To engage with members in matters related to the interest such as attending Overview and Scrutiny/Cabinet /Full Council meetings etc.
- Raising awareness of and taking a lead role in the development of all members and officers in relation to the interest

In the Community

- To raise the profile of the interest in the community
- To engage with citizens and community groups in matters related to the interest
- To lead and support local initiatives related to the interest

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 6

REPORT TO: **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL**
DATE : **29 JULY 2010**
REPORT BY: **DEMOCRACY AND GOVERNANCE MANAGER**
SUBJECT : **MEMBERS ALLOWANCES**

1.00 PURPOSE OF REPORT

- 1.01 To determine the rates of basic co-optees and special responsibility allowances for the financial year 2010/11.

2.00 BACKGROUND

- 2.01 At the Council meeting on the 9 March consideration was given to a report on the Independent Remuneration Panel's (IRP) annual report received on the 12 February 2010. The Panel's report contained determinations and recommendations for 2010/11. The Panel's determinations automatically took legal effect on the 1 April 2010 but there is no legal requirement to comply with the Panel's recommendations which were referred to the Member Development Working Group for consideration.
- 2.02 The Panel determined that for 2010/11 the basic allowance be reset at a maximum of £13,868 per annum. It also determined that this figure no longer incorporates a sum to meet a Councillor's IT and office costs. For 2009/10 the maximum basic allowance was £13,356 and Flintshire members are currently paid a basic allowance of £12,996.
- 2.03 The co-opted members on the Standards and Lifelong Learning Overview & Scrutiny Committees are eligible for co-optees allowance. For 2010/11 the Panel determined the maximum should be £1,200 and £2,230 for the Chair of the Standards Committee. In 2009/10 Flintshire paid £779 and £1,486 respectively.
- 2.04 In relation to special responsibility allowance (SRA), the Panel made a number of determinations which had the effect of reducing variations across Wales in maximum allowances and reducing the posts eligible to receive such allowances.
- 2.05 From the 1 April 2010 there are three rather than four population groupings with Flintshire being in the middle group. Also, from the 1 April 2010 there are fewer bands of posts eligible for SRA. The Panel also determined that the maximum level of SRA for posts outside the Executive should be the same throughout Wales irrespective of the population of the Council area.

- 2.06 The Panel also determined that from the 1 April 2010 Vice Chairs will not normally be eligible for SRA and neither will Chairs of other Council Committees beyond Overview & Scrutiny, Audit, Planning and Licensing Committees. The annual report provided that a Council could make specific application to the Panel for posts outside the revised framework. The revised framework of posts eligible for SRA is detailed in Appendix 1, together with Flintshire's SRA payments for these posts in 2009/10.
- 2.07 At its meeting on the 9 March the Council resolved that application be made to the Panel for approval to pay SRAs for all posts which at that time received SRA but fell outside the revised framework. It also resolved that determining the rates of SRA and basic allowance for 2010/11 be deferred to a future meeting of the Council.
- 2.08 Following consultation with current postholders the Leader, Group Leaders and relevant officers detailed applications were made to the Panel pursuant to the Council decision on 28 April 2010.
- 2.09 On the 5 July 2010 a letter was received from the Chairman of the Panel indicating its decisions in relation to the Council's applications. A copy of this letter is attached as Appendix 2. The only post approved by the Panel was the Chair of the Clwyd Pensions Panel.

3.00 CONSIDERATIONS

- 3.01 In relation to the basic allowance the Panel determined that the increased maximum of £13,868 no longer incorporates the sum to meet a Councillor's IT and office costs. It also recommended that without charge to individual Councillors, Councils provide as much support as is necessary (for example, laptops, telephones, personal costs) to enable them to fulfil their duties. This recommendation has been considered by the Member Development Working Group who decided that a member survey be undertaken on the possibility of providing laptops to members.
- 3.02 The budget for 2010/11 includes £923,207 for the payment of basic allowances which would equate to £13,188 per member. In the past members have decided to limit increases in their basic allowances to the increases in staff pay. The current economic climate has led the Government to announce a pay freeze for most local government staff.
- 3.03 The members allowance regulations provide that no more than half the members of the Council can receive a SRA. The regulations also provide that no one member can have more than one SRA. For the current financial year the only posts eligible for SRA are those in Appendix 1. The maximum SRA that can be paid for each of these posts is indicated in Appendix 1. The provision contained in the budget for 2010/11 for SRAs is £332,340.

4.00 RECOMMENDATIONS

- 4.01 To determine what basic allowance to pay with effect from 1 April 2010 up to a maximum of £13,868 per annum.
- 4.02 To determine the SRAs to pay with effect from 1 April 2010 for those posts listed in Appendix 1 up to the indicated maximum for each post.
- 4.03 To determine whether to increase the co-optees allowance to £1,200 p.a and to £2,230 for the Chair of the Standards Committee with effect from the 1 April 2010.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The budget for basic allowance is £923,207 which would equate to £13,188 per Member. This would be a 1.5% increase on the 2009/10 allowance of £12,996. Moving to the maximum allowance of £13,868 as recommended by the IRP would be an increase of 6.7% and create a budget pressure of £47,553.
- 5.02 The budget for SRA is £332,340. The cost of paying up to the maximum allowance as recommended by the IRP would be £310,313, assuming that there are 7 Overview & Scrutiny Committees and that the allowance is paid for every available post.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

- 11.01 None as a result of this report.

12.00 APPENDICES

- 12.01 Appendix 1 - Posts eligible for SRA
Appendix 2 - Letter from Chair of the Independent Remuneration Panel

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 **BACKGROUND DOCUMENTS**

Annual report of the Independent Remuneration Panel

Contact Officer: Peter J Evans
Telephone: 01352 702304
E-Mail: peter_j_evans@flintshire.gov.uk

Revised Special Responsibility Allowance Framework

		<u>Maximum SRA</u>	<u>2009/10 Payments in Flintshire</u>
a)	Leader	£38,139 p.a.	£33,027 p.a.
b)	Deputy Leader	£22,537 p.a.	£18,162 p.a.
c)	Members of the Council's Executive	£17,336 p.a.	£16,510 p.a.
d)	Chairs of Overview & Scrutiny Committees	£ 9,708 p.a.	£ 9,908 p.a.
e)	Chair of Planning & Development Control Committee	£ 9,708 p.a.	£ 7,133 p.a.
f)	Leader of the largest Opposition Group	£ 9,708 p.a.	£ 8,914 p.a.
g)	Chair of Audit Committee	£ 9,708 p.a.	£ 6,987 p.a.
h)	Chair of Licensing Committee	£ 9,708 p.a.	£ 7,133 p.a.

Specifically Approved by the Independent Remuneration Panel

i)	Chair of the Clwyd Pensions Panel	£ 4,161 p.a.	£ 4,954 p.a. ⁽¹⁾
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Note (1) not paid in 2009/10 as postholder had another SRA



APPENDIX 2

Mr P J Evans
Democracy & Governance Manager
Flintshire County Council
County Hall
MOLD
CH7 6NR

Eich cyf . Your ref :
PJE/LS/C197001-A
Ein cyf . Our ref : qA854350

5th July 2010

Dear Mr Evans

APPLICATIONS FOR THE PAYMENT OF ADDITIONAL SPECIAL RESPONSIBILITY ALLOWANCES

Thank you for your letter of 20th April enclosing 15 applications to extend your Council's scheme of allowances in respect of Special Responsibility Allowances (SRAs). The Independent Remuneration Panel for Wales considered the various applications received from local authorities at their meetings of 17th and 23rd June. I am writing to inform you of its decision concerning your applications.

The Panel has agreed to your Council's request for the following post to be made eligible to receive an SRA, in the following band:-

Chair of Clwyd Pension Fund – Band 4

This agreement is on the understanding that this additional SRA payment will not take your Council over the 50% maximum limit as set out in the Local Authorities (Allowances for Members) (Wales) Regulations 2007. It is also on the understanding that the post-holder is not already in receipt of an SRA payment.

The payment may be backdated to the start of the current financial year, or the date when the post-holder took up the position, whichever is appropriate.

The Panel has not accepted your Council's applications in respect of the following positions:

Chair of Constitution Committee
Vice-Chair of Constitution Committee
Vice-Chair of Planning & Development Control Committee
Vice-Chair of Audit Committee
Vice-Chair of Licensing Committee
Chair of Theatre Clwyd Board
Vice-Chair of Clwyd Pension Fund Panel

Ystafell /Room N07
Llawr Cyntaf/First Floor
Adeiladau Coron/Crown Buildings
Parc Cathays/Cathays Park
Caerdydd/Cardiff
CF10 3NQ

Ffôn/Tel: 029 2080 1047
Ffacs/Fax: 029 2082 5346
Ebostr/Email: irpmailbox@wales.gsi.gov.uk
www.remunerationpanelwales.org.uk
www.panelcymrugydnabyddiaethariannol.org.uk

Vice-Chair of Overview & Scrutiny Co-ordinating Committee
Vice-Chair of People & Performance Overview & Scrutiny Committee
Vice-Chair of Corporate Management Overview & Scrutiny Committee
Vice-Chair of Environment & Regeneration Overview & Scrutiny Committee
Vice-Chair of Community & Housing Overview & Scrutiny Committee
Vice-Chair of Social & Health Overview & Scrutiny Committee
Vice-Chair of Lifelong Learning Overview & Scrutiny Committee

The Panel determined that for each of these positions the level of responsibility did not warrant the payment of an SRA.

A Supplementary Report, which will provide information on successful applications, is being prepared and will be published as soon as possible.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Richard Penn', written in a cursive style.

Richard Penn
Chairman

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 9

REPORT TO: **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL**
DATE : **29 JULY 2010**
REPORT BY: **DIRECTOR OF ENVIRONMENT**
SUBJECT : **FOOD SERVICE PLAN 2010/2011**

1.00 PURPOSE OF REPORT

- 1.01 To seek Member approval for the Food Service Plan for Flintshire County Council which details the service delivery programme for the period 1st April 2010 to 31st March 2011. This Plan includes a review of the Service Plan 2009 and therefore could not be finalised until all the statistical data and all other information is compiled and reviewed for the previous year.

2.00 BACKGROUND

- 2.01 Local Authorities throughout the U.K. have been directed by the Food Standards Agency to take the necessary action to implement the new Framework Agreement on Local Authority Food Law Enforcement, operational from 1st April 2001. The Framework has been developed to ensure a consistent food law enforcement service throughout the country.

3.00 CONSIDERATIONS

- 3.01 The Service Plan, a copy of which is attached as Appendix 1, has been produced by Officers of the Environmental Health and Trading Standards Services in line with the model format contained within the Framework Agreement. It outlines the proposals for Service Delivery for the period 1st April 2010 to 31st March 2011, as well as a review of the Service Plan for 2009 with overall performance for 2009-10 shown as Appendix 2 within this document.

With effect from the end of May 2010, all elements of the Food Service as a whole, namely Food Safety, Food Standards and Animal Feeding stuffs are under the responsibility of the Health Protection Manager within the Public Protection Service.

- 3.02 The Service Plan outlines how the service will be delivered over the coming financial year. The Plan will be backed up by comprehensive documentation and procedures which will be developed to ensure that the Council's Food Law Enforcement activities meet the requirements.
- 3.03 The Service Plan will be subject to annual review.

4.00 RECOMMENDATIONS

4.01 That Members approve the Food Service Plan 2010/11.

5.00 FINANCIAL IMPLICATIONS

5.01 The cost of implementing the agreement on Food Law Enforcement will be met from within the existing Environment Directorate budget.

6.00 ANTI POVERTY IMPACT

6.01 None.

7.00 ENVIRONMENTAL IMPACT

7.01 None.

8.00 EQUALITIES IMPACT

8.01 None.

9.00 PERSONNEL IMPLICATIONS

9.01 None.

10.00 CONSULTATION REQUIRED

10.01 N/A

11.00 CONSULTATION UNDERTAKEN

11.01 N/A

12.00 APPENDICES

12.01 Appendix 1 - Service Plan 2010/11

12.02 Appendix 2 - Performance 2009-10

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

None

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FLINTSHIRE COUNTY COUNCIL

PUBLIC PROTECTION FOOD SERVICE PLAN 2010-2011

FLINTSHIRE COUNTY COUNCIL

FOOD SERVICE PLAN 2010-2011

INTRODUCTION

This service plan relates to the year commencing 1st April 2010 and ending 31st March 2011.

It covers the service provision from both the Food Safety Service and Trading Standards of Flintshire County Council.

The purpose of this Plan is to provide:

- Information about the scope of the Service.
- Information about the Services provided.
- Information about the means of Service provision.
- Information about performance of the Food Service against Performance Targets set out in Plan as well as against national or locally defined Performance Indicators.
- Information relating to reviewing performance in order to address any variance from meeting the requirements of the Service Plan.

Service Plans will be produced annually to allow for meaningful review and progression, in accordance not only with the requirements of the Food Standards Agency “Framework Agreement on Local Authority Food Law Enforcement” but also with the principles of the “Wales Programme for Improvement”.

This Service Plan also forms part of the Authority’s commitment to delivering the “Making the Connections Agenda”, to provide citizen centred services and to work in collaboration and co-operation.

It is worthy of note that in the Rogers Review which has been accepted in full by central Government in 2007, that both Food Hygiene and Fair Trading were identified as two of the top five national priorities for Local Authority Enforcement. This review recognises that Local Authority Regulatory Services play a crucial role in their local communities.

1. SERVICE AIMS & OBJECTIVES	
1.1 <u>Aims and Objectives</u>	<p>The <u>aim</u> of the food service is to fulfil statutory obligations in food law enforcement and respond to local need on food related matters. The broad <u>objectives</u> to meet this aim are listed below:</p> <p>To provide a complete and holistic food law enforcement service covering the areas of food hygiene and safety, food standards and animal feedingstuffs in accordance with relevant food legislation and Codes of Practice.</p> <p>To provide a responsive service to food safety incidents, outbreaks of food related infectious disease, complaints and request for advice from both businesses and members of the public, in accordance with locally defined performance indicators, relevant Codes of Practice, plans and protocols.</p> <p>To provide a food service committed to consistency of enforcement and promotion of good practice by way of the Primary and Home Authority Principles and including effective liaison with other relevant organisations, as well as partnerships, food hygiene courses and public awareness campaigns when appropriate.</p> <p>To maintain an up-to-date database of all food establishments in the County so that resources can be effectively defined and utilised to meet statutory, national and locally defined targets of inspection, sampling, specific initiatives and tasks set by the Food Standards Agency (FSA), other agencies, or based on local need.</p> <p>To provide an open and transparent food service with clear lines of communication for all service users.</p>

1.2 Links to Corporate Objectives and Plans

The Food Service links to the Council Plan of Flintshire County Council for 2007-2010 and the five corporate priorities contained therein which are:

1. Customer Focus – Putting People First
2. Safe and Clean Neighbourhoods
3. Healthy and Caring Communities
4. Investing for Tomorrow's Generation
5. Protecting Our Future Way of Life

The Food Service has direct links with all of the above. It also links with the Council's Community Strategy and with some of the key strategic priorities of WAG such as the "Health, Social Care and Well-Being Strategy" and "Health Challenge Wales".

The Food Service will participate actively in strategies and programmes associated with the "Wales Programme for Improvement" and the "Making the Connections Agenda" and will continue to develop performance management systems to improve the efficiency and effectiveness of service delivery in a meaningful way to the citizens of Flintshire.

2. BACKGROUND	
2.1 <u>Profile of the Local Authority</u>	<p>Flintshire is a Unitary Authority. The County has an area of 43,464 hectares and a population of approximately 150,077. The County is made up of a mixture of small towns and conurbations, particularly to the south, and predominately rural and agricultural land located in the north. The population is subjected to small seasonal fluctuations due to influx of tourists to the area. It has a number of industrial estates on which many manufacturers including food manufacturers are located, as well as headquarters for several food manufacturers including one large national food retailer. The coastal edge of Flintshire County Council abuts the Dee Estuary upon which cockle and mussel beds are situated and there is a small port located at Mostyn.</p>
2.2 <u>Organisational Structure</u>	<p>The organisational structure of the Food Service which is located within the Public Protection Service of the Environment Directorate is illustrated on the attached charts which also detail where the service fits in the Management and Cabinet structure of the Council. The charts attached are listed below:</p> <ol style="list-style-type: none"> 1. Organisational structure of Flintshire County Council. 2. The Cabinet structure of Flintshire County Council. 3. The organisational structure of the Environment Directorate showing the location of the Public Protection Service. 4. The organisational structure of the Food Safety Section. 5. The organisational structure of the Food Service Section of the Trading Standards Department.

Chart 1

FLINTSHIRE COUNTY COUNCIL ORGANISATIONAL STRUCTURE

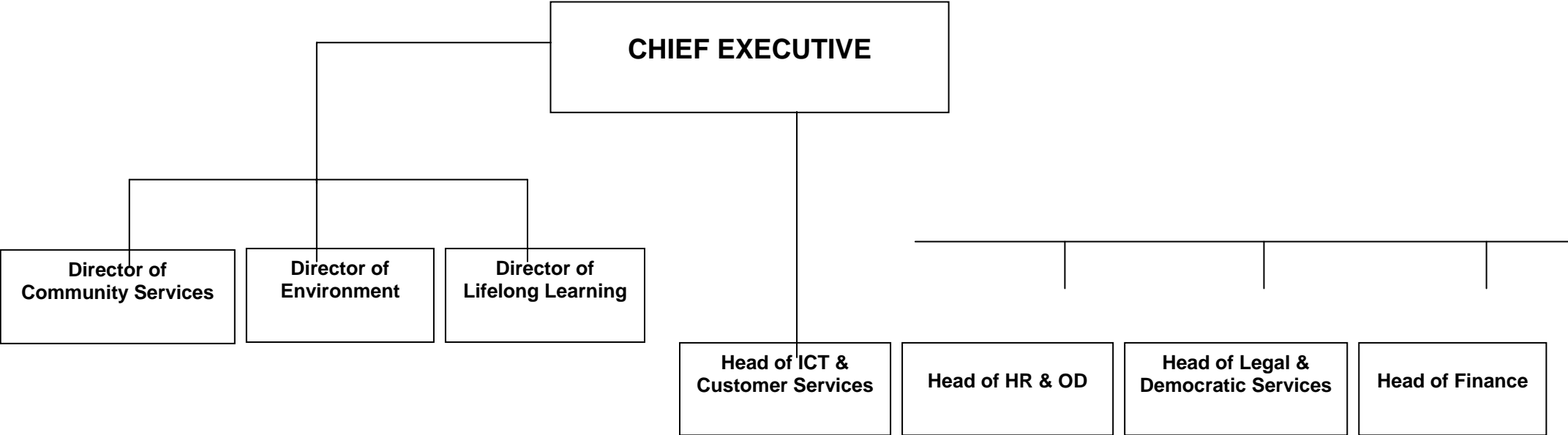


Chart 2

FLINTSHIRE COUNTY COUNCIL Democratic Structure

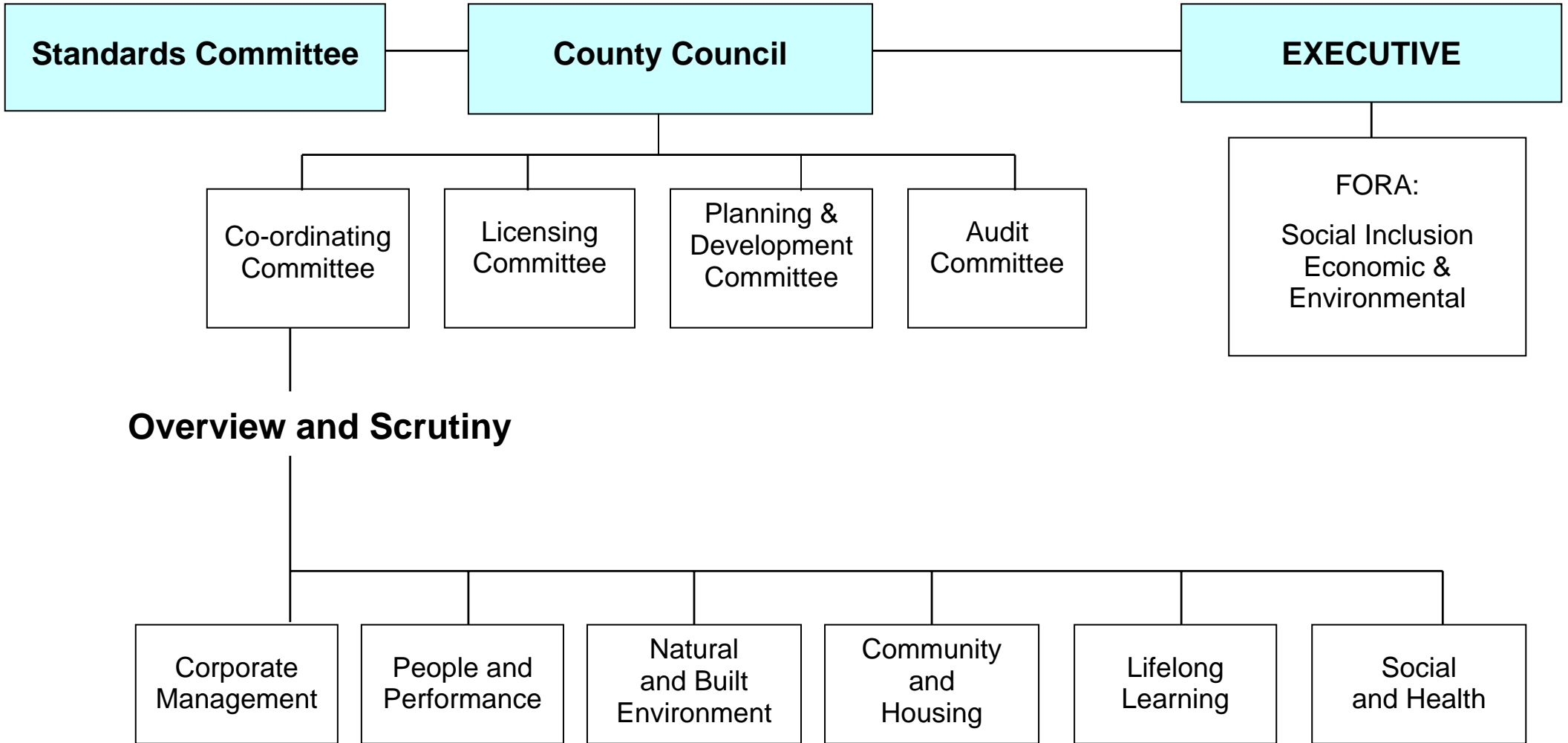


Chart 3

ENVIRONMENT DIRECTORATE STRUCTURE

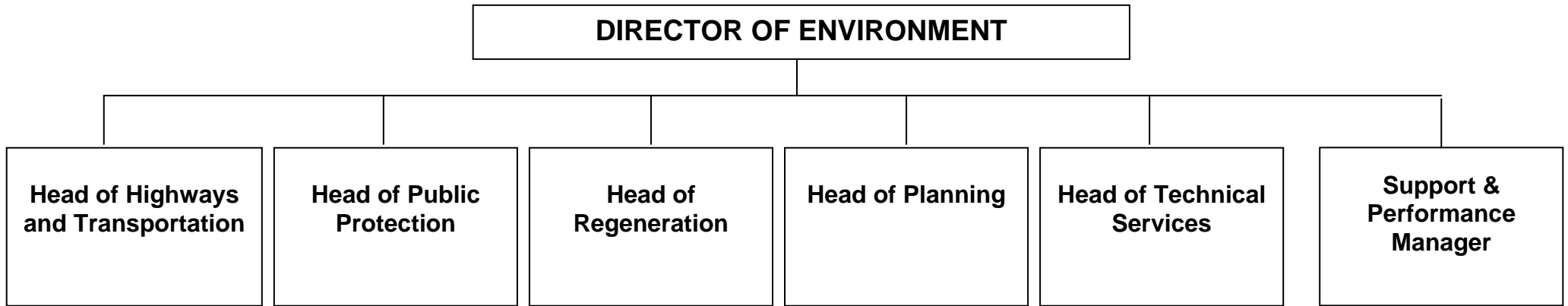


Chart 4

PUBLIC PROTECTION FOOD SAFETY SECTION

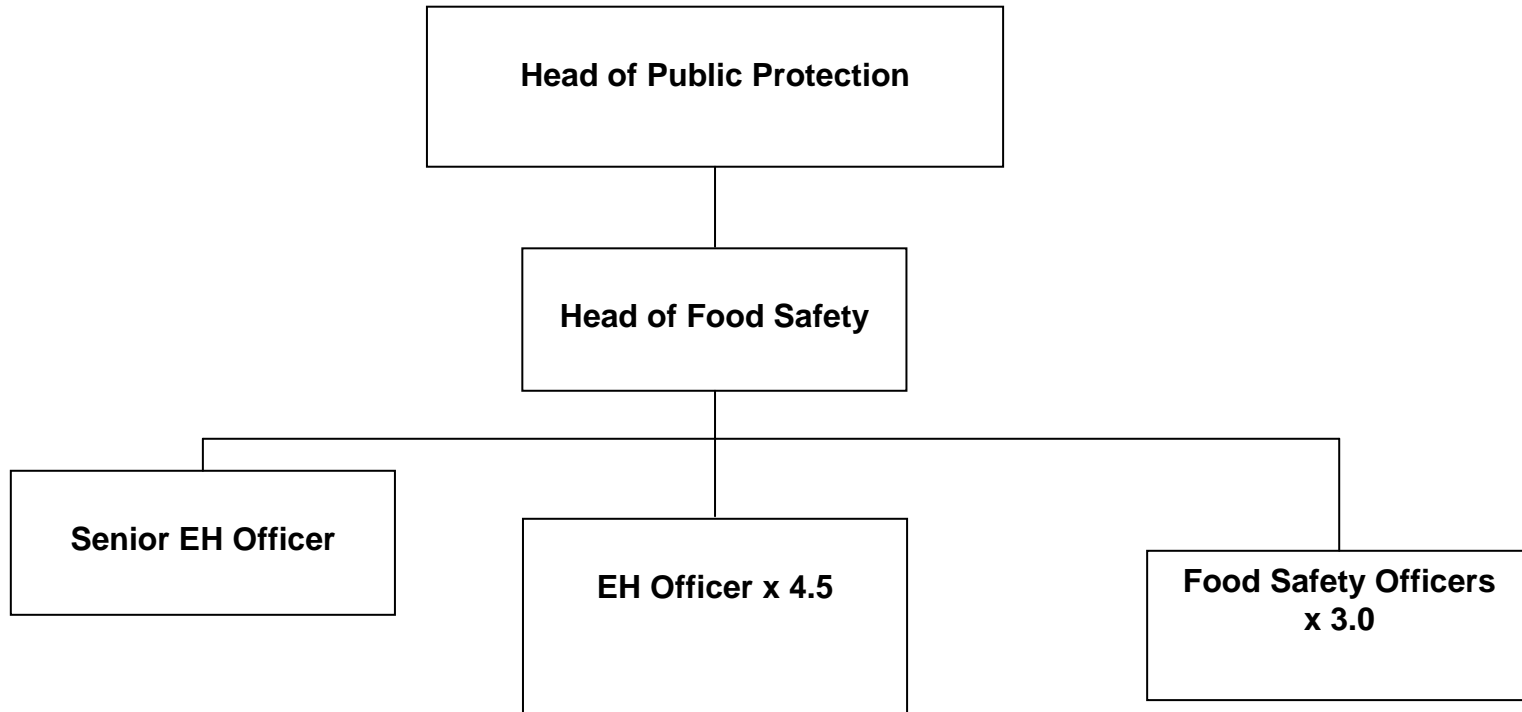
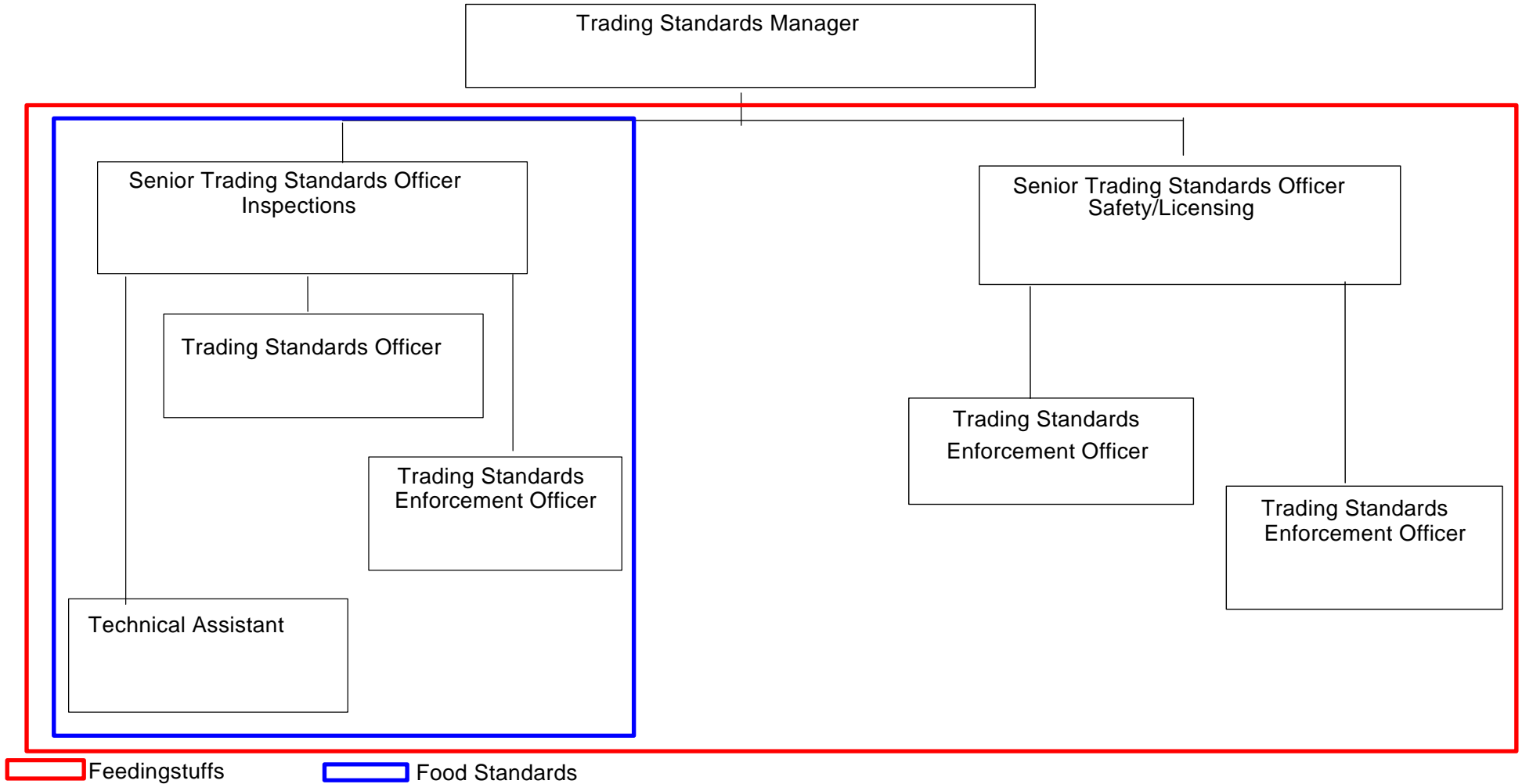


Chart 7

TRADING STANDARDS FOOD SERVICE STRUCTURE



2.3 Scope of the Food Service

The Food Service is situated in the Environment Directorate as part of the Public Protection Service. Since May 2010 the functions relating to Food Safety and the Trading Standards functions relating to Food Standards and Feedingstuffs have come together under the responsibility of the Health Protection Manager.

The scope of the respective component parts of the service are detailed below:-

The Food Safety Service has the following responsibilities and service provision:

1. Enforcement of relevant food safety and food hygiene legislation, in all food establishments in Flintshire.
2. Registration of food businesses and approval of premises subject to compliance with product specific legislation (meat products, fish, shellfish and fishery products and dairy products).
3. Investigation of food complaints that relate to fitness of food for human consumption as well as food complaints that relate to the nature, substance or microbiological quality of the food, taking appropriate action as necessary. In addition, investigation of all complaints which relate to hygiene matters (premises, practices, personnel) in food businesses.
4. Investigation of sporadic cases of food (including water) related notifiable diseases and suspected cases of food poisoning.
5. Investigation and control of outbreaks of food poisoning and food related notifiable diseases.
6. Response to Food Alerts (formerly Food Hazard Warnings) and food related incidents taking appropriate action as necessary.

7. Advice to new and existing business, responses to plans, licensing and land charges referrals.
8. Act as Primary Authority for Iceland Food retail stores and act as Home and/or Originating Authority for other companies where necessary.
9. Undertake food sampling in accordance with the Sampling Programme.
10. Educational and promotional initiatives including the Welsh Food Hygiene Award Scheme and public awareness campaigns such as Food Safety Week which takes place in June each year, and the Mold Food Fair which takes place in September.

The Trading Standards service has the following responsibilities and service provision:

1. Respond to requests for consumer advice in matters regarding food standards.
2. Undertake a pre-planned programme of visits to food premises within Flintshire.
3. Undertake a programme of test purchases and food samples.
4. Undertake investigation of complaints alleging criminal infringements of the Food Safety Act and take appropriate action in relation to disclosed offences.
5. Provide advice, information and assistance to food businesses including promotion of the use of the Flintshire Trading Standards Information Pack.
6. Undertake duties and responsibilities as Home Authority and Originating Authority for food businesses within Flintshire.
7. Undertake a pre-planned programme of visits to feed premises within Flintshire.

2.4 Demands of the Food Service

There are 1589 food businesses in Flintshire of which 1323 are registered food businesses. Not all food businesses are required to register with the Local Authority; hence it is acceptable that the two figures are not the same.

Of the total number of food premises in Flintshire approximately 1,000 are caterers, with the remainder being made up predominantly by retailers as well as a current total of 26 food manufacturers in the area.

The food manufacturers in the County cover a wide range of food processing and production including specialist processes such as the manufacture of food stabilisers as well as several large manufacturing companies producing such foods as cooked meats and ready-made meals both for the retail and catering outlets. The County also has 3 on-farm pasteurisers as well as an ice cream manufacturer.

13 of the 26 food manufacturers are Approved Premises approved by the Food Safety Section of Flintshire County Council which means that they need to comply with relevant legislation and they need to display an EC Approved Health Mark, which is allocated to them by Flintshire County Council, on their packaging.

The premises profile as defined in the Food Law Code of Practice (Wales) September 2008.

Table 1

TRADING STANDARDS			FOOD SAFETY			
Risk	Min	No of		Risk	Min.	No of
High	1 year	16	High	A	6	1
				B	12	84
Medium	2 years	486	Medium	C	18	544
Low	5 years	765	Low	D	2 years	241
				E	3 years	451

The Service Delivery Point for both the Food Safety Service and Trading Standards is County Hall, Mold. Both Service Delivery Points are open during normal office hours of 8.30 a.m. – 5.00 p.m. There is no official “out of hours” provision.

There is little seasonal variation on food activities, although typically the Food Safety Service is busier in the Summer months due to increase demand on the Service.

	<p>The vast majority of food business owners are English speaking with just a couple of businesses requiring written reports in Welsh. All advisory literature is produced bilingually in accordance with the Welsh Policy of the Council. Approximately 4% of food businesses are of ethnic origin (Asian, Chinese, Turkish and Greek) and once again advisory literature is available in the majority of ethnic languages to assist in understanding.</p>
<p>2.5 <u>Enforcement Policy</u></p>	<p>The Food Service undertakes enforcement in accordance with its documented Enforcement Policy which has been updated and approved by Members in June 2009. This policy has been based upon the principles of the Enforcement Concordat adopted by Members in September 2000.</p>
<p>3. SERVICE DELIVERY</p>	
<p>3.1.1 <u>Programmed Inspection Activity</u></p>	<p>Both the Food Safety Service and the Trading Standards Service will carry out inspections in accordance with pre-planned programmes drawn up annually and commencing on 1st April each year. These inspection programmes are based on the risk rating of the premises/trader so that there is a targeting of resources to ensure that those premises/traders with a high or medium risk are prioritised for inspection.</p> <p><u>Food Safety</u></p> <p>The total number of programmed inspection for the year 2009/2010 is 684.</p> <p>This is based on a rolling programme of inspections determined by the risk rating of the premises. The number of programmed inspections for the year is illustrated in Table 2 on the next page.</p>

Table 2

PROGRAMMED INSPECTIONS - FOOD SAFETY	
Risk	Number Due
A	2
B	84
C	298
D	143
E	91
Unrated	64
Approved	2
TOTAL	684

It is estimated that a total number of between 400 and 500 revisits will be

Trading Standards

All 16 of the traders risk assessed as High Risk will be inspected this year. 277 of Traders assessed as Medium will be inspected this year. It is estimated that a total number of 20 revisits will be required, based on the revisit policy documented in the Enforcement Policy.

Feeding Stuffs

There are 2 traders risk assessed as high for feeding stuffs and both will be visited this year.

**3.1.2. Additional Targeted Inspection/Enforcement Activity
(Based on New Legislation, National or Local Priorities)**

Food Safety

1. The main additional targeted activity for this year relates to introduction of the FSA National Food Hygiene Rating System in Flintshire. Adoption of this Scheme received Executive Approval in May 2010 and significant work is now required to ensure a smooth and successful introduction of the Scheme in Flintshire.
2. Continued work to ensure full implementation of all recommendations made in the Public Inquiry Report chaired by Professor Hugh Pennington into the South Wales *E.coli* 0157 Outbreak.
3. Continued work to successfully implement and embed the Primary Authority relationship with Iceland Limited.
4. Increased numbers of water disconnections to food businesses as a result of the "credit crunch". This results in increased number of visits being necessary and additional enforcement work. This has been evident in 2009 and to date in 2010.
5. Preparation for the Mold Food Fair due to take place in September 2010. This builds on and will be bigger than the extremely successful event which took place last year. It is planned to have both a promotional and enforcement role at this event.
6. Increased cockle harvesting activity in the Dee Estuary following the introduction of the Regulating Order in 2008 to allow for an extended fishery season to Licence Holders. This impacts on the Food Safety Service as increased monitoring is required of the beds and increased regulatory and enforcement activity.

Trading Standards

The Feed Hygiene Regulations for animal feeding stuffs will require additional resources. Also Trading Standards will undertake Food Hygiene inspections at primary producers. At the fifth Mold Food Fair Trading Standards, along with Food Safety, will man a stall aimed at educating consumers about food standards.

<p>3.1.3 <u>Resources and Estimated Resource Implications of Additional Targeted Inspection/Enforcement Activity</u></p>	<p><u>Food Safety</u></p> <p>The programmed food hygiene inspections will be undertaken by one Senior Environmental Health Officer (SEHO), 4.5 Environmental Health Officers (EHO), and 3 Food Safety Officers (FSO).</p> <p>The resource implications of the additional targeted inspection/enforcement will be met out of the current resource provision.</p> <p><u>Trading Standards</u></p> <p>The programmed Food Standards Inspections are part of the functions of the Inspection Team of the Trading Standards Service. This team comprises of one Senior Trading Standards Officer, one Trading Standards Officer, one Trading Standards Enforcement Officer and one Technical Assistant. Feedingstuffs premises inspections is split between the Inspections Team and the Safety Team of the Trading Standards Service.</p>
<p>3.2 <u>Food and Feeding Stuffs Complaints</u></p>	<p>Food complaints relating to fitness for human consumption, presence of extraneous matter in food or microbial contamination of food are dealt with by the Food Safety Service, as well as complaints relating to hygiene matters (premises, practices, personnel) in food businesses. Food complaints concerning food standards, food labelling and chemical adulteration are dealt with by the Trading Standards Service.</p> <p>It is the policy of the Food Service to investigate all food and hygiene complaints reported including those made anonymously.</p>

All food complaints are dealt with in accordance with the Food Law Code of Practice (Wales) September 2008, having regard also to the documented Enforcement Policy of the Food Service as a whole. The performance indicator for first response to complaints made is 5 working days following receipt of the complaint.

Based on statistics for previous years, the estimated number of food and hygiene complaints that will be referred to the Food Safety Service is between 100 and 150. This equates to 1 FTE (EHO or FSO) involved in such investigations.

For the Trading Standards Services the estimated number of food complaints that will be referred is 25. Investigating Trading Standard complaints is part of the function of Inspections Team and will be carried out by the Senior Trading Standards Officer, the Trading Standards Officer, and the Trading Standards Enforcement Officer from that team. The performance indicator for first response to complaints made is 5 working days following receipt of the complaint.

Feedingstuffs complaints will be dealt with by the Inspections Team or the Safety Team of the Trading Standards Service. The estimated number of feedingstuffs complaints for the forthcoming year is 5. These will be dealt with by two Trading Standards Enforcement Officers.

Please note the above figures do not indicate dealing with food complaints referred by other Local Authorities when acting as Home or Originating Authority.

<p>3.3 <u>Home Authority Principle/Primary Authority Principle</u></p>	<p>Flintshire County Council subscribes to both the Primary and the Home Authority Principle. The Food Service acts as both Home Authority and/or Originating Authority for 27 food businesses and has entered into a Primary Authority relationship with Iceland, the National Supermarket chain whose Head Office is in Deeside. Flintshire is the first Local Authority in Wales to have entered into such a relationship. With respect to the Trading Standards Service, this is currently part of the function of the Inspections Team. For Food Safety, these are dealt with by the Environmental Health Officer most familiar with the manufacturing premises. The resource implications are equivalent to 0.25 FTE of one EHO post to deal with this function.</p>
<p>3.4 <u>Advice to Business</u></p>	<p>The policy of the Food Service is to provide a balanced approach between the provision of advice and enforcement activity. The Service is committed to providing an effective and responsive advice and assistance service, both on the spot during inspections or upon request, for all Flintshire businesses, including a service in accordance with the LBRO Primary Authority Principle and the LACORS Home Authority Principle. In addition, the Service provides advisory literature, (either produced nationally or in-house) free of charge to businesses to assist them with compliance with relevant legislation. Training courses/seminars will be run subject to demand, for which there is usually a fee, to also assist businesses in compliance. In line with the stated first response time for responding to complaints, the performance indicator to responding for requests for advice from food businesses is also 5 working days.</p> <p>Based on last years trends, the estimated number of requests for advice including those proposing to start up a food business for the forthcoming year is anticipated to be approximately 200 for Food Safety and 20 for the Trading Standards Service.</p>

	<p>Advice to food businesses is part of the function of the Inspections Team of the Trading Standards Service and will be the responsibility of the Senior Trading Standards Officer, the Trading Standards Officer, and the Trading Standards Enforcement Officer on that team and by 0.25 FTE of either an Environmental Health Officer or Food Safety Officer post in the Food Safety Service.</p>
<p>3.5 <u>Food and Feeding Stuffs Inspection and Sampling</u></p>	<p>Sampling will be carried out in accordance with the documented Sampling Policy for the Food Service which was referred for Member Approval in July 2001. The sampling programme is devised so that the procurement of samples will follow a risk based approach. The programme will take in to account statutory requirements as well as the requirements of the Food Standards Agency, LACORS, the Welsh Food Microbiological Forum and local need.</p> <p>The number of samples to be taken is determined by a financial allocation and/or credits allocated by the Countess of Chester Hospital NHS Trust, Microbiology Department to the Service each year. As part of the sampling programme the estimated number of samples to be submitted by the Food Safety Service and by the Trading Standards Service is 150 each.</p> <p>Samples taken by the Trading Standards Service are invariably submitted for analysis by the formally appointed and NAMAS accredited Public Analyst for the Council which has now relocated to:</p> <p>Eurofins Laboratories Limited, Woodthorne, Wergs Road, Wolverhampton. WV6 8TQ</p>

Whereas, samples taken as part of the Sampling Programme by the Food Safety Service are submitted for microbiological examination by the designated and NAMAS accredited laboratory of:

HPA Food Water and Environmental Microbiology Network (Preston Laboratory),
Royal Preston Hospital,
Sharoe Green Lane,
Preston.
PR2 9HT

With respect to food sampling in relation to complaints received, the Food Safety Service may also submit samples to the formally appointed Public Analyst as well as the Health Protection Agency (HPA) detailed above.

The estimated number of food samples to be taken in relation to complaints for the Food Safety Service is 10 and 5 for the Trading Standards Service.

In the Trading Standards Service sampling is part of the function of the Inspections Team and will be carried out by the Senior Trading Standards Officer, the Trading Standards Officer, the Trading Standards Enforcement Officer and the Technical Assistant from that team and in the Food Safety Service it will be carried out by an Food Safety Officer with reference to the sampling programme and by either an Environmental Health Officer or an Food Safety Officer with respect to the sampling in relation to complaints.

<p>3.6 <u>Control and Investigation of Outbreaks and Food Related Infectious Disease</u></p>	<p>Investigation and control of outbreaks of food related infectious disease will be carried out in accordance with the All Wales Outbreak Control Plan which has been subject to Member approval. This Plan has been updated and the updated Plan dated February 2007 has also been given Member approval. The Plan has been further reviewed following the focused audit by the FSA and minor revisions made to form the 2008 Plan.</p> <p>The plan is based on the All Wales Model Plan which has been compiled in consultation with all relevant organisations.</p> <p>Investigations of sporadic notifications of food related infections disease shall follow the documented procedure of the Food Safety Service. Based on previous years trends, it is estimated that there will be approximately between 200 and 300 cases of sporadic notifications and between 0 and 5 outbreaks.</p> <p>Outbreaks are characteristically very resource intensive and therefore the anticipated burden on staffing cannot be predicted. Sporadic notifications are expected to account for between 0.2 and 0.5 FTE post throughout the year.</p>
<p>3.7 <u>Food Safety Incidents</u></p>	<p>Food Alerts, as these are now called, will be initiated and responded to in accordance the Food Law Code of Practice (Wales) September 2008.</p> <p>Responses to Food Alerts will be kept in a centralised documented format and the contact details (including out of hours contact) will be kept up to date. Based on previous years trends, it is estimated that the Food Safety Service will need to respond to up to 80 Food Alerts. It is difficult to quantify the resource implication of this function as it depends upon the category of Food Alert which are graded either for action or information. The Trading Standards Service is also informed of Food Alerts by the electronic mail system and depending on the nature of the alert, dictates whose responsibility it is to respond. There is always close liaison between Food Safety and Trading Standards with respect to response responsibility.</p>

3.8 Liaison with Other Organisations

The Food Service as a whole is committed to ensuring effective liaison with other relevant organisations to enforce consistency of approach. This includes liaison with:

- Food Standards Agency (FSA).
- Local Better Regulation Office (LBRO).
- Professional bodies such as the Chartered Institute for Environmental Health and Trading Standards Institute.
- LACORS, Health Protection Agency (England), National Public Health Service for Wales and other relevant advisory/liaison bodies.
- Other LA's in Wales as a whole. Both the Trading Standards Service and Food Safety Service have representatives on the All Wales Technical Panels, for Food Safety this relates to the Food Safety Technical Panel and Communicable Disease Technical Panel, and for Trading Standards The Quality Panel.
- Neighbouring LA's. Both the Trading Standards Service and Food Safety Service have a representative on North Wales Regional Technical Groups namely for Quality and Metrology for Trading Standards and combined Food Safety and Communicable Disease for Food Safety.
- Liaison with other relevant local bodies, e.g. Magistrates Courts, the Licensing Committee as well as liaison with the Environment Agency and with local fishermen by way of the North Wales and Deeside Shellfish Liaison Group.

Liaison with other departments within Flintshire County Council, such as the Planning Department. A system of formal consultation with relevant sections of the Public Protection Service has been set up, so that prompt, appropriate advice may be given to ensure compliance with relevant legislation.

	<p>In terms of staff resources, this equates to approximately 0.25 of Environmental Health Officer post (mainly Head of Food Safety).</p> <p>In addition to all of the above, liaison is also maintained between Trading Standards and Food Safety as well as within these services by regular Team Meetings which are held bi-monthly in Food Safety and Trading Standards.</p>
<p>3.9 <u>Food and Feeding Stuffs</u> <u>Safety and Standards</u> <u>Promotion</u></p>	<p>The following promotional work is proposed:</p> <ul style="list-style-type: none">▪ Involvement in the Mold Food Fair scheduled for September 2010.▪ Involvement in Flintshire Business Week scheduled for October 2010.▪ Involvement in Food Safety Week which takes place in June each year.▪ Development of a “Scores of the Doors” Scheme for Flintshire Food Businesses based on the FSA National Food Hygiene Rating Scheme.▪ Development of Flintshire County Council website relative to Food Safety.▪ Continuation of the hand washing project in different service sectors that cater for vulnerable groups – currently still ongoing in schools. <p>In the next year the Trading Standards Service will be involved in the Mold Food Fair.</p>

4.0 RESOURCES												
4.1 <u>Financial Allocation</u>	The financial allocation for the Food Service is split between budgets provided for the Trading Standard Service and budgets provided for the Food Safety Service.											
	<p>The overall level of expenditure for providing the <u>Food Safety Service</u> is detailed below in Table 3.</p> <p>Table 3</p> <table border="1" data-bbox="815 660 2056 1019"> <thead> <tr> <th data-bbox="815 660 1534 707">COST ITEM</th> <th data-bbox="1534 660 2056 707">FINANCIAL ALLOCATION</th> </tr> </thead> <tbody> <tr> <td data-bbox="815 707 1534 753">a) Staffing (total staff costs)</td> <td data-bbox="1534 707 2056 753">£373,730</td> </tr> <tr> <td data-bbox="815 753 1534 842">b) Travel (lump sum and mileage) and Subsistence</td> <td data-bbox="1534 753 2056 842">£14,451</td> </tr> <tr> <td data-bbox="815 842 1534 932">c) Equipment (including investment in I.T.*)</td> <td data-bbox="1534 842 2056 932" rowspan="2">}</td> </tr> <tr> <td data-bbox="815 932 1534 978">d) Sampling</td> </tr> <tr> <td data-bbox="815 978 1534 1019">e) Financial Provision for Legal Action</td> <td data-bbox="1534 978 2056 1019">£16,232</td> </tr> </tbody> </table> <p data-bbox="815 1066 2056 1321">* The equipment budget includes provision for maintenance of equipment, such as annual calibration for the Reference Thermometer and any repairs required for equipment in use. There is no budgetary provision for investment in I.T. made available directly to the Food Safety Service as I.T. requirements are currently provided centrally by Central Support I.T. Services and the Directorate's own I.T. budget.</p>	COST ITEM	FINANCIAL ALLOCATION	a) Staffing (total staff costs)	£373,730	b) Travel (lump sum and mileage) and Subsistence	£14,451	c) Equipment (including investment in I.T.*)	}	d) Sampling	e) Financial Provision for Legal Action	£16,232
COST ITEM	FINANCIAL ALLOCATION											
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c) Equipment (including investment in I.T.*)	}											
d) Sampling												
e) Financial Provision for Legal Action	£16,232											

	<p>There is no specific level of expenditure for food standards work within the <u>Trading Standards Service</u>. The figures given are a percentage of the financial allocation for the Inspections Section.</p> <table border="1" data-bbox="815 347 2056 628"> <thead> <tr> <th data-bbox="815 347 1536 392">COST ITEM</th> <th data-bbox="1536 347 2056 392">FINANCIAL ALLOCATION</th> </tr> </thead> <tbody> <tr> <td data-bbox="815 392 1536 437">a) Staffing (total staff costs)</td> <td data-bbox="1536 392 2056 437">£74,369</td> </tr> <tr> <td data-bbox="815 437 1536 526">b) Travel (lump sum and mileage) and Subsistence</td> <td data-bbox="1536 437 2056 526">£5,408</td> </tr> <tr> <td data-bbox="815 526 1536 580">c) Sampling</td> <td data-bbox="1536 526 2056 580">£13,000</td> </tr> <tr> <td data-bbox="815 580 1536 628">e) Others (inc legal costs)</td> <td data-bbox="1536 580 2056 628">£3,198</td> </tr> </tbody> </table> <p>There is now no separate costs for I.T. within Trading Standards as I.T. requirements are provided centrally by Central Support I.T. Services.</p>	COST ITEM	FINANCIAL ALLOCATION	a) Staffing (total staff costs)	£74,369	b) Travel (lump sum and mileage) and Subsistence	£5,408	c) Sampling	£13,000	e) Others (inc legal costs)	£3,198
COST ITEM	FINANCIAL ALLOCATION										
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b) Travel (lump sum and mileage) and Subsistence	£5,408										
c) Sampling	£13,000										
e) Others (inc legal costs)	£3,198										
<p>4.2 <u>Staffing Allocation</u></p>	<p>The staffing allocation to the <u>Food Safety Service</u> stands at 6.5 FTE at Environmental Health Officers level and 3 FTE at Food Safety Officer level. Two E.H.O's share 1.5 E.H.O's posts on a job share basis.</p> <p>There is no dedicated administrative support staff to the Food Safety Service. There is a pool of four Administrative Officers who undertake all administration work for the Environmental Health Department as a whole, including central administration and financial functions. In terms of FTE, it is estimated that pro-rata, the administrative support equates to 0.80 FTE.</p>										

In accordance with the Food Law Code of Practice (Wales) September 2008, all Environmental Health Officers in post are qualified Environmental Health Officers, registered with the Environmental Health Registration Board (E.H.R.B.). All three FSO's are qualified to the Higher Certificate in Food Premises Inspection and all officers are qualified in HACCP Principles (Hazard Analysis Critical Control Points).

All staff are authorised appropriately for the duties they perform. In addition to the above, two of the Environmental Health Officers are also qualified Lead Assessors having successfully completed the five day Lead Auditor Training Course.

Trading Standards

Food Standards are dealt with by the Inspections Section of the Trading Standards Service. The staffing allocation for the Inspections section is one Senior Trading Standards Officer, one Trading Standards Officer, one Trading Standards Enforcement Officer and one Technical Assistant.

The Senior Trading Standards Officer and the Trading Standards Officer both hold the Diploma in Trading Standards and have also both successfully completed the five day QMS Auditor/Lead Auditor training course. The Trading Standards Enforcement Officer holds the Diploma in Consumer Affairs including the Food and Agriculture paper. The Technical Assistant has successfully completed The Basic Food Hygiene Handling Course.

<p>4.3 <u>Staff Development Plan</u></p>	<p><u>Food Safety Service</u></p> <p>The total training budget for Food Safety is £889. During the forthcoming year the following training is planned:-</p> <ul style="list-style-type: none"> (i) Support of national and regional seminars on relevant subject matters. (ii) In-house training sessions on relevant subject matters. <p>Each member of the Team will receive the required ten hours Continuing Professional Development as required by the Food Law Code of Practice (Wales) September 2008.</p> <p>Staff will be subject to individual Staff Appraisals in line with the newly introduced Corporate H.R. Policy which will result in a Staff Development Plan for each member of staff.</p> <p><u>Trading Standards Service</u></p> <p>This year each member of staff will undergo a Staff Appraisal. As part of the appraisal training requirements are assessed. As a result of this assessment a training plan will be devised. Any member of staff involved in Food Standards Enforcement will received the required ten hours CPD in Food Standards Enforcement.</p>
<p>5. QUALITY ASSESSMENT</p>	
<p>5.1 <u>Quality Assessment</u></p>	<p>Within the <u>Food Safety Service</u>, quality systems are in place to ensure that all work is completed and checked by a competent person (Food Safety Manager or Senior Environmental Health Officer) and documented procedures and work instructions exist to ensure consistency of approach.</p>

	<p>These are updated and amended as and when necessary. In addition, external audit including focussed audits are undertaken by the Food Standards Agency on a periodical basis (every 3 years for full external audit).</p>
	<p>The <u>Trading Standards Service</u> has a Food Standards Enforcement Quality Manual which is subject to both internal audits and the external inter authority audit. Procedures within the manual are updated and amended as and when necessary.</p>

6. RESOURCES	
6.1 <u>Review against the Service Plan</u>	The Service Plan shall be subject to annual review.
6.2 <u>Review against Service Plan 2009 and Identification of any Variation from this Service Plan</u>	
6.2.1 <u>General Summary</u>	<ul style="list-style-type: none"> ▪ During the year under review both the Food Safety Service and the Trading Standards Service have continued to work hard to meet the parameters and targets set out in the Service Plan of 2009. ▪ Appendix I provides data of service delivery during the year under review including achievements against targets set.
6.2.2 <u>Points of Special Note</u>	<p><u>Food Safety</u></p> <p><u>Performance</u></p> <ul style="list-style-type: none"> ▪ 100% of high risk food business inspections were undertaken this year representing a figure of 376 inspections out of a total of 376. This was a great result. ▪ The target for inspecting new food businesses in line with the WAG

Performance Indicator, was not fully met this year - (target of 88%, 78% achieved). The performance was a little below target this year due to the volume of reactive work this year and the start up of new food businesses late on in the year.

- Considerable work has been undertaken throughout the year in relation to the implementation of the recommendations following the Public Inquiry Report into the South Wales *E.coli* 0157 Outbreak in 2005. This report was published in March 2009. A comprehensive Action Plan and Audit Checklist has been produced and taken to Executive for approval and progress reporting in May and November 2009 respectively, detailing Flintshire's response to the Public Inquiry Report. Considerable progress has been made in relation to the recommendations and work continues into 2010/2011 to ensure full completion.
- The Food Safety Team received recognition at national level for its investigation into an outbreak of *E.coli* 0157 affecting two separate groups of holiday makers who had travelled to Benidorm. As the initial cases resided in Flintshire, Flintshire became the Lead Authority for the investigation into the causes of the outbreak which received local and national media attention.
- The number of food businesses awarded a Welsh Food Hygiene Award was slightly down on last year but remained at a typical percentage of 27%.
- Work continued throughout the year on the Effective Handwashing

	<p>Project for sectors catering for vulnerable groups. This year the main focus of the activity was in schools where there has been an exceptionally high response rate for this activity which has been very well received by pupils and teachers alike.</p> <ul style="list-style-type: none">▪ The Food Safety Section played an active, promotional and informative role in the Mold Food Fair and Food Safety Week, all of which were very successful events in Flintshire. The Mold Food Fair stand was particularly well received by visitors.▪ The theme of this years Food Safety Week was <i>Listeria</i> particularly in older people and during the year talks were given to promote prevention of this illness in older people by partnership working with such organisations as Age Concern. It is proposed to continue with this work into 2010/11.▪ A total of 443 Service Requests were received during the year, 98% of which were responded to within the target response time.
	<p><u>Trading Standards</u></p> <ul style="list-style-type: none">• The target for food standard inspections on high risk premises was 14 this year. 100% of high risk premises were visited. 79% of planned medium risk premises were visited which represents a figure of 209.• A total of 89 samples were submitted to the Public Analyst during the year. The majority of these were reported as being satisfactory. Those that were reported as being unsatisfactory were dealt with by way of advice to the company or Home Authority referral. One sample resulted in an investigation into a breach of the Food Safety Act and this resulted in a warning letter being sent to the proprietor of the

	<p>business.</p> <ul style="list-style-type: none"> • A total of 16 food complaints were received during the year. These were all dealt with by means of advice to the trader or Home Authority referral.
<p>6.3 <u>Areas of Improvement</u></p>	<p><u>Food Safety</u></p> <ul style="list-style-type: none"> ▪ Maintain current performances against the NAW Performance Indicators relating to inspection of high risk premises. ▪ Maintain and improve compliance with the NAW Performance Indicator relating to inspection of new food businesses. ▪ Development of new intervention strategies in line with the FSA’s CLAE (Changes to Local Authority Enforcement) Project, using local intelligence and analysis of statistical information to better target resources to functional areas/premises of greatest need. ▪ Introduction of the web based FSA National Food Hygiene Rating System for food businesses in Flintshire. ▪ Introduction of “smarter” ways of working for the Food Safety Team to maximise efficiency and effectiveness of working. <p><u>Trading Standards</u></p> <p>Ensure that inspection targets for medium risk premises are met this year.</p>

APPENDIX I – PERFORMANCE 2009-103. Service Delivery3.1.1 Programmed Inspection ActivityFood Safety

Risk	Programmed	Achieved
A) High Risk	2	2
B) High Risk	68	68
C) High Risk	306	306
D Low Risk	69	16
E Low Risk	148	6
Unrated/Unclassified	27	16
TOTAL	620	414

Approved Premises (not on programme)	10	8
TOTAL Number of Revisits and other visits undertaken		461

Trading Standards

Risk	Programmed	Achieved
High	14	14
Medium	264	209
TOTAL	278	225

Appendix 1

3.2 Food and Feeding Stuffs Complaints

Food Safety number of complaints	-	108
% achieved within Target Response time	-	95.4%
Trading Standards number of complaints	-	16
% achieved within Target Response Time	-	81%

3.3 Home Authority Principle

Food Safety	-	17 referrals received
Trading Standards	-	21 referrals received

3.4 Advice to Business

Food Safety	-	199 requests for advice
% achieved within Target Response Time	-	99.5%
Trading Standards	-	18 requests for business advice
% achieved within Target Response Time	-	94%

3.5 Food and Feeding Stuffs Inspection and Sampling

Food Safety	-	103 samples – statutory and monitoring
Trading Standards	-	89 samples – monitoring

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

Food Safety only

Sporadic Notifications	-	276	
Sporadic Outbreaks	-	10	(8 suspect outbreaks of Viral Gastroenteritis – 2 of bacterial origin)

3.7 Food Safety Incidents

Number of Food Alerts	-	35
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3.8 Welsh Food Hygiene Award

Number of premises eligible for: Gold 2 Silver 56 Bronze 43

APPENDIX 2 – PERFORMANCE 2009-10

3. Service Delivery

3.1.1 Programmed Inspection Activity

Food Safety

Risk	Programmed	Achieved
A) High Risk	2	2
B) High Risk	68	68
C) High Risk	306	306
D Low Risk	69	16
E Low Risk	148	6
Unrated/Unclassified	27	16
TOTAL	620	414

Approved Premises (not on programme)	10	8
TOTAL Number of Revisits and other visits undertaken		461

Trading Standards

Risk	Programmed	Achieved
High	14	14
Medium	264	209
TOTAL	278	225

3.2 Food and Feeding Stuffs Complaints

Food Safety number of complaints	-	108
% achieved within Target Response time	-	95.4%
Trading Standards number of complaints	-	16
% achieved within Target Response Time	-	81%

3.3 Home Authority Principle

Food Safety	-	17 referrals received
Trading Standards	-	21 referrals received

3.4 Advice to Business

Food Safety	-	199 requests for advice
% achieved within Target Response Time	-	99.5%
Trading Standards	-	18 requests for business advice
% achieved within Target Response Time	-	94%

3.5 Food and Feeding Stuffs Inspection and Sampling

Food Safety	-	103 samples – statutory and monitoring
Trading Standards	-	89 samples – monitoring

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

Food Safety only

Sporadic Notifications	-	276	
Sporadic Outbreaks	-	10	(8 suspect outbreaks of Viral Gastroenteritis – 2 of bacterial origin)

3.7 Food Safety Incidents

Number of Food Alerts	-	35
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3.8 Welsh Food Hygiene Award

Number of premises eligible for:	Gold 2	Silver 56	Bronze 43
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FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 10

REPORT TO: **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL**
DATE : **29 JULY 2010**
REPORT BY: **DIRECTOR OF ENVIRONMENT**
SUBJECT : **ADOPTION OF CONTROLS OVER SEXUAL
ENTERTAINMENT VENUES**

1.00 PURPOSE OF REPORT

- 1.01 To request that Members approve the adoption of new powers to regulate sexual entertainment venues, confirm that the number of sex establishments or sexual entertainment venues in the relevant locality shall be nil, confirm the fees that will be payable for licences, approve proposed standard conditions and approve policy guidelines relating to applications.

2.00 BACKGROUND

- 2.01 The advent of the Licensing Act 2003 enabled premises, as long as they were licensed for regulated entertainment, to put on various types of dancing such as lap dancing, table dancing and pole dancing without any additional degree of control over and above the four Licensing Objectives set down by the Act.
- 2.02 Following concerns raised across the UK, the Government undertook consultation and the outcome is the ability of local authorities to control what are now termed Sexual Entertainment Venues by incorporating them into the existing regime that regulates other types of activity such as sex shops and sex cinemas.
- 2.03 That regime allows for a more comprehensive consultation process with local communities than exists under the Licensing Act.
- 2.04 The powers are adoptive and because Flintshire already has the controls in place over sex shops and sex cinemas it is recommended to add these new elements covering sexual entertainment premises.
- 2.05 The activities covered will include lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This type of activity has been very infrequent in Flintshire's licensed premises since the Licensing Act became the responsibility of the Council. It is felt however that the new controls should be adopted now so that any future applications can be properly considered.

3.00 CONSIDERATIONS

- 3.01 The Policing and Crime Act 2009 extends the scope of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to include the type of activities detailed in paragraph 2.05 above.
- 3.02 The relevant parts of the Local Government (Miscellaneous Provisions) Act 1982 were adopted in both the former Alyn & Deeside District and Delyn Borough Council areas. In respect of Alyn & Deeside District Council Schedule 3 was adopted and came into force on 3rd January 1986. In Delyn Borough Council Schedule 3 was adopted and came into force on 1st September 1983. These provisions later became a Flintshire County Council function in April 1996 under the provisions of the Local Government (Wales) Act 1994. Standard licence conditions were also formulated under Paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.03 The 1982 Act also permits a local authority to determine the number of sex establishments, or sex establishments of a particular kind, that it considers appropriate in the relevant locality. It is proposed that nil shall be the appropriate number. It should be noted that this declaration will not prohibit applications being made. Any such applications will be dealt with on their own merits though the declaration provides an indication of the general view of the local authority.
- 3.04 Notwithstanding the proposed declaration of nil as the appropriate number of sex establishments in the relevant locality, should a licence be granted the local authority will then be at liberty to impose such conditions as they deem appropriate in accordance with the prescribed standard conditions made under Paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The Regulations prescribing standard conditions have been updated and are shown at Appendix 1.
- 3.05 The 'relevant locality' is not defined further than to say that in relation to premises, it is the locality where they are situated and in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment. Case Law indicates that a relevant locality cannot be an entire local authority area or an entire town. Flintshire County Council has therefore operated on the basis that relevant locality refers to the area which surrounds the premises specified in the application.
- 3.06 Relevant locality is an important consideration because it is possible to refuse the grant of a licence where it would be deemed inappropriate having regard to the character of the relevant locality; or to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. Proposed policy guidelines relating to this are shown at Appendix 2.

- 3.07 Members are reminded that none of the above licensing requirements apply in relation to sexual entertainment venues when premises provide relevant entertainment on an infrequent basis. These are defined as premises where-
- a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.

4.00 RECOMMENDATIONS

- 4.01 That Members resolve that the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply in the area of Flintshire County Council and shall come into force on 13th August 2010.
- 4.02 That Members confirm that the number of sex establishments in the relevant locality shall be nil.
- 4.03 That Members approve the following fees applicable to sex establishment (including sexual entertainment venue) licences -
- Application for the grant of a sex establishment licence - £800
 - Application to vary a sex establishment licence - £800
 - Application to transfer a sex establishment licence - £200
- 4.04 That Members confirm that the standard conditions prescribed by regulations made by Flintshire County Council under paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to sex establishment (including sexual entertainment venue) licences, as shown in Appendix 1
- 4.05 That Members approve the Policy Guidelines relating to any applications made as shown in Appendix 2.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The proposed fee levels are in accordance with EU Services Directive principles

6.00 ANTI POVERTY IMPACT

- 6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 Decisions about applications can consider whether the grant of a licence would be inappropriate having regard to the character of the relevant locality; the use to which any premises in the vicinity are put; or the layout, character or condition of the premises in respect of which the application is made.

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 See above

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.
Home Office Guidance for England and Wales

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Flintshire County Council

Local Government (Miscellaneous Provisions) Act 1982
(as amended by the Policing and Crime Act 2009)

Regulations made under Paragraph 13 of Schedule 3 Prescribing Standard Licence Conditions Attached to Premises Used As Sex Establishments or Sexual Entertainment Venues

1. In this licence the following words and / or expressions shall have the meaning hereby respectively assigned to them :

“The Licensed Premises”	-	means any premises, vehicle, vessel or stall licensed under Schedule III of the 1982 Act.
“The Council”	-	means Flintshire County Council
“Advertisement”	-	means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of advertisement or announcement.

Flintshire County Council reserves the power to add to, alter, modify or dispense with these conditions (or any of them) as it may think fit.

2. The licensed premises shall not be open to the public before 9am and shall not be kept open after 6pm unless written approval has been granted by the Council.
3. The licensed premises shall be closed in compliance with any condition attached to planning permission in respect of the premises and to comply with the general rule relating to Sunday trading and trading on public holidays. In the event of there being a conflict between the general law and any condition relating to opening times specified on the licence the general law shall apply.
4. The frontage of the licensed premises shall be of such a nature that the inside of the licensed premises are not visible.
5. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises or the activities carried on shall not be visible to persons outside the building.
6. Any sign or advertisement relating to the licensed premises is to be approved by an authorised officer of Flintshire County Council’s Licensing Section.
7. There shall be no illuminated sign fixed to the premises.
8. There shall be no signs placed outside of the licensed premises.

9. There shall be no protruding signs affixed to the licensed premises.
10. There shall be no window display of sex articles [as defined in paragraph 4 in Schedule 3 to the Act].
11. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or any other person responsible for the management of the body is to be notified in writing to Flintshire County Council within 14 days and such written details as Flintshire County Council may require in respect of any new director, secretary or manager to be furnished within 14 days of request in writing from Flintshire County Council.
12.
 - (i) The licence holder or a responsible person nominated by him in writing shall be in charge on the licensed premises at all such times as the licensed premises are open for the provision of the licensed activities. Any such nomination shall be produced on demand to an authorised Officer of Flintshire County Council or to a Police Officer.
 - (ii) The licence holder shall not employ any person under the age of 18 to work at the premises in any capacity.
 - (iii) The holder of the licence shall keep a record of all employees who are asked to work on the premises which shall include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984, as amended).
 - (iv) The holder must pass to Flintshire County Council an authorised and certified copy of the full personal record or a record of an individual when requested by the Flintshire County Council or a Police Officer within 72 hours of the request.
 - (v) The licence holder shall ensure that any person nominated by him under condition 12 (i) above :
 - (a) has been served with a copy of these conditions and is fully conversant with them;
 - (b) is in possession of a written nomination referred to in condition (i) at all times when he is in charge of and is present at the premises.
 - (vi) The licence holder shall retain control over all parts of the licensed premises and shall not let, licence, or part with possession of any part of the licensed premises.
13. There shall be no personal solicitation for custom outside or in the vicinity of the licensed premises.
14. The licence holder shall not allow the Licensed premises to be the habitual resort of a reputed prostitute or the habitual resort or meeting place of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, but this condition does not prohibit the licence holder from allowing any such person or persons to remain in the premises for the purpose of obtaining any article for such time as is necessary for the purpose. Further, the licence holder shall not allow the

immediate vicinity of the premises to be the habitual resort of reputed prostitutes or the habitual resort or meeting place of reputed prostitutes.

15. Persons under 18 years of age shall be prohibited from the Licensed Premises.
16. Any Police Officer, any authorised Officer of North Wales Fire and Rescue Service, or any person authorised by the Council shall have access to all parts of the licensed premises at all reasonable times.
17. The licensed premises shall at all times be maintained in a clean and safe condition and shall be open during the continuance of the licence to an inspection by the Council or its authorised agents.
18. There shall be no access between the interior of the licensed premises and any other premises other than means of communication to the staff quarters and any store-room.
19. The licence is granted to the licensed premises to trade as a sex establishment or sexual entertainment venue and there shall be no change unless the appropriate consent has been obtained from the Council.
20. Alterations or additions whether internal or external and whether permanent or temporary to the structure, lighting or layout of the licensed premises shall not be made except with the prior approval of the Council.
21. In the case of sex shops no moving picture shall be provided on display at the licensed premises unless it is that of advertising media on a loop system or allowing a prospective purchaser a short preview, being no longer than 2 minutes in length, of films or images otherwise created, upon request.
22. All items sold, supplied for hire, exchanged or used in any promotion / advertising must not contravene any current legislation, e.g. Section 9 -12 of the Video Recordings Act 1984, (as amended).
23. Over each entrance to the premises, in a position approved by the Council, the licence holder shall affix and maintain in a permanent form a notice stating that the premises are licensed as a sex establishment or sexual entertainment venue as appropriate under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982 as amended. Such a notice shall also carry the address of the registered or principal office and the full name of the Secretary of the Company. The lettering on such a notice shall be 75mm tall and at least 6.25mm thick and shall be in white on a dark background.
24. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a notice shall be in letters at least 50mm high and 6.25mm thick and shall be in dark letters on a light background.
25. The licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not, unless specifically authorised by the Licensing Authority.

26. In the case of sexual entertainment venues there shall be no physical contact between performers and customers.

June 2010

Flintshire County Council

Sex Establishment and Sexual Entertainment Venue Applications Policy Guidelines

1. Background

- 1.1 Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 enables Flintshire County Council [the Council] to licence and exercise control over sex establishments, including sexual entertainment venues, within the County of Flintshire.
- 1.2 The purpose of this policy is to assist applicants and objectors in understanding the issues that the Council will consider when deciding whether to grant or refuse an application for a sex establishment or sexual entertainment venue licence, and if a decision is reached to grant such a licence, to determine the conditions (if any) to be imposed on that licence.

2. Policy

- 2.1 Each application will be considered on its own merits.
- 2.2 No licence will be granted to an applicant (or a person by whom the premises are managed or for whose benefit the business is carried on) who is unsuitable by reason of having been convicted of an offence or for any other reason.
- 2.3 In determining any application for a sex establishment or sexual entertainment venue licence the Council will have regard to the character of the relevant locality and the use to which any premises in the relevant locality are put.
- 2.4 In determining the application for a sex establishment or sexual entertainment venue licence the Committee will have regard to the proximity of the premises to all or any of the following :
 - 2.4.1 a place of religious worship;
 - 2.4.2 a pre-school facility;
 - 2.4.3 a school;
 - 2.4.4 residential accommodation;
 - 2.4.5 an enclosed shopping mall, arcade or shopping centre;
 - 2.4.6 a market;
 - 2.4.7 a public building open to the general public;
 - 2.4.8 a community meeting place;
 - 2.4.9 a community leisure facility;
 - 2.4.10 a location where children may be at risk;
 - 2.4.11 an area of regeneration or conservation;
 - 2.4.12 any other area which is put to a particular use not referred to above but which is deemed by Members to be relevant for the purposes of determination.

- 2.5 The fact that the premises are not in the proximity of any of the above will not necessarily mean that the application will be granted.
- 2.6 The Council has determined that the number of sex establishments or sexual entertainment venues in the relevant locality shall be nil.
- 2.6 When making a determination consideration will be given to the number of licensed sex establishments or sexual entertainment venues within the relevant locality.
- 2.7 If a relevant locality is determined to be suitable to contain a licensed sex establishment or sexual entertainment venue, then unless exceptional circumstances dictate, the number contained in the locality shall be one.

3. Conclusions

- 3.1 The Council will consider whether to impose all or any of the Standard Conditions that it has adopted on any licence granted for any premises, together with any further Special Conditions which the Council believes may be relevant.
- 3.2 Any applicant is requested to consider, when making the application for a licence, whether he/she would be prepared to agree to all the Standard Conditions being imposed on the licence.

June 2010

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 11

REPORT TO: **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL**
DATE : **29 JULY 2010**
REPORT BY: **DIRECTOR OF ENVIRONMENT AND HEAD OF LEGAL AND
DEMOCRATIC SERVICES**
SUBJECT : **REGULATION OF ACUPUNCTURE, TATTOOING, SEMI-
PERMANENT SKIN COLOURING, COSMETIC PIERCING &
ELECTROLYSIS**

1.00 PURPOSE OF REPORT

1.01 To recommend approval by the County Council in respect of the adoption of Model Byelaws for acupuncture, tattooing, semi permanent skin colouring, cosmetic skin piercing and electrolysis. The Model Byelaws attached hereto are based on a model provided by the Welsh Assembly Government.

2.00 BACKGROUND

2.01 The Local Government (Miscellaneous Provisions) Act 1982 made provision for Local Authorities to have a measure of control over ear piercing, electrolysis, tattooing and acupuncture in their areas. This was done by empowering Local Authorities to require registration of premises and observance of byelaws.

2.02 These provisions were adopted at the time by both Alyn & Deeside and Delyn Councils, whose Byelaws became Flintshire Byelaws in due course.

2.03 The Local Government Act 2003 amended the Local Government (Miscellaneous Provisions) Act 1982 by extending control to piercing parts of the body other than ears, and to skin colouring techniques other than traditional tattooing. The relevant provisions came into force on the 1st April 2004 but require action by a Local Authority to bring the new provisions into effect in their area. In the event of Byelaws being made, these businesses would be required to:-

- Register the individuals undertaking such activities;
- Register the premises in which the activities are to be undertaken;
- Observe the byelaws relating to the cleanliness and hygiene of the premises, practitioners and equipment.

2.04 The amendment introduced new terminology for simplicity and clarity:-

- Ear piercing and cosmetic piercing body piercing are encompassed in a single term “cosmetic piercing”.

- Micro pigmentation, semi-permanent make up and temporary tattooing are defined as “semi-permanent skin colouring”.

2.05 These adoptive controls are designed to reduce the risk of infection spread of disease and govern issues such as the cleanliness of persons, premises and instruments.

2.06 The Welsh Assembly Government has approved Model Byelaws for the purpose of improving hygienic conditions and practices in those businesses offering the following activities: acupuncture; tattooing; semi permanent skin colouring also called semi permanent tattooing, and cosmetic piercing of any part of the body and electrolysis. The minimum age for someone receiving one of these services is 18.

3.00 CONSIDERATIONS

3.01 Cosmetic piercing and semi permanent skin colouring carry a potential risk of transmission of blood borne virus infections, such as hepatitis and HIV. This risk is reduced if infection control procedures are observed (e.g. the use of sterile equipment for each client). Until the recent change in the law, Local Authorities did not have powers to require businesses offering these services to register and to observe Byelaws relating to the cleanliness and hygiene of premises; their powers were limited to regulating ear piercing, tattooing, electrolysis and acupuncture.

3.02 As stated, the Welsh Assembly Government has produced Model Byelaws for Local Authorities to adopt if they wish. Because Flintshire’s precursor Authorities had resolved to adopt the provisions of the 1982 Act, Flintshire does not have to resolve that the new provisions should apply in its area; it can move straight to adoption of the Byelaws.

3.03 If Members of the Council are minded to resolve to adopt the Model Byelaws, there are a number of administrative steps to be undertaken before the Byelaws are confirmed. The procedure for making Byelaws is provided in Section 236 of the Local Government Act 1972.

3.04 The Byelaws have to be confirmed by the Welsh Assembly Government. This process commences with the submission of draft byelaws. The use of Model Byelaws should reduce the amount of time taken to obtain initial approval.

3.05 After the Byelaws have been made and sealed, a notice of the Council’s intention to apply for confirmation must be given in one or more local newspapers, circulating the area in which the byelaws are to apply. The notice will inform the public that the Byelaws are to be made, where to obtain a copy and how to make objections.

3.06 For at least one month after the date the notice is published, a copy of the Byelaws must be held on deposit at the offices of the Council for inspection.

When that period has expired, the Council may apply to the Minister for confirmation. The Byelaws will normally come into force one month after confirmation.

4.00 RECOMMENDATIONS

4.01 To recommend approval by the County Council to make the following resolutions in respect of the adoption of the new sets of Model Byelaws:-

- (a) to authorise the affixing of its Common Seal to the two sets of Byelaws which are annexed hereto.
- (b) to authorise its Officers to carry out the necessary procedure and apply to the Welsh Assembly Government for confirmation

5.00 FINANCIAL IMPLICATIONS

5.01 The Local Government (Miscellaneous Provisions) Act 1982 enables Local Authorities to charge a reasonable registration fee. The fee is a one off registration fee and covers the initial inspection associated with registration, advising business about registration and associated administration.

5.02 The registration fee will be £67.00.

6.00 ANTI POVERTY IMPACT

6.01 Not relevant.

7.00 ENVIRONMENTAL IMPACT

7.01 Beneficial in a local context.

8.00 EQUALITIES IMPACT

8.01 No problems are foreseen.

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 Consultation with the public applies to the extent that notice of the Council's intention to apply for confirmation of the Byelaws must be given in one or more local newspapers circulating in the County at least a month before confirmation is applied for.

11.00 CONSULTATION UNDERTAKEN

11.01 A consultation on the adoption of the new Byelaws has been undertaken with all those premises affected by their introduction. No adverse comments were received.

12.00 APPENDICES

12.01 The Welsh Assembly Model Byelaws for acupuncture, tattooing, semi permanent skin colouring, cosmetic skin piercing and electrolysis.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 **BACKGROUND DOCUMENTS**

Held on file P334004 (Legal)

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FLINTSHIRE COUNTY COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982

Byelaws in respect of 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 Flintshire County Council in pursuance of sections 14(7) or 15(7) or both of the Act.

1. Interpretation

- (a) In these byelaws, unless the context otherwise requires—
- “The Act” means the Local Government (Miscellaneous Provisions) Act 1982;
- “Animal” means any reptile, mammal, and all other living creature belonging to the animal kingdom;
- “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-
- (b) the lobe or
- (c) the upper flat cartilage of the ear;
- “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.

- (d) 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 must be placed immediately after use in an appropriate waste receptacle with a pedal operated lid and be handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
 - (c) any needle, razor or other sharp item used in treatment is single-use and disposable and is disposed of in a sharps container that is kept out of reach of clients and the general public 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 cleaned and 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 Eating or Drinking” is prominently displayed there. No Smoking signage should be prominently displayed at or near each entrance of the premises in accordance with The Smoke-Free Premises (Wales) Regulations 2007.

- (h) all animals are prohibited from registered premises. This will prevent the soiling of the premises and the introduction of vermin. An exemption may be granted for animals used by the sight and/or hearing-impaired.
 - (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 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 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 single use 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) only disposable single use safety razors are used;
 - (iv) if petroleum jelly or lubricating gel is to be placed on a clients skin, enough for one client only

should be removed from the stock container with a clean spatula, and placed in a container that is either disposed of at the end of each treatment or is cleaned and sterilized before re-use;

- (v) elastic bands or plastic bags used on tattoo machines are disposed of after each client;
 - (vi) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (vii) for the purposes of tattooing or semi-permanent skin-colouring, only sterile inert pigment dispensed into single use pots or pre-packed in single use vials is used.
 - (viii) any container used to hold dye for tattooing or semi-permanent skin-colouring is used for only one client and disposed of together with any unused pigment at the end of each treatment;
- (b) a proprietor shall provide—
- (i) adequate facilities and equipment for—
 - (aa) cleansing and disinfection, including a general purpose sink with hot and cold running water on the premises separate from the wash-hand basin required under 4(b)(i). This should be located out of the treatment area wherever possible; and
 - (bb) sterilisation, unless only pre-sterilised items are used. All sterilisation equipment shall be serviced and maintained at intervals determined by a competent qualified person and periodically tested by the operator to ensure its efficient operation. Records of maintenance, servicing, testing and operating cycles must be retained for the lifetime of the equipment at the premises and retained for a further period of six months. They must be produced upon request for inspection by an authorised council officer.
 - (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 avoids contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv), (v), (vi), (vii) and (viii).

4. (1) For the purpose of securing the cleanliness of operators, a proprietor—
 - (a) shall ensure that an operator is instructed in appropriate hygienic hand decontamination techniques and—
 - (i) keeps his/her hands and nails clean and his/her nails short and free from nail varnish, nail decoration or any form of nail covering;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable, well fitting, surgical 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 wash hand basins with non-hand operated taps appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, liquid soap and paper towels stored in a wall mounted dispenser next to the wash basin. Hand washing instructions should be clearly displayed at such basins.
 - (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 the proprietor provides need not be for the sole use of the operator.
- (3) A proprietor must ensure the activity of acupuncture is only carried out by an operator who has washed their hands immediately before carrying out the activity of acupuncture on each client. Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable, well fitting, surgical gloves that have not previously been used with another client where—
 - (a) the client is bleeding or has an open lesion on an exposed part of his/her 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/her hand; or
 - (d) the operator is handling items that may be contaminated with blood or other body fluids.
5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing) semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).
 6. The byelaws relating to acupuncture that were made by Delyn Borough Council on the 13th April 1984 and were confirmed by the Secretary of State on 26th June 1984 are revoked.
 7. The byelaws relating to ear piercing and electrolysis that were made by Delyn Borough Council on the 13th April 1984 and were confirmed by the Secretary of State on 26th June 1984 are revoked.
 8. The byelaws relating to tattooing that were made by Delyn Borough Council on the 13th April 1984 and were confirmed by the Secretary of State on 26th June 1984 are revoked.
 9. The byelaws relating to acupuncture that were made by Alyn and Deeside District Council on the 18th January 1990 and were confirmed by the Secretary of State on 2nd April 1990 are revoked.
 10. The byelaws relating to ear piercing and electrolysis that were made by Alyn and Deeside District Council on the 18th January 1990 and were confirmed by the Secretary of State on the 2nd April 1990 are revoked.
 11. The byelaws relating to tattooing that were made by Alyn and Deeside District Council on the 18th January 1990 and were confirmed by the Secretary of State on 2nd April 1990 are revoked.

THE COMMON SEAL OF FLINSTHIRE)
COUNTY COUNCIL was hereunto)
affixed this day of)
in the presence of)

The Welsh Ministers hereby confirm, and in exercise of their powers under sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 consents to the foregoing byelaws

on _____ and shall come into operation on _____

A Senior Officer of the Welsh Assembly Government

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 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 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) (vii) and (viii) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable well fitting, surgical 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).***