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Cambridge City Council

CIVIC AFFAIRS

To: **Committee Members:** Councillors Boyce (Chair), Rosenstiel (Vice-Chair), Brierley, Marchant-Daisley, Herbert and Stuart

Alternates: Councillors Benstead and Ward

Despatched: Tuesday, 13 March 2012

Date: Wednesday, 21 March 2012

Time: 6.00 pm

Venue: Committee Room 1 & 2 - Guildhall

Contact: Glenn Burgess

Direct Dial: 01223 457169

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members are asked to declare at this stage any interests that they may have in any of the following items on the agenda. If any member is unsure whether or not they should declare an interest on a particular matter, they are requested to seek advice from the Head of Legal Services before the meeting.

3 MINUTES OF PREVIOUS MEETING *(Pages 1 - 6)*

To agree the minutes of the meeting held on 1 February 2012.

4 PUBLIC QUESTIONS

5 INTERNAL AUDIT PLAN / STRATEGY 2012/13 *(Pages 7 - 38)*

6 PRAYERS AT COUNCIL MEETINGS

A recent High court decision held that councils did not have a legal power to include prayers as part of formal council meetings. The implementation of the power of general competence given to local authorities by the Localism Act has reversed this and there is no legal bar to holding prayers as part of the Council meeting. Equally, there is no obligation on councils to hold prayers or to include any other religious element in their meetings. The City Council's constitution makes no reference to prayers or to the role of (or need for) a Mayor's Chaplain. Both have been treated as a matter for the personal discretion of the Mayor.

This item was requested for inclusion by Councillor Marchant-Daisley under paragraph 3.2, Appendix F, Part 4a of the Council Procedure Rules.

Councillor Marchant-Daisley asks the Committee to recommend to Council that:

- Prayers are abolished at Council meetings and replaced with a 'Minute of Reflection'

7 REVIEW OF THE COUNCIL'S AUDIO AND VISUAL RECORDING PROTOCOL *(Pages 39 - 50)*

8 AREA COMMITTEES - AMENDMENT TO THE CONSTITUTION TO REFLECT FUNCTIONS DELEGATED BY THE EXECUTIVE *(Pages 51 - 58)*

9 CONSOLIDATION BYELAW FOR ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS *(Pages 59 - 82)*

Information for the Public

QR Codes
(for use with Smart
Phones)

Location The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

Public Participation

Some meetings may have parts that will be closed to the public, but the reasons for excluding the press and public will be given.

Most meetings have an opportunity for members of the public to ask questions or make statements.

To ask a question or make a statement please notify the Committee Manager (details listed on the front of the agenda) prior to the deadline.

- For questions and/or statements regarding items on the published agenda, the deadline is the start of the meeting.
- For questions and/or statements regarding items NOT on the published agenda, the deadline is 10 a.m. the day before the meeting.

Speaking on Planning Applications or Licensing Hearings is subject to other rules. Guidance for speaking on these issues can be obtained from Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk or on-line:

<http://www.cambridge.gov.uk/public/docs/Having%20your%20say%20at%20meetings.pdf>

The Chair will adopt the principles of the public speaking scheme regarding planning applications for general items, enforcement items and tree items.

Cambridge City Council would value your assistance in improving the public speaking process of committee meetings.

You are invited to complete a feedback form available in the committee room or on-line using the following hyperlink:

<http://www.surveymonkey.com/s/Y9Y6MV8>

**Filming,
recording
and
photography**

Filming, recording and photography at council meetings is allowed subject to certain restrictions and prior agreement from the chair of the meeting.

Requests to film, record or photograph, whether from a media organisation or a member of the public, must be made to the democratic services manager at least three working days before the meeting.

The Democratic Services Manager can be contacted on 01223 457013 or democratic.services@cambridge.gov.uk.

Fire Alarm In the event of the fire alarm sounding please follow the instructions of Cambridge City Council staff.

Facilities for disabled people Access for people with mobility difficulties is via the Peas Hill entrance.

A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Adapted toilets are available on the ground and first floor.

Meeting papers are available in large print and other formats on request.

For further assistance please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Queries on reports If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

General Information Information regarding committees, councilors and the democratic process is available at www.cambridge.gov.uk/democracy.

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CIVIC AFFAIRS

1 February 2012

6.00 - 7.22 pm

Present: Councillors Boyce (Chair), Rosenstiel (Vice-Chair), Marchant-Daisley, Herbert and Stuart

Also Present: Councillor Taylor

Officers Present:

Chief Executive – Antoinette Jackson

Director of Resources – David Horspool

Head of Legal Services – Simon Pugh

Committee Manager – Glenn Burgess

Also Present:

District Auditor (Audit Commission) – Paul King

FOR THE INFORMATION OF THE COUNCIL

12/5/civ Apologies for absence

None

12/6/civ Declarations of Interest

None

12/7/civ Minutes of the meetings held on 14 September 2011 and 4 January 2012

The Minutes of the meetings held on 14 September 2011 and 4 January 2012 were approved and signed as a correct record.

12/8/civ Public Questions

None

Change of Agenda Order

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda to take agenda item 8 (minute item 12/12/civ) after agenda item 5 (minute item 12/9/civ).

However, for ease of the reader, these minutes will follow the order of the published agenda.

12/9/civ Audit Plan - Audit of 2011/12 Accounts

The District Auditor presented the Audit Plan and the Audit of the 2011/12 accounts following an introduction from the Director of Resources.

Resolved (unanimously) to:

Note the Audit Plan and the Audit of 2011/12 accounts.

12/10/civ Localism Act - Changes to the Standards Regime for Councillors

The committee received a report from the Head of Legal Services regarding changes to the standards regime for Councillors.

Members of the committee made the following comments regarding the report:

- i. Emphasised the continuing need for openness, transparency and public visibility with any future standards regime.
- ii. Emphasised the need, when incorporating standards functions into the remit of the Civic Affairs Committee, of ensuring a politically neutral environment.
- iii. Supported the need for a clear three-stage process but questioned how hearings could be structured within the current Civic Affairs Committee format.
- iv. Raised concern that, if 'Independent Persons' (IP's) were not eligible to vote, decisions would be dominated by Councillors and the ruling Group.
- v. Highlighted the importance of IP's being involved in all stages prior to the formal hearing.

- vi. Suggested that the a panel of Councillors, similar to the format of Employment Appeals, could be set up to deal with formal hearings. The need for a clear and detailed Councillor selection process was however highlighted.
- vii. Supported the officer's view that the standards functions would sit well with the Civic Affairs Committees' governance and audit remit.
- viii. Emphasised the need for a standards regime that demonstrated clearly to the public that Councillors would be held to account for their actions. It was noted that public confidence in any new regime was essential.
- ix. Supported the officer's view that a model Code of Conduct, with other local authorities adopting a consistent approach, would be beneficial.
- x. Suggested that IP's could also take on a mediation role.
- xi. Supported the officer's view that it may be beneficial for neighbouring authorities to share two or more IP's.
- xii. Emphasised the need for clear guidance to Councillors on any changes to requirements for declaring interests.
- xiii. Questioned the need for a Councillor with a disclosable pecuniary interest to leave the room during the debate and vote on an item.

In response the Head of Legal Services suggested that a meeting be set up with Councillors to discuss the proposed changes and future options in more detail.

Councillor Boyce proposed the following additional recommendation:

That a sub set of Councillors, including a representative from the Green Group, meet with the Head of Legal Services to further discuss the proposed changes to the standards regime as set out in the officer's report.

On a show of hands the amendment was carried by 5 votes to 0 (unanimously).

Resolved (unanimously) that:

- i. A sub set of Councillors, including a representative from the Green Group, meet with the Head of Legal Services to further discuss the proposed changes to the standards regime as set out in the officer's report.

- ii. The Committee supports, in principle, the incorporation of the Council's standards functions within the remit of the Civic Affairs Committee and that the Monitoring Officer is asked to prepare revised terms of reference for consideration by this Committee and the Council.
- iii. The Monitoring Officer is asked to draft a Code of Conduct for members incorporating the seven Nolan principles of public life for adoption by the Council.
- iv. The Monitoring Officer is asked to prepare a protocol for the receipt, investigation and consideration of complaints against councillors for consideration by this Committee.
- v. The Monitoring Officer is asked to take all necessary steps to establish a register of members' interests to replace (so far as is necessary) the current register and to ensure that councillors are made aware of any changes to registration and declaration of interests.
- vi. The Monitoring Officer, after consultation with the Chair of this Committee, the Standards Committee, and group spokespersons, is given delegated powers to devise and implement a procedure for recruiting one or more "Independent Persons", including setting up a member panel to make a recommendation for appointment to the Council.

12/11/civ Members Allowances Scheme 2012/13

The committee received a report from the Head of Legal Services regarding the Members Allowances Scheme 2012/13.

Members of the committee made the following comments regarding the report:

- i. Acknowledged the important work undertaken by the Independent Remuneration Panel (IRP).
- ii. Noted that, despite the recommendations of the IRP, member's allowances had been frozen for five years.
- iii. As a result of a decision by Her Majesty's Revenue and Customs (HMRC) food would no longer be provided for Councillors at Council meetings.

- iv. More clarity was needed on claiming subsistence when travelling over 3 miles to a meeting, and if this also included travelling from within the boundary of the City. Officers noted this comment.

Councillor Herbert suggested that, whilst the member's allowances budget remained the same, there was a need for a comprehensive review of the allocations after the elections in May 2012.

The Chief Executive responded that, as part of the Strategy and Climate Change Portfolio Plan, a full review of the Council's decision-making processes would be undertaken in 2012/13. It was suggested that it would be beneficial to look at member's allowances as part of this review.

Councillor Boyce proposed the following amendment to the officer's recommendation (additional text underlined):

That the Members Allowances Scheme 2011/12 be continued for the 2012/13 municipal year, but be reviewed as part of the Leaders full review of the Council's decision-making processes in 2012/13.

On a show of hands the amendment was carried by 5 votes to 0 (unanimously).

Resolved (unanimously) to recommend to Council that

- i. The Members Allowances Scheme 2011/12 be continued for the 2012/13 municipal year, but be reviewed as part of the Leaders full review of the Council's decision-making processes in 2012/13.

12/12/civ Presentation of Annual Audit Letter

The District Auditor presented the Annual Audit Letter following an introduction from the Director of Resources.

It was noted that at the Civic Affairs meeting of 14 September 2011 it was agreed to delegate agreement of the Annual Audit Letter to the Director of Resources, in consultation with the Chair and Spokes, and receive formal presentation of the letter by the District Auditor at this meeting.

The committee made the following comments on the Annual Audit Letter:

- i. Thanked the Director of Resources and officers across the Council for all their hard work.
- ii. Further information was requested on what audit arrangements would be in place in future years. The District Auditor responded that an outsourcing exercise was currently being undertaken with an announcement on the approved bidder expected on 6 March 2012. The initial contract would be for a 3-year term with existing staff being transferring under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). It was hoped that the 3-year period would allow for formal legislation to be enacted and for local authorities to plan for a new regime. The Director of Resources confirmed that the City Council were already looking at future options and working with other local authorities in the area.

Resolved (unanimously) to:

- i. Note the Annual Audit Letter.

The meeting ended at 7.22 pm

CHAIR

CAMBRIDGE CITY COUNCIL

REPORT OF: DIRECTOR OF RESOURCES

TO: CIVIC AFFAIRS COMMITTEE

21 March 2012

WARDS: All

DRAFT INTERNAL AUDIT PLAN AND STRATEGY 2012 / 2013

1 INTRODUCTION

- 1.1 This is the draft Annual Plan and Strategy for Internal Audit for 2012 / 2013 for consideration by the Civic Affairs Committee. The plan has been subject to consultation with all Directorates and a copy of the draft plan has been sent to External Audit.
- 1.2 The current CIPFA best practice requires that a designated audit committee (Civic Affairs Committee) formally agrees all future audit plans.
- 1.3 Ongoing resource pressures within the team have been more challenging this year with:
 - The Head of Internal Audit post is provided in partnership with Peterborough City Council and has been operational since January 2011. Nevertheless, this arrangement only provides for approximately 50% of the previous resource; and
 - One Senior Auditor (0.4 fte) being vacant during the year.

2 RECOMMENDATIONS

- 2.1 Civic Affairs Committee is requested to examine the draft Internal Audit Plan for 2012 / 2013 and:
 - Identify any areas for further consideration; and
 - Approve the plan and strategy.

3 INTERNAL AUDIT STRATEGY AND PLAN 2012 / 2013

- 3.1 The Internal Audit Strategy (**Appendix A**) has been established to set out the key principles used in developing and delivering the Internal Audit Service, as well as providing a vision as to the future direction of the service.
- 3.2 Managing performance is key to ensuring an effective internal audit service. Various performance indicators are maintained which cover key elements of service delivery – cost effectiveness, client satisfaction and quality and improvement. These are internally monitored and will be reported through to Committee in accordance with reporting timetables.
- 3.3 The draft Internal Audit Plan for 2012 / 2013 (**Appendix B**) has been developed using a risk-based approach. The plan has been formulated from reviews of the following:
- i) Corporate / service level risks and an assessment of mitigating actions;
 - ii) Areas of significant change or concern within the council;
 - iii) Key projects / partnerships being undertaken;
 - iv) Draft Portfolio Plans; and
 - v) Discussions with Directors and Heads of Service during the year.
- 3.4 The Plan has been broken down into a number of elements:
- a) Core Systems assurance work. This work covers the Council's key financial systems and provides external audit with assurance on their control;
 - b) Annual governance and assurance work;
 - c) Corporate / cross cutting audits;
 - d) Key contracts and projects; and
 - e) Departmental specific audits.
- 3.5 In addition, the plan has been cross referenced to the Vision / priorities of the Council in order to ensure that a degree of assurance can be provided to Members that appropriate actions are in place to deliver the agenda.

- 3.6 This draft plan includes the proposed number of audit days assigned to the individual audits. We are proposing that those audits marked as critical on the final annual audit plan will be 100% completed within the year. As previously requested, we have indicated why these audits are considered critical.
- 3.7 The Audit Plan does not include details of the special investigation work and “consultancy type” activity that the Council also calls upon the team to deliver, but a separate provision has been made for the completion of such work in 2012 / 2013 and this has been based on resources utilised in previous years. This covers such areas as a provision for procurement advice, follow-ups and risk management work.
- 3.8 As in previous years, should any special investigation work or significant additional request work be required by Councillors or officers, which leads to the potential for resources required exceeding the amount set-aside, then the Shared Head of Internal Audit will establish the course of action to be taken in consultation with the Director of Resources and the Chair of Civic Affairs Committee. In the event of this occurring, a separate report will be produced to inform all Members of the Committee.
- 3.9 The result of the work set out in the Internal Audit plan will be the production of the annual opinion by the Head of Internal Audit for this Committee. This opinion will then inform the Annual Governance Statement which is signed off by the Leader of the Council and the Chief Executive and accompanies the Statement of Accounts. The Head of Internal Audit Opinion for the Audit Plan work conducted during 2011 / 2012 will be reported to this committee in June 2012.
- 3.10 In order to follow best practice, our involvement in relation to the production of the Annual Governance Statement has changed. Previously, the Annual Governance Statement has been produced by Internal Audit, but CIPFA best practice guidelines now recommend that Internal Audit should review the process for gathering data for its preparation and subsequent production. This change is reflected in our draft plan.
- 3.11 Specific timings for individual audits are still to be agreed with Directors / Heads of Service. The audit plan will then be published on the Council’s intranet to enable Officers and Members to be aware of audit timings and advise Internal Audit, at an early stage, if the timetable needs adjusting.

4 CONSULTATION

- 4.1 Ongoing work planning is agreed with External Audit, and reviewed throughout the year to ensure that the work of Internal Audit and External Audit is co-ordinated. A copy of the audit plan has been sent to External Audit for their information.
- 4.2 Directors were consulted during February / March 2012 on the possible content for the 2012 / 2013 audit plan and their views have been taken into consideration when putting the plan together.
- 4.3 The Committee is advised that the Head of Internal Audit will also produce a half-year review of progress to date for Civic Affairs Committee.

5 IMPLICATIONS

(a) **Financial Implications**

There are no expenditure implications as a result of the report.

(b) **Staffing Implications**

The Internal Audit establishment is set at a level to enable delivery of the work identified in the plan.

(c) **Equal Opportunities Implications**

The Council's Equal Opportunities Policy is applied within the Department.

(d) **Environmental Implications**

There are no Environmental implications in this report.

(e) **Community Safety**

There are no Community Safety implications in this report.

BACKGROUND PAPERS:

The following are the background papers that were used in the preparation of this report:

Risk-Based Internal Auditing – Working Standards and Procedures
Accounts and Audit Regulations 2011

To inspect these documents contact Steve Crabtree on extension 8181.

The author and contact officer for queries on this report is Steve Crabtree

Report file:

Date originated: 09 March 2012

Date of last revision: 09 March 2012

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APPENDIX A

CAMBRIDGE CITY COUNCIL

INTERNAL AUDIT STRATEGY 2012 / 2013

INTRODUCTION

This document sets out the Internal Audit strategy, as required by The CIPFA Code of Practice for Internal Audit in Local Government in the UK 2006 (the Code). It is intended to demonstrate how Internal Audit will support the overall aims and objectives of the Council by:

- Providing the Chief Executive, Section 151 Officer and Civic Affairs Committee with an overall opinion each year on the Council's control environment to support the Annual Governance Statement requirements;
- Preparing audit plans that give suitable priority to the Council's objectives and key risks and concentrate resources on areas that have been identified as being the most vulnerable;
- Providing suggested actions to line management at the conclusion of each piece of audit work that will assist in continuous service improvement and reduce the risks identified;
- Identifying the audit resources required to deliver an audit service that meets required professional standards;
- Providing regular reports to the Civic Affairs Committee; and
- Complying with professional standards.

The strategy will be reviewed on an annual basis to ensure its continued relevance, both in terms of supporting the council's aims and in achieving a professional, modern audit service.

REGULATORY FRAMEWORK

There are legislative requirements that relate to the provision of an internal audit within local authorities, namely:

- The Local Government Act 1972 (s151) requires that "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs". In Cambridge City Council the responsible financial officer is the Director of Resources and one of the ways he exercises his responsibility for financial administration is through the work of internal audit.

- The Accounts and Audit Regulations 2011 (SI 2011 / No.817) specify certain requirements for local authorities. In order to comply with these regulations the Council needs to maintain an adequate and effective system of internal control, in accordance with proper internal audit practices, these being set out in the CIPFA Code of Practice for Internal Audit in Local Government.

PROFESSIONAL STANDARDS AND ETHICS

Chartered Institute of Public Finance and Accountancy (CIPFA)

CIPFA is the primary public sector accountancy body in the United Kingdom. In 2006, CIPFA published a revised Code of Practice for Internal Audit in Local Government (CIPFA Code).

The (Shared) Head of Internal Audit will ensure that the standards contained within the Code are applied to the work of Internal Audit. Any standards that cannot be complied with in full shall be discussed with the s151 Officer and agreement reached as to the alternatives to be accepted. Substantial differences shall be reported to the Civic Affairs Committee.

External Audit conduct regularly reviews of the work of Internal Audit in order to be able to place reliance on it to satisfy their needs in produced the Annual Audit Letter for reporting to Civic Affairs Committee. In addition, Internal Audit will conduct a periodic self-assessment during the intervening period to ensure continuing compliance with the Code.

Chartered Institute of Internal Auditors - UK (CIIA - UK)

The CIIA is an international association dedicated to the continuing professional development of the individual internal auditor and the internal auditing profession. The CIIA has produced Standards for the Professional Practice of Internal Auditing. These standards are a means by which the conduct of any individual auditor and the operations of any internal auditing organisation may be evaluated and measured.

Ethics

The CIPFA Code of Practice and the IIA International Code of Ethics for Internal Audit set out minimum ethical standards for the performance and conduct of internal auditors. All internal audit staff are required to understand and comply with these standards of ethics, in addition to those required by professional institutes of which they are members.

The principles observed are Integrity; Objectivity; Competence; and Confidentiality.

PROVISION OF THE INTERNAL AUDIT SERVICE

In considering the options for the provision of internal audit, the Council currently delivers its service from an in-house team of staff.

INTERNAL AUDIT MANUAL

In order to deliver its role effectively, Internal Audit continues to review its Audit Manual. The manual sets out the processes for planning, implementing, checking and reviewing the way in which audit services are delivered. The objectives of the manual are to:

- State clearly the roles and responsibilities i.e. our Terms of Reference;
- Describe the organisational, managerial and planning arrangements in place;
- Explain the standard procedures to be followed and documentation to be completed;
- Consolidate all relevant information concerning the work of the service in order that a consistent approach can be achieved within a flexible framework;
- Prescribe how Internal Audit will manage its resources;
- Set out how Internal Audit will look for continuous improvement; and
- Provide a basis for the training and development of staff.

The Audit Manual has been produced after consideration of the guidelines recommended by CIPFA and the IIA.

PLANNING AND RESOURCES

It is important that the service keeps under review the resources required in order for it to fulfil its role in the medium to longer term. As such, an "Audit Universe" is maintained which predicts the likely areas for audit activity over the medium to longer term and compares this with the existing resources available.

In developing the Strategy and the Risk Profile it is important that audit resources are directed in line with the priorities of the Council taking into account an assessment of risk. In order to achieve this, a systematic risk assessment and planning methodology is used, as follows:

- A list of auditable areas, known as the Audit Universe is maintained on an ongoing basis. This is based on the audit activity undertaken during the year and the overall opinion of the control environment within the audited area.
- In addition to the above, during February each year a further review of the auditable areas is conducted based upon:

- Consultation with Directors and Heads of Service to identify key issues facing the council to ensure that key risks are prioritised;
- A review of Portfolio Plans / Operational Plans;
- Review and consideration of new council initiatives, government initiatives and legislation;
- Review and consideration of strategic risks not identified separately above; and
- Financial and Budgetary information.

The Audit Universe is then updated to reflect changes in the Council and methods of service delivery. To determine the priorities for the annual Audit Plan the following are reviewed:

- The need to be able to provide an annual audit opinion of the Council's key financial and non financial systems;
- Risk assessments which are maintained on an ongoing basis for all areas on the audit universe;
- Specific client requests; and
- The existing operational plan

The above methodology results in a plan that is supportive of Directors in delivering the strategic priorities and corporate improvement priorities of the Council and provides an overall view of the internal control environment, a key part of good Corporate Governance.

The proposed 2012 / 2013 Annual Plan has been compiled using the criteria detailed above along with a consideration of available resources. The plan shows the minimum amount of work that is required to provide assurance to the organisation.

PERFORMANCE INDICATORS

A range of performance indicators is maintained internally to monitor service performance. These cover areas such as Cost and Efficiency, Quality, Customer Satisfaction and Continuous Improvement. Performance against these areas will be reported to the Civic Affairs Committee periodically.

Internal Audit will continue to liaise with our External Auditors by sharing best practice to enhance performance and efficiency throughout the year.

TRAINING STRATEGY

Alongside the authority's Performance Review process, the service will establish training needs assessment for future service requirements. Joint arrangements already exist between Cambridge and Peterborough and this will continue to look for efficiencies in terms of time and cost.

REPORTING

Reporting will be prepared in order to give assurance (or otherwise) to Members that they can rely on the work of the service and the internal control framework in place that will contribute to the Annual Governance

Statement. In addition, Members have been provided with access to all audit reports through the secure intranet area.

APPENDIX B

INTERNAL AUDIT: OPERATIONAL PLAN 2012 / 2013

1. Introduction

This document sets out the division of responsibilities between managers and Internal Audit Services, and presents the Internal Audit Operational Plan for 2012 / 2013.

2. Division of Responsibilities

It is management's responsibility to manage the Council systems in a manner in which:

- Ensures the plans and intentions of the organisation are delivered, (including those outlined in plans, policies and procedures) and are in compliance with the laws / regulations under which the organisation operates;
- Ensures the reliability of data and information used either internally or reported externally;
- Safeguards the organisation's resources; and
- Promotes efficient and effective operations.

Controlling is an integral part of managing operations and as such internal auditors independently review how efficiently management discharges this aspect of its responsibilities by evaluating the effectiveness of systems and controls and providing objective analysis and constructive recommendations. Management retain full ownership and responsibility for the implementation of any agreed actions .

3. Development of the Internal Audit Operational Plan

In developing the Annual Plan, it is important that audit resources are directed in line with the priorities of the Council, taking into account an assessment of risk. In order to achieve this, a systematic assessment and planning methodology is used, as set out in the Audit Strategy.

The methodology results in a plan that is supportive of Directors in delivering the strategic priorities of the Council and provides a view of the overall internal control environment, a key part of Corporate Governance. This is split into three key elements:

- Assessing the present – fundamental assurance;
- Assessing the future; and
- Improving business performance and delivering future value.

Assessing the Present – Fundamental Assurance

Core systems assurance will continue to be a fundamental requirement at the Council. We consider that a key requirement will be to receive fundamental assurance reviews at the right time to ensure that external audit can place reliance on our work. This will cover areas such as business systems; projects and major contracts; financial systems; safeguarding assets; and corporate governance.

Assessing the Future

By adopting a risk based audit approach there will be clear linkage between the significant risks identified in the Council's Risk Registers and the work undertaken by internal audit in providing assurance against these. The definition of risk is "*anything that will prevent you from achieving your objectives*". As a result, the starting point for a risk based audit is an understanding of the Council's objectives. As well as looking at the risk management framework and governance procedures, we will also cover systems development; investment decisions; emerging risks and due diligence.

Delivering Value through Improved Performance

A significant element of the internal audit plan will remain focused on fundamental assurance. However, over time as risk management processes develop and the internal control environment strengthens, we would expect this proportion of the audit plan to reduce. This will enable us to concentrate more of our resources on assisting the Council in areas such as strategy, efficiency gains, process improvements and delivering savings.

4. Draft Operational Audit Plan

The plan is developed with the Corporate Objectives of the Council in mind. All of the reviews undertaken are underpinned by the driving principle to be "delivering value for money", but they also have an impact on the organisation's strategic vision. The plan highlights how our work links to the vision identified.

The number of planned audit days is based on 5.44 FTE audit staff. No allocation has been factored in for the vacant 0.4 FTE, but this will be reviewed early in the year. Any shortfall in resources will be managed by removing lower priority work from the plan and / or reducing the scope of some reviews. Civic Affairs Committee will be regularly updated on any significant amendments.

Those areas not included in the plan this year will be considered for review on a cyclical basis in future years. However, it is anticipated that audits of low priority areas will not occur unless a risk assessment results in an increased priority level.

The plan for 2012 / 2013 is not a static document. The Head of Internal Audit reserves the right to amend plans in line with emerging risks and changing priorities as they occur throughout the year, following consultation with the s151 officer. Any major changes in the

plan will be discussed with those charged with governance and reported to the Civic Affairs Committee. The following key points are of note:

Core Systems Assurance Work

Audits of the main financial systems of the Council are undertaken on a cyclical basis, in consultation with our External Auditors. The Audit Plan detailed below highlights all the core systems that will be reviewed over approximately a 3-year cycle - provided for information purposes only. We will adopt a key-control approach for these audits. The audit plan details for 2012 / 2013 that the team will carry out reviews of Housing Benefits (against an annual diagnostic tool), Council Tax and Treasury Management. We will co-ordinate our work with our External Auditors to ensure that reliance can be placed on the work provided by Internal Audit in accordance with their rolling programme.

Annual Governance and Assurance Framework

Each year the Council is obliged to issue a statement on the effectiveness of its governance arrangements. Internal Audit will undertake reviews to support this process covering areas such as risk management.

Corporate Cross Cutting Reviews

The plan has been developed to test the adequacy and effectiveness of the control environment put in place to mitigate various principal risks and also to provide the assurance required on key controls which impact on the whole Council. Examples of the audits planned this year include reviews of health and safety, fees and charges, climate change fund and gifts and hospitality.

Contracts and Projects

These areas have been identified as a continuing risk in light of their increasing number, their importance in relation to the Council's overall aims and objectives and their, at times, complex linkages and funding arrangements. Internal Audit will review specific projects. We will also carry out some themed audits, picking up on particular aspects of the project management process, such as the Gateway Review process and Post Implementation Reviews.

Contract activity will be based on the works channeled through the central procurement team and will look at the various stages of contract work (i.e. tendering arrangements, awarding of contracts, contract monitoring etc).

Department Specific Audits

These are audits agreed following discussions at each departmental management team and represent areas identified where management assurance is required, whether it is at a pre- or post-implementation stage.

Other Resource Provisions

Throughout the year audit activities will include reviews that have not been specified within the plan and may include management requests as a result of changing risks and special investigations. Contingency time is included for such events along with the provision for consultancy work that may be undertaken by the Head of Internal Audit or other members of the audit team. Other activities are also included, such as support to Civic Affairs (Audit Committee) and External Audit liaison.

5. Reporting Protocols

At the conclusion of each individual audit a Draft Report and proposed Action Plan will be forwarded to the appropriate manager within the client department. Once agreement has been reached a Final Report and Action Plan will be forwarded to the relevant Director. All Members will have access to Audit Reports through the secure Intranet site.

A progress report will be presented to Civic Affairs Committee indicating the level of achievement against agreed targets and any major findings arising from the audit work undertaken. An annual report will be prepared for Civic Affairs Committee in order to give assurance or otherwise to Members that they can rely on the internal control framework of the Council.

6. Detailed Plan

Documented below is the audit activity proposed, with its link to the strategic vision, where appropriate.

CAMBRIDGE CITY COUNCIL: INTERNAL AUDIT PLAN 2012 / 2013

VISION / OBJECTIVE	
CAMBRIDGE – WHERE PEOPLE MATTER	
1	A City which celebrates its diversity, unites in its priority for the disadvantaged and strives for shared community well being
2	A City whose citizens feel they can influence public decision making and are equally keen to pursue individual and community initiatives
3	A City where people behave with consideration for others and where harm and nuisance are confronted wherever possible without constraining the lives of all
CAMBRIDGE – A GOOD PLACE TO LIVE, LEARN AND WORK	
4	A City which recognises and meets needs for housing of all kinds – close to jobs and neighbourhood facilities
5	A City which draws inspiration from its iconic historic centre and achieves a sense of place in all of its parts with generous urban open spaces and well designed buildings
6	A City with a thriving local economy that benefits the whole community and builds on its global pre-eminence in learning and discovery
7	A City where getting around is primarily by public transport, bike and on foot
CAMBRIDGE – CARING FOR THE PLANET	
8	A City in the forefront of low carbon living and minimising its impact on the environment from waste and pollution
OBJECTIVES 1 – 8 UNDERPINNED BY:	
9	A City seeking to achieve value for the public money the Council spends

Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment which encompasses the systems of governance, risk management and internal control, by evaluating its effectiveness in achieving the organisation's objectives. It examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, efficient and effective use of resources (*CIPFA Code of Practice for Internal Audit in Local Government 2006*).

SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical		TOTAL
			Yes	Reason	
CORE SYSTEM ASSURANCE WORK					
Core systems are those that are fundamental to providing control assurance for internal financial control and allow the s.151 officer to make his statement included in the authority's Annual Statement of Accounts. The External Auditor also places reliance on the work undertaken by Internal Audit on core systems.					
Housing Benefit	9	System parameter testing as part of the HB claim audit undertaken by External Audit.	Yes	External Audit reliance work	12
Council Tax	9	The audit will focus on controls in place to ensure the completeness, promptness, accuracy and validity of Council Tax transactions, including access restrictions, authorisations, accuracy checks on input, segregation of duties and error detection. Includes liaison with External Audit requirements and testing of IT system control.	Yes	External Audit reliance work	12
NNDR	9	To review the property register; liable persons / discounts and exemptions evidenced and recorded; amounts due calculated accurately / promptly demanded; income received and accounted for; non-payment identified and pursued; systems and data secure. Review IT system controls.	-		-
Main Accounting	9	System based approach considering key risk exposures. Included mapping of key control areas and liaison with External Audit requirements. Testing adequacy of input controls and including feeder system interfaces into the general ledger and reconciliation of control and suspense accounts. Review IT system controls.	-		-
Treasury Management	9	To review the processes and procedures in place for dealing with and recording short and long term investments as well as evaluating the controls in place to mitigate against risks faced by Cambridge City Council as a result of the economic climate.	Yes	External Audit reliance work	8
Accounts Payable	9	Systems based approach considering key risk exposures. Include mapping of key control areas and liaison with External Audit requirements. Testing to provide assurance that accurate, timely payments are made which are only to bona fide creditors for goods and services provided for the benefit of the Council, including testing of authorisation controls. Review IT system controls.	-		-

SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical Reason		TOTAL
			Yes		
Payroll	9	Substantive "cradle to grave" approach, following through samples of payments for example, permanent and temporary changes to pay. Testing to include authorisation controls at budget manager level. Review IT system controls.	-		-
Accounts Receivable – Debt Recovery Process	9	Systems based approach considering key risk exposures. Include mapping of key control areas and liaison with External Audit requirements. Testing to provide assurance that all income due is identified, invoiced, collected and recorded accurately and timely, including checking of controls over income in a sample of budget areas. Review IT system controls.	-		-
Fixed Asset Register / Capital Accounting	9	To evaluate the controls in operation for the identification of assets, disposal and transfers to the fixed asset register system, together with the accounting processes that have been adopted. Assess how future costs of repairs and maintenance are being identified and budgeted for.	-		-
Rent Accounting	9	The audit will review system access controls, debit creation, rent collection and arrears management	-		-
BACS Payments	9	The BACS system processes £millions each year through Payroll, Creditors etc. We will seek assurance that the controls including transfer of data from feeder systems are adequate. We will also ensure that payments made through BACS are accurately recorded on Oracle and that appropriate segregation of duties is maintained.	-		-
VAT	9	To provide assurance that VAT is correctly accounted for by the authority and on a timely basis.	-		-
TOTAL					32

N.B. Shaded areas will not be completed in this year, but will be reviewed in future years.

SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical		TOTAL
			Yes	Reason	
ANNUAL GOVERNANCE AND ASSURANCE FRAMEWORK					
Each year the Council is obliged to issue a statement on the effectiveness of its governance arrangements. This section details audit work that specifically relates to the production of the Annual Governance Statement					
Annual Governance Statement	All	Review the process for completing the AGS and review the draft AGS and action plan.	Yes	Corporate responsibility	5
Annual Audit Opinion	All	Head of Internal Audit opinion on the state of governance and the internal control framework in place within Cambridge City Council.	Yes	Corporate responsibility	6
Internal Audit Effectiveness	9	Review of the Internal Audit service against best practice guidelines.	Yes	Corporate responsibility	5
National Fraud Initiative	All	Management of data download for 2012-13 exercise. Key contact role.	Yes	Corporate responsibility to protect finite resources	30
Prevention of Fraud and Corruption Policy	9	Review of Policy and reporting of cases to Committee that have arisen during previous year.	Yes	Corporate responsibility	4
Risk Management	All	Review of new system and the process for keeping the risk register up to date, identification of risks, methods for getting manager buy-in and for recording and updating actions.	Yes	Corporate responsibility. Carried forward form 2011-12.	10
TOTAL					60

SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical Reason		TOTAL
			Yes		
CORPORATE/CROSS-CUTTING AUDITS					
Internal Audit provides support to Council and Directorate objectives by testing the effectiveness of controls designed to mitigate identified risks.					
Health & Safety	All	Review of Health & Safety considerations during the tendering process.	Yes	Annual Review	15
Data Protection Compliance	All	Review of: document retention periods for key documents; procedures for scanning, indexing & destroying documents and fair processing notifications included on application forms.			12
Implementation of the outcomes from the Business and Support Services Review (BSSR)	9	Ensure that agreed actions coming out of the BSSR have been fully implemented and that any savings identified have been realised.			15
Purchase Orders	9	Review the purchase order and commitment process.			10
Climate Change Fund	8	Review arrangements for measuring success of specific projects and how we quantify savings achieved.			10
Fees and Charges	9	Review of fees and charges across all portfolios / cost centres – setting of fees and collection arrangements.			15
Business Mileage	9	Examine use of private vehicles for business use. Ensure appropriate checks are carried out on insurance etc.			10
Corporate Change Process	All	Bureaucracy Busting element - Review of 'totality' of processes involved in e.g. capital appraisals to ensure proportionate to risk involved.			12
Devolution of decision making on developer contributions	9	Review the effectiveness of devolved financial decision making processes. Going forward ensure that suitable procedures are in place for allocating developer contributions to the right projects and that procedures are in place to ensure delivery of those projects.			12
Gifts & Hospitality	9	Review of gifts & hospitality registers across the authority to ensure the new template is being used effectively and that gifts and hospitality accepted are reasonable and within the guidance set out in the Code of Conduct for Employees.			10
TOTAL					121

SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical		TOTAL
			Yes	Reason	
PROJECTS					
Dependent on risk, we review a sample of projects and contracts each year to test whether the council's governance arrangements are being followed and that contracts provide value for money					
Clay Farm – Community Centre	All	Verification of progress in relation to expected deliverables from the project.	Yes	Key CCC project. Reputational risk (High)	10
Clay Farm – land disposal	All	Verification of progress in relation to expected deliverables from the project.	Yes	Key CCC project. Reputational risk (High)	10
Route Optimisation	4, 9	Post-implementation review			10
Mercury Abatement	8, 9	Post-implementation review			10
500 House Building	4, 9	Verification of progress in relation to expected deliverables from the project.			10
Orchard Upgrade	9	Post-implementation review. (Carried over from 2011 / 2012)			10
Responsive Repairs Improvement Plan	4, 9	Review progress against plan objectives and contingency planning in case of failure.			12
HRA Self Financing	4, 9	Management of HRA under the new self-financing regime.	Yes	New financing regime. HRA management changes.	10
TOTAL					82

SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical		TOTAL
			Yes	Reason	
CONTRACTS					
Dependent on risk, we review a sample of projects and contracts each year to test whether the council's governance arrangements are being followed and that contracts provide value for money					
Planned Maintenance	4, 9	Review of contract management arrangements for all contractors covered by this key contract.	Yes	Contract difficulties experienced in 2011/ 2012. Reputational risk (High)	15
Homelessness Assessment Centre (Zion Baptist Church)	4, 9	Post-implementation review			10
Ditchburn Place: Care Contract	4, 9	Review implementation of new contract, including its financial viability.	Yes	Key new contract with significant financial implications.	10
TOTAL					35

DEPARTMENT SPECIFIC REVIEWS					
SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical		TOTAL
			Yes	Reason	
CHIEF EXECUTIVE					
Social Media	All	Review of the Council's use of social media and the policies set up to govern it.			10
Performance Management	All	Review of the Council's performance management arrangements, including monitoring and reporting of Performance Indicators and service planning arrangements.			12
TOTAL					22

SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical		TOTAL
			Yes	Reason	
CUSTOMER AND COMMUNITY SERVICES					
Welfare Reform Act	1, 4	Examine and review preparations for the implementation of the new Welfare Reform Act.	Yes	Major change to Housing Benefit legislation with significant knock on effects to other services.	15
Leaseholder Charges	4, 9	Review procedures for issuing Section 20 notices.			12
Voids Clearance Process	4	Examine the processes within City Homes for managing property clearance when a property becomes void.			8
Home Improvement Agency (HIA)	4, 9	Review the transfer and new working arrangements following creation of a shared service with Huntingdonshire and South Cambridgeshire District Councils.	Yes	Change in method of service delivery. Need to ensure Council's interests protected.	10
Right to Buy	4	Review procedures for managing right to buy properties.			10
Corn Exchange Box Office	6, 9	Review procedures in place to manage Box Office transactions.			12
Community Development – Asset Management	1, 2, 4	Examine controls in place for managing buildings and other assets and equipment for the various community centres.			12
Care Call System	4	Review of arrangements for managing the care call service.			10
TOTAL					89

SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical Reason		TOTAL
			Yes		
ENVIRONMENT					
Public Art	5, 6, 9	Review of project management, procurement and contract management arrangements for public art.			10
Play Areas	5	Review management arrangements for city-owned play areas.			10
Leaseholder Charges	4, 9	Examine the viability of charges made to leasehold properties for grounds maintenance costs.			8
Crematorium / Commemoration Services	9	Carried over from 2011/12 following up agreed actions from 2010/11 review.			10
CCTV / Out of Hours Service	3, 9	Review of procedures following service restructure.			10
Ranger Data Collection	9	Review of data collection arrangements.			10
Officer Consultation on Planning Applications	5, 6, 9	Review processes for consulting officers in relation to planning applications.			10
Tree Management	5	Follow on from the work conducted in 2011-12 which focussed on trees owned by the public. Review of procedures for managing Council-owned trees and the policies and working practices for consulting and carrying out works on them.			10
TOTAL					78

SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical Reason		TOTAL
			Yes	Reason	
RESOURCES					
EDRMS	9	Review of progress with the agreed actions arising from the 2011-12 audit.			10
PCI DSS Compliance	All	Responsibility for completing this return transferred to the ICT Client team in 2011-12. Review process for completing returns to ensure timely and accurate completion.			10
Commercial Property Portfolio	9	Review arrangements for managing the Council's commercial property portfolio.			15
Implementation of the outcomes from the recent pay review	9	Ensure that agreed changes are implemented consistently and accurately across the authority.	Yes	Major review impacting on large number of employees.	10
IT Contract Management	9	Examine contract management arrangements for the IT contract with Serco.	Yes	Major CCC contract up for review in 2013.	15
TOTAL					60

SERVICE / SYSTEM	COUNCIL OBJECTIVE	AUDIT SCOPE	Critical		TOTAL
			Yes	Reason	
OTHER RESOURCE PROVISIONS					
Throughout the year audit activities will include reviews that have not been specified within the plan, including management requests as a result of changing risks; following up agreed audit actions and completion of audit work from the 2011-12 audit plan.					
Carry Forward Activities	All	Completion of Internal Audit work carried forward from 2011-12.			40
Follow Up Provision	All	Follow up of actions agreed in 2011-12.			35
Project Management / Procurement / Contract Management advice	All	Assist Procurement Team in the provision of advice and support to service areas involved in key projects and procurement exercises.			30
Fraud / Irregularity Contingency	All	Pro-active counter fraud-work, together with re-active work where suspected irregularities have been detected or reported via the whistleblowing route.			35
Requested Work Contingency	All	Allowance exists to provide flexibility within the audit plan for time spent on providing risk and control advice to officers, management /members and ad hoc requests and consultancy work.			80
Risk Management	All	Reviewing and monitoring of Council's risks and implementation of actions agreed to mitigate risks.			60
Committee Support	All	Production of reports and attendance at Council committees (Civic Affairs / Standards etc.)			30
TOTAL RESOURCES ALLOCATED					310

SUMMARY AUDIT PLAN		
CORE SYSTEMS ASSURANCE WORK		32
ANNUAL GOVERNANCE AND ASSURANCE FRAMEWORK		60
CORPORATE / CROSS CUTTING AUDITS		121
PROJECTS		82
CONTRACTS		35
DEPARTMENT SPECIFIC REVIEWS		
CHIEF EXECUTIVE	22	
CUSTOMER AND COMMUNITY SERVICES	89	
ENVIRONMENT	78	
RESOURCES	60	249
OTHER RESOURCE PROVISIONS		310
TOTAL RESOURCES ALLOCATED		889

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Corporate Strategy

TO: Civic Affairs Committee

21/3/2012

WARDS: All

REVIEW OF THE COUNCIL'S AUDIO AND VISUAL RECORDING PROTOCOL

1 INTRODUCTION

- 1.1 This Committee agreed to make amendments in February 2011 to the then-entitled filming protocol which had been in place since July 2010. The Committee also agreed to review the amended protocol, renamed Audio and Visual Recording Protocol, in March 2012.

2. RECOMMENDATIONS

The Committee is requested to recommend to Council:

- 2.1 The changes to the Audio and Visual Recording Protocol in 3.2 (i)-(iii)

3. THE AUDIO/VISUAL RECORDING PROTOCOL

- 3.1 The Minister for Local Government Bob Neil wrote to Council Leaders and Monitoring Officers in February 2011 (after Committee had met to consider the protocol) '....highlighting the importance of councils giving citizens the opportunity to access and experience their local democracy using modern communication methods.' The letter is appended to this report so the committee can take the Government's view into account when reviewing the protocol which is appended with the changes suggested in the following paragraph.
- 3.2 Since the Committee approved the amendments to the audio/visual recording protocol in February 2011, there have been no applications to record council meetings. There is no evidence to suggest that the Protocol has put off the public from wanting to record. Prior to a

number of filming requests in the autumn of 2010, filming or photography at meetings had been rare, the only regular event being the Mayor making ceremony each May. However, that said, there are some suggested practical amendments to some of the prescriptive parts of the protocol which the Committee is asked to consider:

- (i) Requiring an applicant to give 3 working days notice and no more that 2 weeks in advance – This could be considered restrictive and could be conceived as being in conflict with the Council’s policy on being open and transparent. It is recommended that this be changed to 10am the day before a meeting, in line with the public question time scheme which better reflects the expectations of those likely to apply to record.
- (ii) Delete the reference to time limiting to 2 minutes the use of flash photography/lighting – This is could be considered too prescriptive. The Chair can make the judgement at the time of each request and officers consider this to be adequate to ensure a meeting is not disrupted.
- (iii) Make an exception so that anyone can record during the ceremonial part of the Annual Meeting of the Council - Mayor making is a well attended occasion with guests of the in-coming and out-going Mayors, newly elected councillors as well as guests of the Mayor who are invited to see local democracy in action, e.g. schoolchildren. Currently the Mayor has to make an announcement that recording is allowed that would continue but it is sensible to set this out in the protocol as well for the avoidance of doubt.

3.3 In considering these changes, the Committee is reminded that the protocol includes the statement ‘any decision taken by the chair on the interpretation of this protocol is final’.

4. **CONSULTATIONS**

The Head of Human Resources and the trade unions will be consulted on the changes proposed.

5. **OPTIONS**

Instead of the recommendation in the report, the Committee could:

consider further amendments to the protocol; or
delete the protocol and refuse recording of any council meetings; or

delete the protocol and permit recording at any meetings, with no restrictions other than those meetings or part of meetings which are exempt from the public; or
decide to record its meetings (recent enquiries estimated £14,000 per year for it to be done professionally).

6. **IMPLICATIONS**

(a) **Financial Implication**

There are none.

(b) **Staffing Implications** (if not covered in Consultations Section)

The possibility of audio/visual recording of senior council staff at council meetings is to be expected and was consulted on prior to the adoption of the revised protocol last February.

(c) **Equal Opportunities Implications**

An Equality Impact Assessment has not been conducted on the proposals in this report. Enabling meetings to be filmed and broadcast opens up the Council's decision making process and is in accordance with council objectives. The Committee had undertaken a thorough review of the protocol, reported in February 2011. Equal opportunity implications are likely to be addressed by the Council's operating procedures (e.g. access to information and meetings), rather than the specific proposals in this report.

(d) **Environmental Implications**

As part of this section, assign a climate change rating to your recommendation(s) or proposals.

- Nil: to indicate that the proposal has no climate change impact.

(e) **Community Safety**

There are none.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Civic Affairs Committee report and minutes 2/2/11

To inspect these documents and contact officer for queries on the report is Gary Clift 01223 457011 gary.clift@cambridge.gov.uk

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Bob Neill MP
Parliamentary Under Secretary of State

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cc Monitoring Officers

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23 February 2011

Dear Colleague,

Access to Meetings

As part of the Government's transparency drive I want to highlight the importance of your council giving citizens the opportunity to access and experience their local democracy using modern communication methods. It is essential to a healthy democracy that citizens everywhere are able to feel that their council welcomes them to observe local decision-making and through modern media tools keep others informed as to what their council is doing. The mainstream media also needs to be free to provide stronger local accountability by being able to film and record in meetings without obstruction.

Councils are now faced with important budget decisions affecting the day to day lives of people living and working in their communities. Council meetings have long been open to interested members of the public and recognised journalists, and with the growth of online film, social media and hyper-local online news they should equally be open to 'Citizen Journalists' and filming by mainstream media. Bloggers, tweeters, residents with their own websites and users of Facebook and YouTube are increasingly a part of the modern world, blurring the lines between professional journalists and the public.

There are recent stories about people being ejected from council meetings for blogging, tweeting or filming. This potentially is at odds with the fundamentals of democracy and I want to encourage all councils to take a welcoming approach to those who want to bring local news stories to a wider audience. The public should rightly expect that elected representatives who have put themselves up for public office be prepared for their decisions to be as transparent as possible and welcome a direct line of communication to their electorate. I do hope that you and your colleagues will do your utmost to maximise the transparency and openness of your council.

I do recognise that there are obligations on whoever is filming or publishing information – be it the council itself or a citizen or mainstream journalist – under the Data Protection Act 1998. But I do not see these obligations as preventing access for journalism. Nor are there grounds for any council

seeking to obstruct a citizen or other journalist from processing information. The Information Commissioner's Office has told us that:

' In the absence of any other legal barrier to comment, publication, expression and so on, the Act in and of itself would not prevent such processing of information.

In the majority of cases the citizen blogging about how they see the democratic process working is unlikely to breach the data protection principles.

In the context of photographing or filming meetings, whilst genuine concerns about being filmed should not be dismissed, the nature of the activity being filmed – elected representatives acting in the public sphere – should weigh heavily against personal objections'.

Moreover there are within the Act itself exemptions from the data protection principles which might apply in the circumstances of the citizen journalist. The first exemption relates to processing of information for journalistic purposes (section 32), the second for the processing of information for domestic purposes (section 36).

In short transparency and openness should be the underlying principle behind everything councils do and in this digital age it is right that we modernise our approach to public access, recognising the contribution to transparency and democratic debate that social media and similar tools can make.

I copy this letter to your monitoring officer given their responsibility for advising on your council's procedures and decision-making arrangements.

A handwritten signature in black ink, appearing to read 'Bob Neill', written in a cursive style.

BOB NEILL MP

Cambridge City Council protocol on audio/visual recording and photography at council meetings

The Council is committed to being open and transparent in the way it conducts its decision making.

Audio/visual recording and photography at council meetings¹ is allowed subject to certain restrictions and prior agreement from the chair of the meeting.

Before the meeting

Requests whether from a media organisation or a member of the public, must be made to the democratic services manager for each meeting, by 10am on the day before the meeting using the application form provided

The application form advises the applicant of the following :

1. Any audio/visual recording/ photography must take place from positions in the meeting room approved by the chair. Filming will be from a fixed camera position in normal view (ie. no zoom or panning the room is permitted). Setting up must be done before the meeting starts to ensure the view of members, officers, public and media representatives is not obstructed. The time at which the audio/visual recording/ photography takes place must also be approved by the chair;
2. The use of flash photography or additional lighting in connection with audio/visual recording will be permitted. The point at which

¹ Council (no application to record/photograph is needed for the ceremonial part of the Annual Council meeting), the Executive, scrutiny committees, Planning Committee, Licensing Committee/sub-committee, Civic Affairs Committee and Area Committees. By their nature, in Area Committees, the Open Forums and other participatory sessions attract a range of people who may or may not wish to be filmed, recorded or photographed. As these are sessions designed to encourage public involvement, the Chair may wish to prohibit recording if it is seen to be a barrier to creating the right environment for this to happen.

this happens during the meeting must be agreed with the chair as part of the permissions process;

3. If the chair feels the audio/visual recording/ photography is disrupting the meeting in any way the operator of the equipment will be required to stop. Anyone undertaking audio/visual recording/ photography must comply with any requests made by the chair of the meeting;
4. The applicant must agree to ensure the audio/visual record/ photographs will not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those being filmed/ recorded/ photographed;
5. The applicant must agree to share the audio/visual recording/ photograph in its original and unedited form with the council's democratic services manager on request for up to four months from the date of recording.

The applicant will complete a form which will ask for

- a. The name, organisation and contact details of the applicant making the request;
- b. What the audio/visual recording/ photographs will be used for;
- c. When the applicant wishes to film/ record/ photograph during the meeting;
- d. How this information will be retained;
- e. Which meeting the request refers to

When the form has been received the democratic services manager will consult the chair of the meeting on the detail of the specific request. The chair will then decide whether to grant permission.

If permission is denied the reasons for refusal will be given and a note of the request will be made on the meeting agenda.

The democratic services team will ensure signs are put in place before the meeting starts to remind attendees that filming/ recording/ photography is by a third party and that the Council has no control over where it may appear (for example posted on the internet) and to remind

the public of their right not to be filmed, recorded or photographed. Meeting agendas will also carry this message.

During the meeting

The chair will announce at the beginning of the meeting that permission to film/ record/ photograph has been requested and permitted. The chair will ask those members of the public present whether they agree to be filmed/ recorded/ photographed and at this point those present can choose to move. Any objections about filming can be raised with the Chair at any point, before or during the meeting.

Anyone seated in the public area or anyone attending the meeting to speak will have the opportunity to express to the Chair at any point in the proceedings his or her wish not to be filmed/ recorded/ photographed. [Councillors are excluded from this provision]

The Chair can suspend filming when someone who wishes to speak does not wish to be filmed/recorded/photographed
If the chair feels the audio/visual recording/ photography is disrupting the meeting in any way or any pre-meeting agreement has been breached the operator of the equipment will be required to stop.

If someone refuses to stop when requested to do so, the chair will ask the person to leave the meeting. If the person refuses to leave then the chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the constitution.

Anyone asked to leave a meeting because they have refused to comply with the chair's requests may be refused permission to film, record, photograph at future council meetings.

The chair of the meeting has a right to withdraw consent to film/ record/ photograph at any time.

Any decision taken by the chair on the interpretation of this protocol is final.

Media and public exclusion

The media and public may only be excluded from a meeting in respect of business relating to confidential or exempt information if a resolution is passed under Section 100A of the Local Government Act 1972. The

media and public will be told about the nature of the exclusion relating to the business to be discussed. No filming/ recording/ photography will be permitted during this exclusion. All cameras, recording and sound equipment must be removed from the meeting room.

After the meeting

Any member of the public who wishes to comment on any recording undertaken should contact the Democratic Services Manager

APPLICATION TO RECORD

I would like to apply to undertake audio/visual recording and/or photography at the following meeting:

Name	
Organisation (if applicable)	
Contact details	
What will the recording be used for?	
Which meeting does this request apply to?	
When do you wish to record during the meeting?	
Where will the recording be retained by you?	

I understand that:

Any recording must take place from positions in the meeting room approved by the chair. Recording will be from a fixed camera position in normal view (ie. no zoom or panning the room is permitted). Setting up must be done before the meeting starts to ensure the view of members, officers, public and media representatives is not obstructed. The time at which the recording takes place must also be approved by the chair.

The use of flash photography or additional lighting in connection with recording will be permitted . The point at which this happens during the meeting must be agreed with the chair as part of the permissions process.

If the chair feels the recording is disrupting the meeting in any way the operator of the equipment will be required to stop. Anyone undertaking recording must comply with any requests made by the chair of the meeting in respecting the public's right to privacy.

I agree to ensure the record will not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show a lack of respect.

I agree to share the recording in its original and unedited form (retained for four months) with the council's democratic services manager on request.

Failure to comply with the Council's requirements set and below may lead to the refusal of any future requests to record council meetings.

If you have any queries regarding the requirements of the application form, please contact the Democratic Services Manager on 01223 457011
gary.clift@cambridge.gov.uk

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Legal Services
TO: Civic Affairs Committee 21/3/2012
WARDS: All

AREA COMMITTEES - AMENDMENT OF THE CONSTITUTION TO REFLECT FUNCTIONS DELEGATED BY THE EXECUTIVE

1 INTRODUCTION

1.1 Members of the Executive have considered reports regarding the delegation of executive functions to area committees on the following occasions:

- 10 October 2011 (The Leader at Strategy and Resources)
- 12 January 2012 (The Executive Councillor for Arts, Sport and Public Places and the Executive Councillor for Community Development and Health at Community Services Scrutiny Committee).

1.2 At the meeting on 12 January 2012, Executive Councillors agreed to delegate the exercise of the following functions to area committees in accordance with the terms set out in the report to that meeting. The areas in which delegations are being made are

- Decision making on public art, public realm, community facilities, play and open space projects funded by developer contributions;
- Decision-making on non-statutory tree planting; and
- Decision-making on “safer city” grants.

This is not a full delegation of these functions and the terms of the delegations are as set out in the report, as amended by the Executive Councillors and recorded in the minutes at 12/13/CS.

1.3 At its meeting on 23 February the Council resolved to extend the terms of reference of Area Committees to include exercise of these functions.

- 1.4 The purpose of this report is to propose amendments to the terms of reference of area committees to provide for this.
- 1.5 The terms of reference have also been updated to reflect changes in terminology, titles etc.

2. **RECOMMENDATION**

- 2.1 That the Committee recommends to Council that the terms of reference of area committees, as contained in Section 12 of Part 3 of the Constitution are amended in accordance with the Appendix to this report.

3. **CONSULTATIONS**

- 3.1 Heads of Services to which these changes relate have been asked whether the amendments to the area committee terms of reference accord with their understanding of the decisions of the Executive and the Council.

4. **IMPLICATIONS**

This is a technical report amending the constitution to reflect decisions that have already been made. Implications were considered when the substantive decision was made. An equality impact assessment was also made at the time of the substantive decision and is summarised in the report to Executive Councillors considered at Community Services Scrutiny Committee on 12 January 2012. That report assessed the climate change impact as very low or nil.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Report to Community Services Scrutiny Committee on 12 January 2012 and minutes/record of decision.
Report to Council on 23 February 2012 and draft minutes.
The Council's Constitution.

To inspect these documents or for queries on this report, contact Simon Pugh, Head of Legal Services, (01223) 457401 or simon.pugh@cambridge.gov.uk

Report file:

Date originated: 12 March 2012

Date of last revision: 12 March 2012

Appendix.

SECTION 12: AREA COMMITTEES

12.1 Introduction

12.1.1 This part of the Constitution describes the Council functions for which area committees are to be responsible. Some are executive functions, and the delegation is made by the Executive Councillor responsible for that function. Some delegations relate to regulatory matters, and these are made by the Council.

12.1.2 The principal areas for which area committees have responsibilities are:

- Environmental Improvements
- Local Planning Applications
- Parks and Recreation Services
- Community Services (excluding management of the Council's housing stock)
- Streetscene Services
- [Projects funded by developer contributions that relate to public art, the public realm, community facilities and open space](#)
- [Safer City grants](#)

12.2 Environmental Improvements

12.2.1 The Executive Councillor for the Environment may delegate a budget to area committees for the purpose of carrying out environmental improvements. In delegating a budget, the Executive Councillor may set criteria or conditions for its expenditure.

12.2.2 Area committees are not obliged to spend delegated capital budgets in the year in respect of which they receive them. It is open to area committees to "save up" capital budgets of this kind for environmental improvements.

12.2.3 Area committees shall have the role of investigating, identifying, consulting on and approving local environmental improvement projects, subject to their budget and to any criteria or conditions set by the Executive Councillor.

12.2.4 Area committees may be consulted on periodic reviews of Council policies and strategies affecting local environmental issues (e.g. the Planning Obligation Strategy, the Walking and Cycling Strategy).

12.2.5 Area committees may seek additional funding for environmental improvement projects, by bidding for other Council funding (for instance, 'Sustainable City' grants or City Centre Management grants). They may also seek additional external funding, for instance through partnership schemes or other sources of grant aid.

12.2.6 ~~Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive~~

~~Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

- 12.2.7 Each area committee will be required to submit an annual report to the March cycle of the Environment Scrutiny Committee, setting out progress with schemes being dealt with by that area committee and identifying any projects where additional funding may be required so that a decision can be made about budget allocation. Such a system will also enable the Executive Councillor and Scrutiny Committee to consider planned 'rollovers' of budgets from one year to the next and to take an overview of environmental improvement work in the city.

12.3 Local Planning Applications

- 12.3.1 Area committees shall be responsible for determining all planning applications which fall within their areas **other than**:

- A. those which may be determined by officers under the Council's scheme of delegation; or
- B. those which:
- Are designated as 'major' applications; or
 - Represent a formal departure from the Development Plan; or
 - Have a site boundary that crosses 2 or more committee areas; or
 - Are submitted privately by any Member of the Council or their immediate family; or
 - The standard neighbour consultation process involves residents in two or more Areas; or
 - The Chair of an Area Committee (after consulting with members of the Area Committee) and the Chair of the Planning Committee agree should be determined by the central Planning Committee because they have substantial significance for people living outside of the relevant Area.

Applications falling into Category B will be determined by the Planning Committee.

NB: A 'major' application is as described in the Government's quarterly statistical returns on development control performance. At present, a major application is:

- a residential development of 10 or more houses, or where the number of dwellings to be constructed is not given, a residential development with a site area of 0.5ha or more;
- any other development of 1,000 sq m of additional floorspace, or with a site area of 1ha or more.

12.3.2 Area committees' responsibilities in respect of "planning applications" within their competence shall include the discharge of the functions delegated to the Planning Committee listed in section 5.4 of Part 3 of the Constitution and numbered 1 to 26 from page 55.

12.3.3 The delegation of powers to area committees does not limit the powers delegated to Council officers in section 9 of Part 3 of the Constitution.

12.4 Parks And Recreation Services

12.4.1 Area committees will contribute to the scrutiny of local Parks and Recreation Services by considering parks and recreation issues which affect their area. In pursuit of this, area committees are asked to encourage links between themselves and local sports clubs and facility user forums, such as the Allotment Forum.

12.4.2 Area committees may recommend changes to the provision or management of local parks and recreation services, although any recommendations would need to be considered in the context of budgetary provision, overall parks and recreation policies and competing needs.

12.4.3 Area committees may be consulted on periodic reviews of Council policies and strategies affecting parks and recreation services (e.g. Parks Strategy, the Sports Development Strategy).

12.4.4 ~~Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

12.5 Community Development

12.5.1 Area committees will contribute to the Council's community development role by promoting public awareness and involvement, making the links between local communities, Housing Associations, Tenants Groups etc. and the area committees.

12.5.2 Area committees may consider the provision of community facilities at neighbourhood level, identify any gaps, and make recommendations on priorities for development.

12.5.3 ~~Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

12.5.4 Area committees may be consulted on applications for grants for community activities in their areas, and may monitor the use of grant aid by recipients.

12.5.5 The Executive Councillor for Community Development and [Leisure Health](#) may delegate a budget to area committees to enable area committees to award grants for community activities in their areas. In delegating a budget, the Executive Councillor may set criteria or conditions for its expenditure.

12.5.6 Area committees may monitor and review neighbourhood services in their areas for children and families; e.g. [Community and Neighbourhood Play Areas](#) ~~Recey Ranger and Neighbourhood Play activities.~~

~~12.5.7 Area committees may monitor and review youth work in their areas; e.g. the Dec, detached teams, projects.~~

12.5.8 Area committees may extend the Council's [engagement with children and young people](#) ~~Youth Participation Strategy~~ by including a role for young people in the work of the committees.

12.6 Streetscene Services

12.6.1 Area committees may consult local people about local priorities for streetscene services. (Street cleansing, public conveniences, grass cutting and maintenance of planted areas.)

12.6.2 Area committees may set local priorities for streetscene works subject to :

- Maintaining minimum statutory service standards;
- Accommodating changes within agreed budgets; and
- Not adversely affecting services in other areas.

12.6.3 Area committees may review and monitor the provision of streetscene services within their areas. They may make recommendations for changes or enhancements to the Executive Councillor or to service managers.

12.6.4 Area committees may review and monitor the provision of the Ranger Service within their areas. They may make recommendations for changes or enhancements to the Executive Councillor or to service managers

~~12.6.5 Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

12.7 Decision-making on Projects Funded by Developer Contributions

12.7.1 Area committees are to be given delegated budgets and delegated decision-making powers in respect of projects funded by developer contributions in the following terms:

12.7.2 The projects funded by developer contributions within the scope of area committees are projects relating to:

- [Public Art](#)
- [Public Realm](#)
- [Community Facilities](#)
- [Open Spaces](#)

12.7.3 Any decisions by area committees about the use of developer contributions for projects will be made in accordance with Council policy and budgeting

procedures and, with the exception of public art, will take account of area needs assessments to be adopted by each area committee.

12.7.4 Funding from developer contributions will be given to area committees on the following basis:

- Where developer contributions derive from a planning application determined by an area committee, the use of contributions made for the purposes set out in paragraph 12.7.2 shall be determined by that area committee.
- Where developer contributions derive from a planning application determined by the Planning Committee, the Executive Councillor for the relevant service area shall determine the proportion of the developer contributions to be made available for the use of the area committee with a presumption that 50% of contributions made for the purposes set out in paragraph 12.7.2 shall be made available.
- If a developer contribution given to area committees is not committed to be spent within three years of receipt by the Council, the Executive Councillor may decide how the contribution is to be spent.

12.7.5 The area needs assessments referred to in paragraph 12.7.3 shall be made in accordance with the following principles:

- An area needs assessment will be produced every three years for each area committee and will be based on a desk top analysis.
- The assessment will seek to do the following:
 - Quantify the existing population within the area, split by age structure;
 - Estimate new development taking place within the area over the next three years and assess its impact on the existing population;
 - Summarise existing provision of facilities etc with commentary on the potential for enhancing or modernising them;
 - Identify the need or scope for new provision of facilities etc or new projects.
- The area committee will consult on its area needs assessment before approval.
- The area needs assessment will be used by officers to develop and cost projects and to identify the extent to which they may be funded by developer contributions, for the purpose of preparing a report for the area committee.
- This report will form the basis of area committee decisions to approve projects.

12.7.6 The area needs assessment may be used to identify projects not funded by developer contributions but funding for these would be subject to the Council's regular budgeting procedures.

12.7.7 Area committee decisions on public art projects funded from developer contributions will be made on the basis of officer reports submitted from time to time.

12.8 Safer City Grants

12.8.1 The Executive Councillor responsible for safer city grants (the Executive Councillor for Community Development and Health) may allocate a budget to area committees for making grants.

12.8.2 Area committees shall determine applications for grants in accordance with any policies or other guidance set by the Executive Councillor.

12.8.3 Officers shall advertise the availability of grants and invite applications. Applications shall be reported to the area committees, according to the area in which grant aided works are proposed, in ~~March or April~~ May onwards depending on Area Committee dates, each year for consideration.

12.8.4 If funds remain after the “bidding round” described in 21.8.3, further grant applications may be made. These shall be determined by Director of Community Services after consultation with the Chairs of Area Committees, relevant Ward Councillors and Opposition Spokes Persons as and when the applications are received and outside of Area Committees.

12.8.5 Any safer city grant allocation unspent by an area committee by 1 December in any year shall be returned to the Executive Councillor ~~for reallocation to any area committee that has suitable unfunded grant applications.~~ for inclusion in the ‘Citywide’ pot for re-distribution to other areas, if appropriate applications have been made.

12.8.6 Grant applications that relate to the area of more than one area committee shall be determined by the Executive Councillor in consultation with the Chair and Opposition Spokespersons of the Community Services Scrutiny Committee.

12.9 Tree Works

12.9.1 The Executive Councillor for Arts, Sport and Public Places may delegate decisions on tree works to area committees.

12.10 General

12.7 General

~~12.7.1~~12.10.1——The Council, its committees, Executive Councillors and officers may, from time to time, delegate such further functions to area committees as they judge appropriate.

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse & Environment

TO: Civic Affairs Committee 21/3/2012

WARDS: All

MAKING OF CONSOLIDATED BYELAWS FOR ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

1 INTRODUCTION

- 1.1 On 24 November 1983 Cambridge City Council resolved that sections 14 to 17 (Part VIII) of the Local Government (Miscellaneous Provisions) Act 1982 dealing with the registration of persons practising acupuncture, tattooing, ear piercing or electrolysis and of premises where they practice or have their businesses shall apply to the City of Cambridge from 01 April 1984. This makes it an offence to carry on these practices or businesses unless the person carrying on the business (or the practitioner in the case of acupuncture) and the premises are registered with the Council. The minutes of the Council meeting are attached as Appendix A.
- 1.2 Section 120 of the Local Government Act 2003 amended section 15 of the Local Government (Miscellaneous Provisions) Act 1982 by replacing ear piercing with cosmetic piercing and inserting semi-permanent skin colouring in the list of activities that require registration. As the Council had adopted section 15 of the Local Government (Miscellaneous Provisions) Act 1982, the provisions of section 120 of the Local Government Act 2003 automatically applied to the City of Cambridge as from 01 April 2004.
- 1.3 The Council has power to make byelaws relating to tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis pursuant to section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982, to ensure that the activities are adequately controlled. The purpose of the byelaws may be to secure:

- (a) the cleanliness of registered premises and fittings in such premises;
- (b) the cleanliness of persons so registered and persons assisting persons so registered in the business in respect of which they are registered;
- (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with a business in respect of which a person is registered to carry on the business of tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis.

Additionally, section 14(7) of the Act allows the Council to make similar byelaws relating to the practice of acupuncture.

- 1.4 On 25 October 1984 the Council made byelaws relating to tattooing and acupuncture, which were subsequently confirmed by the Secretary for State. These byelaws are attached to the report as Appendix B. There are currently no byelaws relating to electrolysis, ear piercing, cosmetic piercing or semi-permanent skin colouring.
- 1.5 In September 2006, the Department of Health published a new consolidated set of model byelaws relating to acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis, and they include specific provisions that reflect current infection control advice and industry practice. The model byelaws are attached to the report as Appendix C.
- 1.6 By making byelaws relating to cosmetic piercing, semi-permanent skin coloring and electrolysis, the Council will have more control over persons carrying on those businesses and the premises from which the businesses are run. The existing byelaws relating to acupuncture and tattooing can be repealed on making consolidated byelaws and having one set of byelaws will facilitate consistency of enforcement in registered premises.
- 1.7 On 30 January 2012, Cambridge City Council's Licensing Committee resolved to recommend to the Civic Affairs Committee that the Council's common seal be affixed to the model byelaws (Appendix C) and that the Head of Legal Services should be authorised to carry out the necessary procedure to apply to the Secretary of State for confirmation of the byelaws. This procedure is outlined in Appendix D and an extract from the Licensing Committee meeting minutes of 30 January 2012 is attached to the report as Appendix E.

2. **RECOMMENDATIONS**

2.1 It is recommended that the Committee resolve to:

- i) Authorise the affixing of the Council's common seal to the model byelaws (Appendix C) that will repeal the existing byelaws; and
- ii) Authorise the Head of Legal Services to carry out the necessary procedure and apply to the Secretary of State for confirmation.

3. **BACKGROUND**

3.1 The new provisions provided by section 120 of the Local Government Act 2003 gave Cambridge City Council specific powers relating to persons carrying on the business of cosmetic piercing (piercing of the body including the ear) and semi-permanent skin-colouring (the insertion of semi-permanent colouring into a person's skin which includes micro pigmentation, semi-permanent make-up and temporary tattooing). Cambridge City Council requires such businesses:

- to register the person carrying on the business; and
- to register the premises in which such activities are to be undertaken.

These businesses do not currently have to observe any byelaws relating to the cleanliness and hygiene of premises, practitioners and equipment because the Council has not made any such byelaws relating to these activities. This is also the case with electrolysis registrations.

3.2 Until the change in the law, there was no power to require businesses offering these services to register with the Council. Local Authorities' powers were limited to regulating ear piercing, tattooing, electrolysis and acupuncture. A joint Department of Health and Welsh Office consultation exercise in 1996 elicited widespread support for changing the law to extend Local Authorities' powers.

3.3 The new legislation provides a consistent level of health protection across England and Wales. The measures are intended to increase health protection and reduce the risk of transmission of blood borne virus (BBV) infections such as HIV, hepatitis B and hepatitis C and other infections. However in the absence byelaws, the Council's enforcement powers remain limited.

4. CONSULTATIONS

4.1 On 30 January 2012, the Licensing Committee considered a report regarding the making of byelaws to regulate skin-piercing activities and resolved unanimously to recommend to the Civic Affairs Committee that it resolve to:

- i) Authorise the affixing of the Council's common seal to the model byelaws (Appendix C) that will repeal the existing byelaws; and
- ii) Authorise the Head of Legal Services to carry out the necessary procedure and apply to the Secretary of State for confirmation of the byelaws.

4.2 If the Civic Affairs Committee authorises the affixing of the Council's common seal to the byelaws, an application will need to be made to the Secretary of State for confirmation of the byelaws.

4.3 Prior to this application, public consultation will be undertaken by way of notice of the Council's intention to apply for such confirmation being published in a local newspaper. Any person who wishes to object to the confirmation of the byelaws will be entitled to write to the Secretary of State.

5. OPTIONS

The Committee may resolve to:

1. Not approve the model byelaws;
2.
 - i) Authorise the affixing of the Council's common seal to the model byelaws (Appendix C) that will repeal the existing byelaws; and
 - ii) Authorise the Head of Legal Services to carry out the necessary procedure and apply to the Secretary of State for confirmation of the byelaws.

6. CONCLUSIONS

6.1 Cambridge City Council has a duty to ensure the protection of its residents and those persons using the businesses within the City. Making byelaws for semi-permanent skin colouring, cosmetic piercing and electrolysis will extend the Council's current ability to enforce hygienic standards in these businesses thereby helping to protect human health from the spread of blood borne viral infection within the City of Cambridge and beyond. The Council will therefore have more

control over such activities and will be able to maintain registered premises in a hygienic state.

7. IMPLICATIONS

(a) Financial Implications

There is a financial implication associated with the making of byelaws (particularly as a result of the requirement to advertise the Council's intention to make byelaws in a newspaper) and there is also a cost implication in providing resources to enforce byelaws. However, section 14(6) of the Local Government (Miscellaneous Provisions) Act 1982 allows the Council to determine and charge reasonable fees for acupuncture registrations and similar fees can be charged for tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis registrations under section 15(6) of the Act. In addition to covering administrative costs, the fees can cover the costs associated with inspecting premises and enforcing byelaws.

(b) Staffing Implications

There are no specific staffing implications in making byelaws. The Licensing Section will enforce the byelaws once made and this will be carried out by existing resources which are funded by the registration fees, albeit a "one-off" fee per person.

(c) Equal Opportunities Implications

No equality impact assessment has been conducted on this decision because there are no specific equal opportunities implications.

(d) Environmental Implications

The climate change rating associated with the recommendation contained in this report is nil.

(e) Community Safety

There are risks to human health associated with acupuncture, semi-permanent skin colouring, cosmetic piercing and electrolysis. However, making byelaws for these activities will give control to the Council to maintain registered premises in a hygienic state, thereby ensuring the safety of the community.

APPENDICES

Appendix A

Council minutes from 24 November 1983 adopting the provisions of sections 14 to 17 (Part VIII) of the Local Government (Miscellaneous Provisions) Act 1982

Appendix B

Existing Council byelaws relating to tattooing and acupuncture

Appendix C

Model byelaws

Appendix D

Procedure to apply to the Secretary of State for confirmation of byelaws.

Appendix E

Extract from Cambridge City Council's Licensing Committee Meeting Minutes of 30 January 2012

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- [Part VIII of the Local Government \(Miscellaneous Provisions\) Act 1982](#)
- [Local Government Act 2003](#)
- [Department of Health's Guidance on Section 120 and Schedule 6 of the Local Government Act 2003 \(Regulation of Cosmetic Piercing and Skin-Colouring Businesses\)](#)

To inspect these documents contact Robin Grey, Licensing Manager on extension 7899

The author and contact officer for queries on the report is Robin Grey, Licensing Manager on extension 7899.

Report file:

Date originated: 09 March 2012

Date of last revision: 09 March 2012

Appendix A – Council Resolution

Public Health Committee

83/157. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - EAR PIERCING, ACUPUNCTURE, TATTOOING AND ELECTROLYSIS (83/K/98)

RESOLVED

- (1) that sections 14 to 17 (Part VIII) of the Local Government (Miscellaneous Provisions) Act 1982 dealing with the registration of persons practising acupuncture, tattooing, ear piercing or electrolysis and of premises where they practice or have their businesses shall apply to the City of Cambridge from 1st April 1984 and that notice be published pursuant to section 13 of the Act;
- (2) that appropriate byelaws be proposed by the City Secretary and Solicitor in consultation with the City Environmental Health Officer for consideration by the Public Health Committee;
- (3) that the powers under Part VIII be delegated to the Public Health Committee;
- (4) that the City Environmental Health Officer be authorised to register applicants and premises pursuant to sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982;
- (5) that a fee of £30 be charged for registration under sections 14 and 15;
- (6) that the City Environmental Health Officer, Deputy City Environmental Health Officer and the holders for the time being of Environmental Health Officer posts be authorised for the purposes of section 17 of the Act to enter premises.

Appendix B – Existing Byelaws



CAMBRIDGE CITY COUNCIL

Licensing, Environmental Services, Cambridge City Council,
PO Box 700, Cambridge, CB1 0JH

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BYELAWS - TATTOOING

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

1. Interpretation:

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

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

“Client” means any person undergoing treatment;

“Operator” means any person giving treatment;

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

“Proprietor” means any person registered under Part VIII of the act;

“Treatment” means any operation in affecting tattooing;

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

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

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

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

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

- i. any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
 - ii. all dyes used for tattooing are bacteriologically clean and inert;
 - iii. the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatments, or are sterilised before re-use;
 - c. A proprietor shall provide:-
 - i. adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
 - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
 - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
 - iv. adequate storage for all items mentioned in byelaw 3a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators:-
 - a. An operator whilst giving treatment shall ensure that:-
 - i. his hands and nails are clean, and nails kept short;
 - ii. he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
 - iii. he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
 - iv. he does not smoke or consume food or drink.
 - b. A proprietor shall provide:-
 - i. suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and nailbrush;
 - ii. suitable and sufficient sanitary accommodation for operators.

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

- a. Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.
- b. Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court,

may instead or in addition to imposing a fine, order the suspension or cancellation of his registration, and of the registration of the premises in which the offence was committed if such premises are occupied by the person so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

- c. Nothing in these byelaws shall extend to the carrying on the business of tattooing by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.



CAMBRIDGE CITY COUNCIL

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BYELAWS - ACUPUNCTURE

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

1. **Interpretation:**

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

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

“Client” means any person undergoing treatment;

“Operator” means any person giving treatment;

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

“Proprietor” means any person registered under Part VIII of the act;

“Treatment” means any operation in the practice of acupuncture;

“The Treatment Area” means any part of the premises where treatment is given to clients.

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

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

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

- b. The treatment area is used solely for giving treatment;
 - c. All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leak proof, or use a leak proof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned.
 - d. All needles used in treatment are placed after use in separate covered and leak proof re-usable boxes, or disposable needle boxes designed for the purpose. When re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;
 - e. All furniture and fittings in the treatment area are kept clean and in such good repair as to enable them to be cleaned effectively;
 - f. All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 4b below are placed immediately prior to treatment, have a smooth, impervious surface which is wiped down at least daily with a suitable disinfectant;
 - g. Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
 - h. A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment:
- a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:
 - i. is clean and in good repair, and, so far as is appropriate, is sterile;
 - ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned, and, so far as is appropriate, sterilised;
 - b. An operator shall ensure that any needle, metal instrument, or other items of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
 - c. A proprietor shall provide:
 - i. adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;

- ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
 - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
 - iv. adequate storage for all items mentioned by byelaw 3a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators:
- a. An operator whilst giving treatment shall ensure that:
 - i. his hands and nails are clean, and nails kept short;
 - ii. he is wearing clean and washable overclothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
 - iii. he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
 - iv. he does not smoke or consume food or drink;
 - b. A proprietor shall provide:
 - i. suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and nailbrush;
 - ii. suitable and sufficient sanitary accommodation for operators;

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

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

Appendix C – Department of Health Model Byelaws

MODEL BYELAWS

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

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

Interpretation

1. (1) In these byelaws, unless the context otherwise requires
 - “The Act” means the Local Government (Miscellaneous Provisions) Act 1982;
 - “client” means any person undergoing treatment;
 - “hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—
 - (a) the lobe or upper flat cartilage of the ear, or
 - (b) either side of the nose in the mid-crease area above the nostril;
 - “operator” means any person giving treatment, including a proprietor;
 - “premises” means any premises registered under sections 14(2) or 15(2) of the Act;
 - “proprietor” means any person registered under sections 14(1) or 15(1) of the Act;
 - “treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;
 - “the treatment area” means any part of premises where treatment is given to clients.

- (2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. (1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that
- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
 - (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
 - (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
 - (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
 - (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected
 - (i) immediately after use; and
 - (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2) (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall

ensure that the floor of the treatment area is provided with a smooth impervious surface;

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

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

(a) an operator shall ensure that

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment

(aa) is clean and in good repair and, so far as is appropriate, is sterile;

(bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide

(i) adequate facilities and equipment for

(aa) cleansing; and

(bb) sterilization, unless only pre-sterilized items are used.

(ii) sufficient and safe gas points and electrical socket outlets;

(iii) an adequate and constant supply of clean hot and cold water on the premises;

(iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment

mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4. (1) For the purpose of securing the cleanliness of operators, a proprietor—
 - (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and
 - (b) shall provide—
 - (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.
 - (2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.
 - (3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if
 - (a) the client is bleeding or has an open lesion on an exposed part of his body; or
 - (b) the client is known to be infected with a blood-borne virus; or
 - (c) the operator has an open lesion on his hand; or
 - (d) the operator is handling items that may be contaminated with blood or other body fluids.
5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them

treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to acupuncture that were made by Cambridge City Council on the 25 October 1984 are hereby repealed.
7. The byelaws relating tattooing that were made by Cambridge City Council on the 25 October 1984 are hereby repealed.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

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

Member of the Senior Civil Service
Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

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

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

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

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

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

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

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

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

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

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

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

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

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

The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client

does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).

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

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

Appendix D – Department of Health Procedure for Making Byelaws

Guidance On Making Applications To The Secretary Of State For Health For Confirmation Of Byelaws Under Section 236 Of The Local Government Act 1972

The Department of Health has set out the following procedure in Annex 2 of their Guidance on Section 120 and Schedule 6 of the Local Government Act 2003 (Regulation of Cosmetic Piercing and Skin-Colouring Businesses):

1. The Council must pass a resolution authorising the affixing of the common seal to the byelaws and authorising the Head of Legal Services to carry out the necessary procedure and apply to the Secretary of State for confirmation of the byelaws. The Council's seal should be affixed and duly attested with the date of sealing inserted in the attestation. The date of sealing is the date on which the byelaws are made.
2. At least one clear calendar month before applying to the Secretary of State for confirmation:
 - a. Notice of the Council's intention to apply for confirmation must be given in one or more local newspapers circulating in the area to which the byelaws will apply. A series of byelaws should be described by giving the heading they bear on the draft informally approved by the Secretary of State.
 - b. A copy of the byelaws having been must be deposited at the Council's offices and be open to public inspection without charge at all reasonable times during that month.
3. The byelaws may be submitted for confirmation any time after the month has elapsed. They should be printed to conform to the approved draft. The Secretary of State's seal and confirmation shall be printed below the Council's seal and a space of at least 10 centimetres should be left. To assist, the following could be typed on the left-hand side of the page as indicated:
The foregoing byelaws are hereby confirmed by the Secretary of State for Health on and shall come into operation on

*Member of the Senior Civil Service
Department of Health*

4. The application should be accompanied by
 - (a) copy of the full Council's resolution
 - (b) the sealed byelaws (2 sets) and a photocopy;
 - (c) the newspaper(s) containing the notice;
 - (d) the clerk's certificate as to the date and duration of deposit of a copy of the byelaws;
 - (e) a statement as to whether or not any objections were received by the Council;
 - (f) confirmation, where applicable, that the byelaws are identical to the model byelaws;
 - (g) confirmation of the Council's adoption of Section 14-17 and compliance with the provisions of Section 13 of the Local Government Act (Miscellaneous Provisions) Act 1982 particularly regarding the publishing of notice in a local newspaper.

Note

The Secretary of State only has power to confirm byelaws if the procedure laid down in section 236 of the Local Government Act 1972 is properly carried out. There is no power to excuse deviation from this procedure.

The Secretary of State has power to fix the date on which the byelaws come into operation. It is considered that the first day of a month will normally be most convenient; and as section 236(7) provides that, if a date is not fixed, byelaws shall come into operation one month after confirmation, the Secretary of State will normally bring byelaws into operation on the first day of the month next following the expiry of this period.

Appendix E – Extract from the Licensing Committee Meeting Minutes of 30 January 2012

12/7/licf Adoption Of Consolidated Byelaws For Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing And Electrolysis

The committee received a report from the Licensing Manager regarding Adoption of Consolidated Byelaws for acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis.

Members asked for clarification about some the terminology.

The Committee resolved unanimously to recommend to the Civic Affairs Committee that it resolve:

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Licensing Committee	Lic/6	Monday, 30 January 2012
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- I. To authorise the affixing of the Council's common seal to the byelaws;
and
- II. To authorise the Head of Legal Services to carry out the necessary procedure and apply to the Secretary of State for confirmation.