



F. McArdle
Chief Executive

Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH

www.south-derbys.gov.uk

Please ask for: Democratic Services
Phone: (01283) 595722 / 595848
Minicom: (01283) 595849
DX 23912 Swadlincote
Email :
democraticservices@south-derbys.gov.uk

Date: 21 January 2015

Dear Councillor,

Environmental and Development Services Committee

A Meeting of the **Environmental and Development Services Committee** will be held in the **Council Chamber**, on **Thursday, 29 January 2015** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

Councillor Watson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Mrs. Brown, Ford, Mrs. Hall, Mrs. Patten and Stanton.

Labour Group

Councillors Chahal, Frost, Mulgrew, Stuart, Taylor and Tilley.



AGENDA

Open to Public and Press

- 1** Apologies and to note any substitutions appointed for the meeting.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 4** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 5** Reports of Overview and Scrutiny Committee
- 6** LOCAL PLAN - PART 1 **3 - 6**
- 7** MELBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN **7 - 10**
- 8** NEW GOVERNMENT POLICY : SECTION 106 CONTRIBUTIONS **11 - 28**
- 9** ADOPTION OF BYELAWS FOR ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS **29 - 36**
- 10** WORK PROGRAMME **37 - 39**

Exclusion of the Public and Press:

The Chairman may therefore move:-

That in accordance with Section 100 (A) of the Local Government Act 1972 the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

- 11** To receive any Exempt questions by Members of the Council pursuant to



REPORT TO:	Environmental and Development Services Committee	AGENDA ITEM: 6
DATE OF MEETING:	29 January 2015	CATEGORY: DELEGATED
REPORT FROM:	Director of Community and Planning Services	OPEN
MEMBERS' CONTACT POINT:	Nicola Sworowski (01283) 595983 nicola.sworowski@south-derbys.gov.uk	DOC:
SUBJECT:	Local Plan Part 1 Progress	REF:
WARD(S) AFFECTED:	All Wards	TERMS OF REFERENCE: EDS02

1.0 Recommendations

- 1.1 That Members note the content of the report.
- 1.2 Agree the continuation of the Local Plan Part 1 and the additional work as required, in agreement with the Chair of this Committee and the Director of Community and Planning Services.

2.0 Purpose of Report

- 2.1 To update Members on the Local Plan Part 1 following the examination of the document in November – December 2014.

3.0 Detail

- 3.1 As Members are aware the Local Plan Part 1 was submitted to the Secretary of State for examination on 8th August 2014. Initial questions from the Inspector, Ms Kingaby were received on 22nd September to which the Council responded on 7th October. Following the response the Inspector felt able to then issue her matters, issues and questions on 15th October which were for any interested parties to respond to including the Council.
- 3.2 This eventually led to dates being set for the examination in public that ran from 25th November to 5th December for 6 days.
- 3.3 The main areas for discussion were around all elements of housing, employment, viability, education and transport. There was much discussion around all of the sites proposed to be allocated for development and also those sites that were not selected.
- 3.4 As part of the examination a joint hearing session was held with Amber Valley and Derby City regarding the assessed housing need for the Derby Housing Market Area (DHMA) and the distribution of Derby City's unmet need. This joint session was presided over by both Ms Kingaby and Amber Valley's Inspector, Mr Foster.
- 3.5 Following the end of the examination, there has been correspondence from Ms Kingaby and also from Ms Kingaby and Mr Foster in regard to the housing requirement

for the DHMA.

- 3.6 The initial letter (10th December 2014) received was in regard to the DHMA housing need in which the Inspectors, after having heard and read all of the evidence submitted to them, stated they felt that the housing requirement of 33,388 dwellings across the DHMA over the period 2011 - 2028 was the most robust. Further clarification was sought on this letter to which the Inspectors replied on 19th December 2014. However, the Inspectors did have concerns regarding how the apportionment of Derby's unmet need between South Derbyshire and Amber Valley was arrived at and furthermore how consideration was given to this in South Derbyshire and Amber Valley's sustainability appraisals.
- 3.7 At the time of writing there is not an exact methodology and timeframe set out for this additional work, so a verbal update will be given at committee. Essentially though, work is required on the sustainability appraisal across the DHMA to address the Inspectors' concerns.
- 3.8 Members may recall the situation with regard to the DHMA housing requirement prior to the submission of the South Derbyshire Local Plan Part 1 in August last year. The housing number of 33,388 had been discussed through the Amber Valley examination in May last year and their Inspector Mr Foster had suggested that this requirement would be sound. At that point in time, all three plans were still considering a 20 year plan period from 2008 – 2028 which has since been changed to a 17 year period from 2011 – 2028.
- 3.9 As agreed through the examination South Derbyshire's Local Plan will now consider the period 2011 – 2028 and a housing target of 12,341 dwellings which will meet the District's objectively assessed need of 9,605 dwellings and provide 2,736 dwellings for helping Derby meets its housing needs.
- 3.10 The housing requirement set by Mr Foster represented an increase in the requirement which it was agreed, following discussions with the DHMA partners, that Amber Valley could accommodate within the Borough, which would also help them address a deficit in their five year supply. Only at this point was the South Derbyshire Plan submitted to the Secretary of State for examination.
- 3.11 Subsequently Amber Valley consulted twice on the changes to their Plan, the second of which removed several housing sites that were intended to accommodate the additional housing requirement. They also re-set their housing target to 9,651 from 10,060 dwellings. Derby City in the interim have increased their dwelling requirement by 13 dwellings to 11,000 dwellings which means that the DHMA is currently unable to find all its requirement, being 396 dwellings short. This will form part of the DHMA work as mentioned above.
- 3.12 The Council received a further note from Ms Kingaby alone which set out more specific comments on the South Derbyshire Local Plan Part 1, which covers five year housing land supply, affordable housing and viability and infrastructure on strategic sites.
- 3.13 Five year housing land supply – During the examination the Inspector asked for the five year supply to be updated according to the discussion during the examination but also to recalculate it using two methodologies. The first method being the way it had been previously calculated and the second was to accord with a recent appeal decision that

the Secretary of State approved. The difference in methodology relates to how the buffer is applied, which in the case of South Derbyshire is 20% given the persistent under delivery. One method applies the buffer to the requirement only and the other, favoured by the Inspector, applies the buffer to the requirement and the current backlog. Based on the first methodology the Council can demonstrate a five year supply but using the second methodology it cannot. One of the most prominent assessments of a Local Plan is the ability to demonstrate a five year supply upon adoption, which the Inspector has declared South Derbyshire cannot do currently. A further re-assessment of the supply is therefore required.

- 3.14 Affordable Housing and Viability – the Inspector, whilst in support of the flexibility of the Affordable Housing policy H20, felt that further evidence was required to support the starting point of 30% affordable housing that is sought on new schemes over 15 dwellings. A viability consultant has been appointed to consider South Derbyshire’s existing information along with further data in regard to site specifics to form a report that should address the Inspector’s concerns. The outcome of this work will be presented to Members at a later Committee.
- 3.15 Infrastructure and Strategic sites – the Inspector would like to see further information in regard to expected timings, costs and funding for the delivery of the Infrastructure required for the strategic sites. The information is currently in the Infrastructure Delivery Plan (IDP) but has not been undertaken on a site by site basis which the Inspector would like to see.
- 3.16 It is the intention of Officers to undertake this work as quickly as possible to allow the continued progression of the Local Plan Part 1. However, some of this work requires coordinated input from the other DHMA partners, the results of which may affect the work that is required specifically on the South Derbyshire Plan. So, whilst a timetable will be set out for all the work to be completed, Members need to be mindful that delays may occur dependent on the results and also the need to find a further 396 dwellings across the DHMA.

4.0 Financial Implications

- 4.1 None that arise directly as a result of this report but the continued lack of an updated Local Plan and specifically the allocations for housing will impact on the planning applications received and the ability to consider them according to the planning balance and not just in regard to a five year supply.

5.0 Corporate Implications

- 5.1 One of the Corporate actions as part of the Sustainable growth and opportunity theme is to prepare a replacement Local Plan. It is essential that this continues on with the required further work to allow for an adoption of the Part 1 and to progress with Part 2.

6.0 Community Implications

- 6.1 An adopted Local Plan will ensure that development across the District is achieved in as sustainable manner as possible across all themes of the Sustainable Community Strategy.

7.0 Conclusions

- 7.1 The Local Plan Part 1 has now been examined and the initial comments from the Inspector, Ms Kingaby have been received at both a DHMA level in regard to the objectively assessed housing need and more specifically in regard to the Plan.
- 7.2 The Inspectors have asked that further work is undertaken at a DHMA level on the objectively assessed housing need across the DHMA and the apportionment of Derby City's unmet need across South Derbyshire and Amber Valley.
- 7.3 At a South Derbyshire level, then further work is required around affordable housing and viability, five year supply and infrastructure on strategic sites.

8.0 Background Papers

- 8.1 Local Plan Part 1 Submission Version

REPORT TO:	Environment & Development Services Committee	AGENDA ITEM: 7
DATE OF MEETING:		CATEGORY: DELEGATED OPEN
REPORT FROM:	Stuart Batchelor	
MEMBERS' CONTACT POINT:	Ian Hey Ext 8741 ian.hey@south-derbys.gov.uk	DOC:
SUBJECT:	Designation of Neighbourhood Area	REF:
WARD(S) AFFECTED:	Melbourne	TERMS OF REFERENCE: *see below

1.0 Recommendations

1.1 That the Committee formally designates the Melbourne Neighbourhood Area in accordance with the application from Melbourne Parish Council.

2.0 Purpose of Report

2.1 To draw members attention to the requirements placed upon the Council within the Town and Country Planning Act 1990 (as amended) re supporting the Neighbourhood Planning process and specifically the need to designate the Melbourne Neighbourhood Areas to enable this process.

3.0 Detail

3.1 Under the Town and Country Planning Act 1990 (as amended) the Council has a statutory duty to assist communities in the development of Neighbourhood Development Plans. Within this it is necessary for the Council as Local Planning Authority to consider the designation of Neighbourhood Areas.

In order for a community to proceed with the production of a Neighbourhood Development Plan the specific neighbourhood needs to be identified and designated.

The application to South Derbyshire District Council to designate a Neighbourhood Area from Melbourne Parish Council under Regulation 5 has been publicised on the Council's website and via public notice within the parish of Melbourne for the appropriate 6 week period as identified by regulation 6. A map of the area and the application form appendices a and b.

Any representation about the application needed to be made to the Council by 5pm on 16th January 2015. No representation has been received.

There are no planning reasons why the area should not be designated and this report identifies that, with regard to the area identified within the map at appendix a:

- Melbourne Parish Council is an appropriate body to make the application.
- The area applied for is an appropriate area and

- The application has been publicised appropriately via the Council's website and public display in Melbourne.

4.0 Financial Implications

Designation of a Neighbourhood Area has no financial implications

5.0 Corporate Implications

- 5.1 There is a requirement for the Local Planning Authority to formally designate Neighbourhood Areas if certain conditions are met. These conditions have been met and this designation will ensure that the Council is in compliance with its duties.

6.0 Community Implications

- 5.1 Local communities are not able to progress with a Neighbourhood Development Plan unless the identified area has been formally designated. Melbourne Parish Council has identified a desire to pursue this course of action supported by community volunteers who have already been identified. Designation will enable the community to exercise its rights established within the Localism Bill.

7.0 Conclusions

- 7.1 The appropriate regulations have been followed and there is no reason to not designate a Neighbourhood Area.

8.0 Background Papers

- 8.1 Appendix a – Map of area to be designated.
Appendix b – application from Melbourne Parish Council.



**Application to designate a Neighbourhood Area, Town and Country Planning Act 1990,
Neighbourhood Planning (General) Regulations 2012**

1. Contact details:

Jacqui Storer 2 Mansfields Croft, Etwall Derby DE65 6NJ

2. Additional contact details (if different from parish clerk)

Chair NDP Working Party Jane Carroll 5 The Woodlands Melbourne Derby DE73 8DP

3. Name of Parish Council:

Melbourne Parish Council

4. Relevant body:

I confirm that we are the relevant body to undertake neighbourhood planning in our area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations

Melbourne Parish Council
2 Mansfields Croft
Etwall
Derby
DE73 8DP

5. Parish Clerk details

Name: Jacqui Storer
email: melbourneclerk@aol.com
tel: 07734 939292

6. Extent of the area:

Whole parish boundary area: as per attached map

7. Intention of neighbourhood area:

We intend to undertake a Neighbourhood Development Plan:

8. Declaration:

We hereby apply to designate a neighbourhood area as described on this form and the accompanying plan.

Date 14/11/14

Name Mrs Jacqui Storer Clerk on behalf of Melbourne Parish Council

Date 14/11/14

9. Name of Neighbourhood Area:

Melbourne Parish Neighbourhood

10. Justification Statement

The neighbourhood boundary has been selected to wholly conform with the existing parish boundary. This has a number of benefits:

- To enable the Parish Council to take the lead on the process
- To ensure that the whole of the parish benefits from the plan and any subsequent funding as a result of it; e.g. CIL monies
- To build the emerging plan upon the already recognised parish boundary this will aid the local community in understanding its purpose and potential effect.

The parish council is very keen to work with neighbouring communities, who have a neighbourhood plan or not, particularly in those instances where proposals might impact upon those communities, and will be communicating with neighbouring parishes.

11. ATTACH MAP SHOWING MELBOURNE PARISH NEIGHBOURHOOD AREA

REPORT TO:	Environmental and Development Services Committee	AGENDA ITEM: 8
DATE OF MEETING:	29 January 2015	CATEGORY: DELEGATED
REPORT FROM:	Director of Community and Planning Services	OPEN
MEMBERS' CONTACT POINT:	Tony Sylvester (01283) 595743 tony.sylvester@south-derbys.gov.uk	DOC:
SUBJECT:	New Government Policy: Section 106 contributions	REF:
WARD(S) AFFECTED:	All Wards	TERMS OF REFERENCE: EDS

1.0 Recommendations

1.1 That the Council's 'Policy' be amended to reflect the latest government guidance.

2.0 Purpose of Report

2.1 To inform Members of the change in Government policy in respect of Section 106 contributions for small scale developments effective from 28 November 2014 which would necessitate a change in policy previously set by the Committee.

3.0 Executive Summary

3.1 On 28 November 2014 the National Planning Policy Guidance changed to exclude developments of 10 dwellings or less and which have a maximum combined gross floorspace of no more than 1000sqm from making tariff style contributions under Section 106 of the Town and Country Planning Act 1990. This has a direct impact on the Council's adopted policy which currently seeks contributions at 5 dwellings or more.

4.0 Detail

4.1 On 28 November 2014, Brandon Lewis, the Minister of State for Communities and Local Government announced changes to government policy in respect of planning obligations (S106 agreements or unilateral undertakings). This resulted in an amendment to the National Planning Practice Guidance (NPPG) as follows:

- Contributions for affordable housing and tariff style planning obligations should not be sought from development of ten units or less and which have a maximum combined gross floorspace of no more than 1000sqm.
- Tariff style contributions are defined as planning obligations contributing to pooled funding pots intended to provide common types of infrastructure.
- Authorities can still seek obligations for site specific infrastructure - such as (by way of example) improving road access where this is appropriate to make a site acceptable in planning terms.

- 4.2 The Council's threshold for affordable housing contributions as set out in Policy H20 in the emerging Local Plan is developments of 15 or more dwellings and therefore it is not affected by this change to government policy.
- 4.3 The main impact on Council planning policy is therefore the continued implementation of adopted policy set out in the document '*Section 106 Agreements – a Guide for Developers*' which seeks contributions to recreational open space, education, healthcare, national forest planting and River Mease contributions from all new residential development over 4 dwellings. These are all tariff style contributions.
- 4.4 The updated guidance does not impact on highways or other contributions which are not pooled, albeit these are not commonly sought for schemes of this scale in any case.
- 4.5 The guidance also sets out that there is a situation where there is another exception. Members will recall a relatively recent addition to the Council's usual list of infrastructure requirements in the Guide for Developers being the Developer Contribution Scheme towards improvements to schemes for improving water quality in the River Mease as a European Special Area of Conservation. The modest contribution per dwelling levied in the River Mease catchment area enables developments to proceed which may otherwise have a net detrimental effect on water quality in the river. This special European designation is cited as an exception to the policy in that in the NPPG (at Paragraph 020 Reference ID: 23b-020-20141128) states: '*...They [authorities] may also seek contributions to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements.*' As such this contribution would be unaffected and charging would continue for any number of dwellings.
- 4.6 By way of background Paragraph 215 of the National Planning Policy Framework (NPPF) states that:

'... due weight should be given to relevant policies in existing plans [i.e. the adopted Local Plan and to a lesser extent the emerging Local Plan] according to the degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

It was made clear that the government announcement on 28 November 2014 was the introduction of government policy and this has since been placed in the Planning Practice Guidance which accompanies the NPPF. It is therefore the government's intention that this policy can and should be given the same weight as the NPPF when making planning decisions. As such, where the Development Plan is not in accordance with government policy, it can only be given very limited, if any weight and the government policy takes precedence.

- 4.7 As a result, it is proposed that with immediate effect any outstanding planning applications for a development of ten dwellings or fewer and which have a maximum combined gross floorspace of no more than 1000sqm, (which would tend to exclude sites of larger detached houses which may still be caught) there will no longer be a requirement to enter into a S106 agreement.
- 4.8 Where the application is for outline (as opposed to full) planning permission and details of the numbers of residential units and floorspace cannot be ascertained, a negatively worded condition can be attached containing a requirement to enter into a S106

agreement prior to the commencement of the development should the threshold be reached. This would typically be evident at the submission of reserved matters.

5.0 Financial Implications

5.1 It is unlikely that the ensuing shortfall from reduced contributions would be made up from other Council monies; rather it is probable that fewer projects would receive such contributions that would otherwise have been due under a S106 agreement. It is not possible to forecast the impact with any degree of certainty.

6.0 Corporate Implications

6.1 The proposal has implications for the following themes of the Corporate Strategy:

“Sustainable growth and opportunity” in that the policy would be likely to have a limited economic impact and could be argued to result in a less sustainable development as impacts on infrastructure for these small developments could not be mitigated.

7.0 Community Implications

7.1 The proposal has implications for the following themes of the Sustainable Community Strategy:

- “Vibrant communities” in that the policy would result in less access to upgraded community facilities for incoming and existing residents.
- “Sustainable development” in that the policy would be likely to result in less sustainable development as impacts on infrastructure for these small schemes could not be mitigated.

8.0 Conclusions

8.1 Given that the PPG is effectively mandatory, the Council has no option other than to observe its provisions and adopt it as an amendment to current policy which will result in a number of smaller development schemes being exempt from contributing towards some local infrastructure requirements.

8.0 Background Papers

Planning Practice Guidance (as amended 28 November 2014)
SDDC - Section 106 Agreements - A guide for Developers (Version 8, April 2010)



**South
Derbyshire
District Council**

Planning Services
& Housing Services

Section 106 Agreements

Version 8

A guide for Developers

April 2010



INVESTOR IN PEOPLE

**SECTION 106
CONTRIBUTION MATRIX
A GUIDE FOR DEVELOPERS**

VERSION 8

**Developer contributions generated by new residential
development in South Derbyshire exceeding 4 dwellings***

TYPE OF CONTRIBUTION	
1. RECREATION - OPEN SPACE	£372 PER PERSON (see notes below)
2. RECREATION - OUTDOOR FACILITIES	£220 PER PERSON (see notes below)
3. RECREATION - BUILT FACILITIES	£122 PER PERSON (see notes below)
HEALTH (PCT)	£551 PER DWELLING IN DERBYSHIRE PCT AREA (see Appendix 4 below)
AFFORDABLE HOUSING	% OF TOTAL OVER 14 UNITS (seek advice of Housing Strategy Manager) - (to include contribution for affordable housing administration fee – see Appendix 5 below)
EDUCATION (LEA)	SUBJECT TO DERBYSHIRE LEA ADVICE (see Appendix 3 below)
NATIONAL FOREST PLANTING	REQUIRED WHERE SITE IS OVER 0.5HA (in National Forest area) (see Appendix 6 below)
RIVER MEASE DEVELOPER CONTRIBUTION	See notes below. (Appendix 7)

***See Appendix 7.**

1. OPEN SPACE PROVISION

Introduction

This Contribution Matrix has been derived from the information presented in the PPG17 Open Space Audit and Strategy, which is based on audit and assessment of open space provision for each type of facility required across the District.

In the Strategy, a target quantity of space (2.54ha per thousand population) is recommended, which has been informed by catchment mapping, consultation and future needs based on population projection.

The cost of providing the facility is factored into the equation, which generates a formula, which can be applied to all new residential development exceeding 5 dwellings. The resulting formula is used assuming that the number of bedrooms = the number of people generated by the development, (e.g. 20 bedrooms = 20 people).

Quantity

The strategy document recommends that an aspirational standard of **25.4 metres² per person** is be used to calculate planning contributions (see Appendix 1).

1. 5 – 20 dwellings = commuted sum payable for contribution to off-site provision
2. 20+ dwellings = commuted sum for formal open space + on-site provision of informal open space and equipped play (minimum size 0.04ha)
3. 50+ dwellings = as (2) but with provision of a LEAP as a minimum standard

The Local Planning Authority will have discretionary ruling over the location of the provision, (i.e. whether on or off site) taking into account local factors and will discuss this at the pre-application stage of the planning process. This will be influenced by factors such as the proximity of the development site to existing facilities, to ensure there is no conflict of provision.

Cost

PPG17 suggests that planning contributions are calculated through costing the development of provision. The cost of providing a facility is made up of a number of elements which are set out below (see Appendix 2 for more information). The Unit cost is the multiplied by 25.4 to give the contribution per person.

ITEM	UNIT COST	UNIT COST x 25.4
Land Costs	£5 per m ²	£127.00
Construction costs	£2 per m ²	£50.80
Equipment costs	£0.20 per m ²	£5.00
Maintenance costs (10 years)	£7.50 per m ²	£190.50
<u>TOTAL</u>	<u>£14.70 per m²</u>	<u>£373 PER PERSON</u>
Legal fees	£2000	

2. OUTDOOR SPORTS FACILITIES

Outdoor sports facilities (typically sports pitches) are recommended to be provided on the basis of 22m² per person assuming one person per bedroom – i.e. one bedroom dwelling = 22m², two bedroom dwelling = 44m², etc.

Any facility is made up of a number of elements which are set out A and B below. The developer may provide the required space/facility in accordance with requirements or may make a contribution in lieu of such and where this is appropriate to local circumstances.

The capital cost of the facility (A) and 10 years revenue cost of maintenance and management (B).

A. Land Costs

The pro-rata cost of a site that would need to be acquired in the area in which the site falls.

The cost of 1ha of land in the district at March 2006 is currently estimated at £50,000. = £5 per m².

B. Ten years maintenance/management

The average pro-rata cost of the maintenance of the facility (typically a sports field) for a ten year period. This is currently estimated at (£0.05 per m²) x (10 cuts per year) x (10 years) = £5 per m².

ALL OF THE ABOVE COSTS PER M² ARE THEN MULTPLIED BY 22 =

	COST PER ELEMENT
A.	£110.00
B.	£110.00
<u>TOTAL</u>	<u>£220 PER PERSON</u>

This assumes the developer provides no part of the facility on-site (which would normally be the case for all but the very largest sites).

3. BUILT FACILITIES

Based upon the approximate costs of building new/refurbishing facilities at Etwall, Melbourne and Greenbank (Swadlincote) of £8m, £2m and £0.5m respectively, if the total of £10.5m is divided by the current population of 85,500, that would give a figure of £122.80 per person. In most cases this would be collected via a commuted sum which would be paid into the appropriate area leisure pot.

APPENDIX 1

The classification of Open Space is comprised of three elements:

- (i) Formal open space – formal parks & gardens, allotments and cemeteries
- (ii) Informal open space – amenity greenspace (e.g. commons and recreation grounds)
- (iii) Provision for children and young people (e.g. equipped play areas and youth facilities)

The strategy recommends the use of a target standard to be applied across the district made up of the:

- current level of provision,
- demand for provision determined through consultation,
- demand identified through catchment mapping of type of space,
- demand for future provision determined by population projections.

From this an 'aspirational standard' is derived. Whilst this standard is different for each of the three sub areas (see strategy document), it is recommended that a single standard be used across the district to make calculation of contributions simpler and more equitable.

This is made up of:

- (i) Formal open space – 13 metres²
- (ii) Informal open space – 10.5 metres²
- (iii) Provision for children and young people – 1.9 metres²

which are added together to arrive at the aspirational standard of 25.4m² per person.

APPENDIX 2

A. Land Costs

The pro-rata cost of a site that would need to be acquired in the area in which the site falls.

The cost of 1ha of land in the district at March 2006 is currently estimated at £50,000. (= £5 per m²).

B. Construction costs (including any essential ancillary works)

The pro-rata cost of making the acquired site suitable for its intended use.

The total estimated cost of converting meadow into useable space(s)

(to include necessary levelling, drainage works etc.),

is currently estimated at £20,000 per ha (=£2 per m²)

C. Essential equipment

The pro-rata cost of any equipment to enable the acquired land to be fit for its intended purpose.

(e.g. seating/signage) is currently estimated at £2,000 per ha (approx. £0.20 per m²)

D. Ten years maintenance/management

The pro-rata cost of the maintenance of the facility for a ten year period.

This is currently estimated at £0.75 per m² x 10 years = £7.50 per m²

E. Legal fees

Currently estimated at £2000 and applied as a flat rate to each s106 agreement.

APPENDIX 3

EDUCATION CONTRIBUTIONS (Section 106 Agreements)

Derbyshire LEA position as stated 9 February 2009.

If spaces are available on the role of the local school then no contribution is due from a development. However, if 'cumulative impacts' in an area are evident that would be likely to cause a threshold to be reached, then contributions may be due (this can be checked with LEA at any particular time). Also the LEA may at times set projections to forecast possible shortfalls in spaces in certain areas.

Derbyshire County Primary Care Trust Development Position Statement on Section 106 levies for significant new housing developments in South Derbyshire District Council area

Introduction

Derbyshire County PCT covers the majority of the Derbyshire County Council area and also has eight District and Borough Councils who have statutory responsibility for Planning purposes. Across the Trust there are 98 GP practices, over 100 pharmacies and around 80 dental practices. All areas within Derbyshire are expected to undergo continued population growth, with the population expected to most significantly in South Derbyshire District Council (approximately 600 houses per year) and Amber Valley Borough Council (approximately 400 houses per year) areas. Some smaller but also significant developments are planned in the North especially in and around Chesterfield.

The PCT is required to support an approach to promoting and maintaining the good health of local neighbourhoods and individuals in line with the Government White paper “Choosing Health”. This is intended to address the future needs of local populations including demand for services arising from population growth, the increasing proportion of older people and the need to improve access to services, especially in the more deprived neighbourhoods and communities. The PCT’s Strategic Plan aims to support choice and plurality by instigating a drive to ensure that services are accessible and equitable, more integrated, provide care closer to patients, are of uniform and higher quality, provide value for money and empower individuals to make choices about their own treatment and care.

Government guidance states that planning obligations can provide a means; “... to meet the costs imposed as a result of development, for example the full cost of essential community facilities required as a direct result of a proposed new development”. The Circular on Planning Obligations states that “... if a proposed development would give rise to the need for additional or expanded community infrastructure, ... which is necessary in planning terms and not provided for in the application, it might be acceptable for contributions to be sought towards this additional provision through a planning obligation.”

The NHS Plan

This ten-year plan set out an agenda for modernising and reforming the NHS and signalled the intention to put the patient at the centre of care. It envisaged that: “Many GP’s will be working in teams from modern multi-purpose premises alongside nurses, pharmacists, dentists, therapists, opticians, midwives and social care staff. Nurses will have new opportunities and some GP’s will tend to specialise in treating different conditions”.

The NHS Plan acknowledged and reinforced the central role of primary care and recognised an urgent need to improve and develop services. It outlined extra investment requirements in NHS facilities and estate, aiming to develop new hospitals and one-stop primary care centres in areas where health needs and service developments dictated a need.

Primary Care

Primary care is the first point of contact with health services for most people in most circumstances, it provides the gateway to a comprehensive system of care and treatment and when a patient needs

to see a specialist it is the primary care clinicians that initiate the process by which patients can access that care. One of the great strengths of primary care arises from its location in the community, its understanding of the needs of individuals, families and the diverse needs of the local neighbourhood. Patients value this and the continuity of care they get from good primary care services.

Primary care encompasses services provided by:

- Family Doctors / General Practitioners;
- Dentists;
- Optometrists;
- Pharmacists and Community Pharmacists;
- Counsellors;
- Primary mental health workers;
- Practitioners with Special Interests (GPs and other clinicians);
- Community and practice nurses;
- Health visitors;
- Community matrons;
- Therapists;
- Social workers;
- Administrative and support workers;
- Services provided by self help groups and voluntary agencies.

The role of Primary care clinicians is to

- Manage the care of individual patients;
- Diagnose and treat illnesses that do not require hospital treatment;
- Manage long-term (chronic) conditions;
- Prevent and detect health problems;
- Promote health improvement and well being;
- Help inform and involve patients in their own care and treatment so that they can exercise the choices that are available to them.

Secondary Care

The PCT commissions the majority of hospital services for patients residing in the County from two main Foundation Trusts and other large providers. The majority of this care is provided by the Derby Hospital Foundation Trust, Derbyshire Mental Health Trust & the Chesterfield Royal Hospital Foundation Trust. The Derby Trust is currently part way through a construction project to provide one new hospital for Derby based at the Derby City hospital site.

PCT Commissioning Strategies

The PCT has agreed commissioning intentions that include the commissioning and development of Primary Care Services. (Primary Care includes the majority of NHS services that are provided away from hospitals). This strategy identifies the need to meet the changing needs and expectations of our communities and to ensure that future health services are developed in response.

The guiding principles adopted by the PCT to direct the commissioning of the Primary Care Strategy include:

- Provision of accessible, high quality services
- Improve health and reduce inequalities
- Improve commissioning and effective use of resources
- Improve the engagement of GPs in the roll out of Practice Based Commissioning
- Improve public involvement
- Improve co ordination with social services through greater congruence of PCT and Local Authority boundaries and by promoting joint commissioning and partnership working
- Improve access

National policies introduced over recent years have led to an increase in the number of enhanced services provided within General Practice and pharmacies in particular, for example minor surgery, counselling, services for patients with long term conditions, management of long term conditions. Additional capacity will be required within Primary Care to deliver current Government policies, for example 'The Patient Led NHS' which looks to deliver care closer to patients' homes. This will lead to transferring services which have traditionally been delivered in hospitals into the community.

Developing Primary Care in response to population growth and residential developments

Population densities are increasing in particular across Southern Derbyshire and with few remaining green field sites the demand for land suitable for development often exceeds the supply. With relatively high land values, acquiring sites for health services purposes in locations that are convenient for patients is problematic.

Large residential developments are also occurring in Southern Derbyshire, both within and outside of the Derby city centre. These will all have an impact on the region in terms of the demographics of the population and with regards to availability and capacity of sites for health and social care premises.

The General Medical Council have previously advised that the ratio of patients per GP should be no more than 1800:1. However nationally many GP contracts for core services were calculated on a ratio of 1600 patients per GP. The opportunities within new contractual arrangements for Medical Practitioners has allowed a greater skill mix to be utilised in the delivery of Primary Care Medical practices.

Primary Care Development Costs

It would be difficult for the PCT to develop a cost based formula, which could encompass every scenario for future development of buildings to provide a wide spectrum of health services to the population of the County. The current PCT estate consists of community hospitals, health clinics, surgeries and administrative buildings, most of which were established many years ago. A substantial number of other healthcare buildings are directly managed by healthcare providers themselves. Should a new housing development be proposed, the PCT would first consider existing health facilities in the immediate area and the possibilities to extend those facilities. However where there was a substantial housing development or several smaller developments within close proximity, there would be a need to provide additional services and a new building would be more appropriate.

The PCT has developed a model in conjunction with Derby City PCT that estimates the cost of developing Primary Health Care premises based on new integrated services practice builds within the Trust's boundaries. The model takes a simplistic approach, which can be applied to any scenario providing an average cost per dwelling. It is based on the average cost of an average GP

surgery with provision for dental and pharmacy services, and assumes an average of 2.3 persons per household and an average of 1,800 patients per full time GP. This approach negates the difficulties of anticipating a wide set of different scenarios and allows the PCTs to either extend facilities where possible or provides an appropriate contribution to new facilities. The formula excludes legal costs and the costs of acquiring the land and therefore can reasonably be applied where an extension to current practice premises is required instead of Greenfield practice development. However, where a new building, or part of a community integrated building was required, the cost of acquiring the site would be an addition to the formula.

The cost per dwelling is based on the requirement for the population to be registered for primary care services with their local GP. It also allows for the provision of dentistry and pharmacy as part of integrated primary care services. Other services such as opticians and community based healthcare services have not been included in the formula but will be considered by the PCT as part of the health needs of the population within the proposed development. We have assumed that secondary care services could be provided at the Foundation Trust Hospitals.

The PCT will not seek a contribution to discrete housing developments of 4 dwellings or less anticipating that the small increase in population could be absorbed into existing services.

Projected Costs

Based on the costing model for integrated primary care services applied to all population increase/building developments the cost per patient is £220.05. Depending on the proposed mix of housing on the proposed development, but assuming an average of 2.5 people per dwelling, the cost per dwelling is £551.25. This will be varied according to the density used for planning in each of the local authority areas.

Next Steps

Discussions are already advanced with the Derby City, and Amber Valley Councils. An agreement has been in place with South Derbyshire District Council for several years, although this paper provides an update to the formula and therefore the contribution sought under a S106. It is proposed that the projected cost and the basis of the calculations are shared with the remaining Borough and District Councils and to encourage their adoption as a requirement for granting planning consent.

In the future all significant housing developments will then result in the levy per dwelling being charged by the Planning authority to the developer. The levy will then be used by the PCT to offset the cost of providing Primary Care facilities.

Recommendation

- That the proposal is approved by the PCT Board
- That the proposal is made available for the Planning Authorities of the Councils for adoption as part of their planning processes

William Jones, Assistant Director of Commissioning,

Simon Crowther, Assistant Director of Finance,

Jackie Pendleton, Head of Primary Care Commissioning

Jane Horton, Public Health

September 2007

APPENDIX 5

AFFORDABLE HOUSING

Extracts from 'Affordable Housing Provision in South Derbyshire – A Guide to Delivery' (available at <http://www.south-derbys.gov.uk/housing>)

... The Council will seek to negotiate, under s106 planning obligations, the provision of an appropriate proportion of affordable housing as part of any proposal for residential development on sites above a minimum size threshold. In doing so, the Council will have regard to the most up-to-date national planning policy statements, Development Plan policies and housing needs evidence at the time the planning application is determined. Currently, PPS3 specifies a national indicative minimum site size threshold of 15 dwellings. The Council is currently awaiting the outcome of its Strategic Housing Market Assessment which will report in May 2008 and supersede the evidence base used to inform the guidance in the draft Regional Plan. Affordable housing should be provided on site. Only in exceptional cases will off-site provision or a financial contribution be acceptable. The Council will support the release of 'rural exceptions' sites where there is a proven local need, where there are no available alternatives on previously developed sites in the settlement within which the need arises, and where proposals are otherwise acceptable in planning terms. All sites for affordable housing should be managed to ensure they are retained for future eligible households, or where restrictions are lifted, ensure that any receipts are recycled for alternative affordable housing provision.

In cases where affordable housing is to be provided through s106 contributions, the assumption is that the affordable housing will be constructed by the developer and transferred on completion to an accredited RSL or other AHMO. In exceptional cases where a financial sum is deemed to be the most appropriate contribution, this should be equivalent to the cost of providing land and affordable housing on-site.

Given the functional relationship between parts of the District and surrounding areas (particularly Derby), the Council will take the needs of those areas into consideration when assessing affordable housing requirements and agreeing nomination/occupation arrangements on relevant sites.

Procedures for the Provision of Affordable Housing in South Derbyshire

It is essential that the likely need and arrangements for the provision of affordable housing are highlighted early on the planning process. Applicants are therefore reminded that all outline planning applications must indicate the total number of dwellings which are likely to be built on the site in the event of planning permission being granted. The Council will seek to negotiate, under s106 planning obligations, the provision of an appropriate proportion of affordable housing as part of any proposal for residential development on sites above a minimum size threshold. In doing so, the Council will have regard to the most up-to-date national planning policy statements, Development Plan policies and housing needs evidence at the time the planning application is determined.

Current indications are that there is a need for a wide range of property types and sizes in South Derbyshire. It is essential that proposals for affordable housing reflect the size and type of affordable housing actually needed, in line with the advice of PPS3. Whilst up-to-date information and individual circumstances will be taken into account on a site-by-site

basis, developers should expect to provide a range of property types and sizes. Where necessary, this may include properties accessible for wheelchair users or which can easily be adapted to meet changing mobility.

Developers are therefore strongly advised to discuss the likely affordable housing requirement with the Council's Housing Strategy Manager at the earliest possible opportunity. Contact: beverly.wagstaffe@south-derbys.gov.uk

The agreement will also need to include an affordable housing delivery management Charge. There are three tiers of payment which reflect the additional burdens involved in dealing with larger applications. In each case a flat fee is levied per site, as follows:

Sites of 15 up to 50 dwellings £500

Sites over 50 up to 500 dwellings £2,500

Sites over 500 dwellings £5,000

APPENDIX 6

Development category	National Forest planting guidelines
Housing developments	
● Sites under 0.5 ha	Normal landscaping appropriate to the site's setting.
● Sites over 0.5 ha	20% of the development area to be woodland planting and landscaping.
Industrial, commercial & leisure developments	
● Sites under 1 ha	Normal landscaping appropriate to the site's setting.
● Sites over 1 ha	20% of the development area to be woodland planting and landscaping.
Road schemes	
● New routes/ road improvements	New road schemes should achieve well wooded settings with planting adjoining the road and off-site. Appropriate landscaping should also accompany road improvements. In each case levels of planting will depend upon the scale and impact of the development.

RIVER MEASE DEVELOPER CONTRIBUTION SCHEME (DCS)

*ALL NEW HOUSES AND COMMERCIAL PREMISES WILL BE EXPECTED TO PAY THE CONTRIBUTION OUTLINED BELOW IF THEY ARE CONNECTING TO THE **FOUL SEWER** NETWORK IN THE VILLAGES OF **OVERSEAL, NETHERSEAL, LULLINGTON AND SMISBY**. HOWEVER REPLACEMENT DWELLINGS AND EXTENSIONS WILL BE EXEMPT. REPLACEMENT COMMERCIAL DEVELOPMENTS OR EXTENSIONS WILL BE CONSIDERED ON A CASE-BY-CASE BASIS.

Explanation

The phosphorous load generated by a new development can be calculated from the volume of water going to the mains from each new development.

In terms of residential development the following volumes are assumed, which have been calculated on the basis of the average occupancy values for proposed dwellings. Part G of the Building Regulations requires all new homes to achieve *domestic* water consumption of a maximum of 120 litres/head/day (125 litres/head/day if garden water usage is included). Water consumption in houses built to the stricter sustainable homes standards will be lower as specified in the table below:

Size of dwelling	Average occupancy	DCS contribution (£)		
		Level 1/2 (120 l/h/d)	Level 3/4 (105 l/h/d)	Level 5/6 (80 l/h/d)
1 bed	1.17	127	112	86
2 bed	1.72	187	165	126
3 bed	2.32	253	222	169
4 bed +	3.24	354	309	236

Non-residential development will need to be assessed on a case-by-case basis with the contribution being calculated on the basis of the estimated volume of wastewater to mains associated with the nature and scale of the development being proposed.

The proposed approach will mean that homes which are built to the new sustainable homes standards will pay a lower contribution. The use of water saving and efficiency measures will be actively encouraged through the implementation of the DCS, which provides an incentive to the new sustainable homes standard in all dwellings in the catchment.

In order for the DCS to mitigate the negative effects of development, it is important that the reduction measures are implemented in a timely manner, which reflects the rate at which development comes forward. Payment of developer contributions will therefore be due upon implementation. In the case of larger scale development, phased payment can be negotiated with the planning authority on a case-by-case basis as appropriate.

Contributions will be collected via Section 106 or unilateral undertaking entered into by the applicant.

Further information on the River Mease DCS is available to view on the council's website

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICE COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	29 TH JANUARY 2015	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595 716 emma.mchugh@south-derbys.gov.uk	DOC:
SUBJECT:	ADOPTION OF BYELAWS FOR ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS13

1. Recommendations

- 1.1 That the existing Byelaws as to Tattooing adopted in 1985 are revoked and the new Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis are adopted.
- 1.2 That the Chief Executive is authorised to take the necessary action pursuant to the Act to ensure that the statutory provisions are complied with.

2. Purpose of Report

- 2.1 To advise Members of the outcome of a consultation in relation to the new Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis.
- 2.2 To provide Members with the necessary information to be able to give full consideration to the recommendation contained in paragraph 1.1 of this report.

3. Detail

- 3.1 In December 1982, the Council resolved to adopt sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") which required everyone offering acupuncture, tattooing, ear piercing and electrolysis to register with the Council. Following the resolution, Byelaws regulating these activities were prepared and sealed on 13th December 1984 and confirmed by the Secretary of State for Social Services on 13th June 1985. The Byelaws came into operation on 1st August 1985. A copy of the existing Byelaws is attached as **Appendix A**.

- 3.2 In 2003, the Government introduced the Local Government Act 2003 which amended the current provisions of the 1982 Act to include cosmetic piercing and semi-permanent skin-colouring.
- 3.3 Businesses offering cosmetic piercing and semi-permanent skin-colouring do not currently need to register with the Council even though they pose the same health risks as businesses already registered under the existing Byelaws. The processes not within the existing Byelaws are body piercing, micro pigmentation, semi-permanent make up and temporary tattooing.
- 3.4 Adoption of the new Byelaws will ensure that all businesses offering any form of cosmetic piercing and semi-permanent skin-colouring as well as acupuncture, tattooing, ear piercing and electrolysis will be required to register with the Council. In addition, members of the public using these businesses will be afforded the same level of protection as businesses registered under the existing Byelaws.
- 3.5 Businesses that are registered under the existing Byelaws will be automatically covered by the new Byelaws and will not have to re-register with the Council. Their existing registration will cover the additional services if they are already offering these services. If the existing businesses wish to offer any of the additional services after the introduction of the new Byelaws, they will be required to register the additional services with the Council.
- 3.6 The proposed Byelaws are the model Byelaws issued by the Secretary of State in the 1982 Act and the Local Government Act 2003. The Byelaws have been condensed into a single document covering all activities regulated by the 1982 Act. A copy of the proposed Byelaws is attached as **Appendix B**.

Consultation

- 3.7 Officers conducted a consultation exercise on these proposals with existing licence holders and on the Council's website for a period of 8 weeks.
- 3.8 One response was received from an existing business. The response raised concerns over not letting people eat or drink in the treatment room and the type of alcohol gel dispensers to be used. Clarification and advice on both points have been provided to the operator and no amendments have been made to the proposed Byelaws.

4. Financial Implications

- 4.1 There are no financial implications to the Council.
- 4.2 Recommendation 1.1 will have no financial implications on existing licence holders.

6. Corporate Implications

- 6.1 These proposals will provide a clear framework for anyone wishing to start their own business which will contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity.
- 6.2 These proposals will also demonstrate to members of the public that South Derbyshire District Council takes the safety and welfare of people seriously, which contributes to the theme of safety and security.



SOUTH DERBYSHIRE DISTRICT COUNCIL

BYELAWS FOR 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 South Derbyshire District Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

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

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

“client” means any person undergoing treatment;

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

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

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

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

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

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

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

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

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

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

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

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

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

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

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

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

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

(a) an operator shall ensure that:

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

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

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

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

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

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

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

(b) a proprietor shall provide:

- (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
- (ii) sufficient and safe gas points and electrical socket outlets;
- (iii) an adequate and constant supply of clean hot and cold water on the premises;
- (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

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

(a) shall ensure that an operator:

- (i) keeps his hands and nails clean and his nails short;
- (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide:

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

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

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

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

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who

visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to tattooing that were made by South Derbyshire District Council on the 13th December 1984 and were confirmed by Secretary of State for Social Services on 13th June 1985 are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The forgoing 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

DRAFT

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 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) **applying 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).***

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	29th JANUARY 2015	CATEGORY: DELEGATED
REPORT FROM:	Director of Community & Planning Services / Director of Housing & Environmental Services Stuart Batchelor (Ext. 5820) Bob Ledger (Ext. 5775)	OPEN
MEMBERS' CONTACT POINT:		DOC:
SUBJECT:	WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That the Committee considers and approves the updated work programme.

2.0 Purpose of Report

2.1 The Committee is asked to consider the updated work programme.

3.0 Detail

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Background Papers

5.1 Work Programme.

Environmental & Development Services Committee – 29th January, 2015
Work Programme 2014/15

Work Programme Area	Date of Committee meetings	Anticipated completion date	Submitted to Council target date	Contact Officer (Contact details)
Local Plan Part 1 Progress Report	29 th January, 2015			Nicola Sworowski Planning Policy Manager (01283 595983)
Changes to Guidance on S106 Agreements	29 th January, 2015			Tony Sylvester Planning Services Manager (01283 595743)
Melbourne Neighbourhood Development Plan	29 th January, 2015			Ian Hey Community Partnership Officer (01283 228741)
Adoption of Byelaws for Acupuncture, Tattooing, Semi Permanent Skin Colouring, Cosmetic Piercing and Electrolysis	29 th January, 2015			Emma McHugh Licensing Officer (01283 595716)
Repton High Street – Air Quality	5 th March 2015			Matt Holford Environmental Health Manager (01283 595856)
Local Plan Part 2 Draft Report	5 th March 2015			Nicola Sworowski Planning Policy Manager (01283 595983)
Swadlincote Conservation Area Management Plan - HLF	9 th April 2015			Nicola Sworowski Planning Policy Manager (01283 595983)
Minerals and Waste Strategy	9 th April 2015			Kevin Exley Planning Policy Officer

				(01283 228764)
--	--	--	--	----------------

Work Programme Area	Date of Committee meetings	Anticipated completion date	Submitted to Council target date	Contact Officer (Contact details)
Greenways SPD	9 th April, 2015			Richard Groves Planning Policy Officer (01283 595738)
Local Plan Part 1 Adoption	9 th April, 2015			Nicola Sworowski Planning Policy Manager (01283 595983)
Design Supplementary Planning Guidance	Post June			Richard Shaw Design Excellence Officer (01283 228674)