

CUMNOCK AREA LOCAL COMMITTEE - 25 MARCH 2004

QUESTIONS ARISING FROM 15 MINUTE QUESTION AND ANSWER SESSION

<u>MATTER RAISED</u>	<u>ACTION REQUIRED</u>	<u>CURRENT POSITION</u>
<p>Community Representative Ian Scade drew attention to the continued problem of sewage leakage in the area of the septic tank in Sorn and enquired as to any responsibility which East Ayrshire Council may have in this regard.</p>	<p>Councillor George Smith advised that he was aware of the problem to which Mr Scade referred, but indicated that this was a matter for Scottish Water to deal with, and accordingly, representations should be made directly to that body.</p>	
<p>Community Representative James Hastie drew attention to concerns expressed locally within New Cumnock regarding delays associated with the reinstatement of excavations of roads/pavements for the purpose of carrying out works to services.</p>	<p>Councillor Eric Ross advised that East Ayrshire Council has no direct control over such works carried out by the public utilities or their contractors - at best the Council can make representations to the body concerned requesting reinstatement/proper reinstatement of excavations, but cannot require adherence to any timescales. The situation is different in respect of works carried out by the Roads Division of East Ayrshire Council where the Authority does have direct control and influence over the carrying out of works and reinstatement of any excavations, although it was to be hoped that works carried out by the Roads Division would not be giving rise to difficulties.</p>	

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	<p>In broader terms, East Ayrshire Council, along with other Authorities, is endeavouring to pursue a change to the current legislation on this issue, possibly to provide that the Local Authority would be able to undertake necessary reinstatements/remedial works following excavation with the utility operators to be recharged for such works. Councillor Ross suggested that any change to the legislative provisions in this regard would require to be made by the Scottish Parliament and accordingly, any individuals or organisations concerned regarding the issue may wish to make their own representations to the local MSP.</p>	
<p>Community Representative Jean Smith following on from the matter raised by Community Representative James Hastie, drew attention to the residual debris, materials etc left on site in many cases, by the utility operators, even although the necessary reinstatement works have been carried out, following excavations. Mrs Smith advised that this was a particular concern to persons with a sight impairment or disability; and that there was a potential hazard/safety issue arising from the use of such materials as ammunition by irresponsible individuals.</p>	<p>Councillor Eric Ross referred to his previous comments regarding East Ayrshire Council's control/influence over the utility operators on this issue and suggested that a possible way forward could be for the local Access Panel or other organisation to consider a civil action against the utility operator(s) concerned. Councillor Menzies suggested that the Access Panel may also wish to consider making approaches to the Health and Safety Executive to determine their locus in the matter.</p>	

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<p>Community Representative William Lees sought clarification as to where responsibility lay for the provision of road markings/white lining.</p>	<p>Councillor Eric Ross advised that, apart from trunk routes which are the responsibility of Amey, responsibility for this matter lay with East Ayrshire Council's Roads Division. A funding allocation is set aside for this purpose each year and works are prioritised within the available funding.</p> <p>Arising from discussion, it was agreed that arrangements be made for a report to be submitted to an early meeting of the Committee, for information, on proposals for the road marking programme for the coming year, with particular regard to the Local Committee's area.</p>	

22 April 2004
SN/SR