

**EAST AYRSHIRE COUNCIL****COMMUNITY SERVICES COMMITTEE****MINUTES OF MEETING HELD ON WEDNESDAY 15 NOVEMBER 2000 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Robert Taylor, Daniel Coffey, Lilian MacLean, John Weir, Drew McIntyre, David Macrae, Harry Wilson, Iain Linton, Jane Darnbrough, Finlay MacLean, Eric Jackson, Julie Faulds, William Menzies, Eric Ross, Elaine Dinwoodie and Jimmy Carmichael.

**ATTENDING:** David Montgomery, Chief Executive; William Stafford, Director of Community Services; John F Crawford, Head of Protective Services; Tim Baulk, Financial Services Manager; Matthew Lowther, Health Development Manager; Katie Kelly, Leisure Development Officer; Julie Armstrong, Principal Administrative Officer; David Morgan, Public Relations Officer; Stuart McCall, Team Leader, Legal Services; and Ian Gemmell, Administrative Officer.

**APOLOGIES:** Councillors Ann Hay, Stephanie Young, Brian Reeves and Tommy Farrell.

**CHAIR:** Councillor Robert Taylor (Chair).

**SUB-COMMITTEE MINUTES**

1. There were submitted and approved both as a correct record and in respect of the recommendations contained therein, the undernoted Sub-Committee minutes (circulated):-

- 1.1 **LICENSING SUB-COMMITTEE OF 1 NOVEMBER 2000 (APPENDIX I)**

**BUDGETARY CONTROL SUMMARY STATEMENT - COMMUNITY SERVICES  
TO 22 SEPTEMBER 2000 (PERIOD 6)**

2. There was submitted and noted a joint report dated 26 October 2000 (circulated) by the Director of Finance and the Director of Community Services on the current budgetary control position and the projected out-turn for the year for the Community Services Department for the period ended 22 September 2000 (Period 6).

**ABSENCE MANAGEMENT REPORT - QUARTER 3 (3 JULY -  
30 SEPTEMBER 2000)**

3. There was submitted and noted a report dated 16 October 2000 (circulated) by the Director of Community Services on absence rates for the Department of Community Services for the quarterly period ending 30 September 2000.

**NON-STATUTORY PERFORMANCE INDICATORS**

4. There was submitted a report dated 26 October 2000 (circulated) by the Director of Community Services on the outcome of non-statutory performance indicators within the Department, and which sought approval for the introduction of two additional non-statutory performance indicators.

It was agreed:-

- (i) to approve the introduction of the proposed additional non-statutory performance indicators as detailed in Appendix 3 to the Directors report; and
- (ii) otherwise to note the report.

#### **SALE OF TOBACCO PRODUCTS TO YOUNG PERSONS**

5. There was submitted a report dated 26 September 2000 (circulated) by the Director of Community Services on the enforcement action taken over 1999/2000 to satisfy the legal measures introduced by the Children and Young Persons (Protection from Tobacco) Act 1991, which was designed to control the sale of tobacco products to young persons.

It was agreed:-

- (i) to approve the enforcement strategy set out in section 3 of the Director's report;
- (ii) that the Director of Community Services take forward the associated costs of implementing a Proof of Age card scheme to the budget setting process; and
- (iii) otherwise to note the contents of the report.

#### **OPENING OF BURNS MALL TOILETS, KILMARNOCK PRIOR TO CHRISTMAS 2000**

6. There was submitted a report dated 26 October 2000 (circulated) by the Director of Community Services which invited the Committee to authorise the opening of the Burns Mall public conveniences in Kilmarnock during the 5 Sundays prior to Christmas 2000.

It was agreed:-

- (i) to authorise the opening of the Burns Mall toilets during the 5 Sundays leading up to Christmas 2000;
- (ii) that the Director of Community Services make a further approach to local bus operators to ascertain if they would be prepared to contribute to the cost of extending the Sunday opening of the Burns Mall toilets; and
- (iii) otherwise to note the report.

#### **WASTE DISPOSAL**

7. There was submitted a report dated 24 October 2000 (circulated) by the Director of Community Services which invited the Committee to consider the extension of the waste disposal contract by two years, subject to the satisfactory conclusion of detailed negotiations.

It was agreed:-

- (i) in principle, that the existing waste management contract be extended by up to two years;
- (ii) that the Director of Community Services, in consultation with the Chair, enter into negotiations with the present contractor, and if acceptable terms could be achieved, conclude the contract extension; and
- (iii) otherwise to note the contents of the report.

### CHILDREN'S SERVICE PLAN 2000/2001

8. There was submitted a joint report dated 11 October 2000 (circulated) by the Director of Educational and Social Services and Director of Community Services seeking Elected Member representation from the Community Services Committee to serve on a Community Representative Forum in relation to the development of the next three year Strategic Plan for Children's Services.

It was agreed:-

- (i) to remit to Council the nomination of one member from the Community Services Committee to serve on the Community Representative Forum for the development of the next three-year Children's Service Plan; and
- (ii) otherwise to note the contents of the report.

### AWARDING OF CONTRACTS

9. There was submitted and noted a report dated 5 September 2000 (circulated) by the Depute Chief Executive/Director of Corporate Resources which provided, for information, details of the lowest satisfactory tenders which had been accepted in respect of contracts as follows:-

<u>CONTRACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Altonhill Community Centre - Re-roofing	Pirie & Co (Paisley) Ltd, Paisley	£86,802.45
Altonhill Community Centre - Fire Damage Internal Works	Anderson & Innes, Kilmarnock	£73,919.19
Erection and Dismantling of Seasonal Street and Tree Lighting, 2000/2001 Programme	John Girvan & Sons Ltd, Ayr	£32,743.63
Town Centre CCTV Systems 2000, Phase 4	VWS Ltd, Coatbridge	£138,042.61

### HEALTHY LIVING CENTRE

10. There was submitted a report dated 17 October 2000 (circulated) by the Director of Community Services on the outcome of a New Opportunity Fund Lottery bid and providing an overview of a proposed East Ayrshire-wide mobile Healthy Living Centre Project.

The Chair, in introducing this item, extended his thanks and those of the Committee to Matthew Lowther, Health Development Manager and Katie Kelly, Leisure Development Officer for their work on the preparation of this project.

It was agreed:-

- (i) that the Director of Community Services provide six monthly progress reports to this Committee relating to project performance;

- (ii) to refer the Director's report to the Personnel and Property Sub-Committee of the Policy and Resources Committee in relation to the staffing implications of the project; and
- (iii) otherwise to note the contents of the report.

**EXCLUSION OF PRESS AND PUBLIC**

11. The Committee resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 6 of Schedule 7A to the Act.

**BUDGETARY CONTROL SUMMARY STATEMENT - GROUNDS  
MAINTENANCE AND LEISURE MANAGEMENT TO 22 SEPTEMBER 2000  
(PERIOD 6)**

12. There was submitted and noted a joint report dated 26 October 2000 (circulated) by the Director of Finance and Director of Community Services on the current budgetary control position and the projected out-turn for the year for Grounds Maintenance and Leisure Management for the period ended 22 September 2000 (Period 6).

**BUDGETARY CONTROL SUMMARY STATEMENT - REFUSE COLLECTION  
AND STREET CLEANSING TO 22 SEPTEMBER 2000 (PERIOD 6)**

13. There was submitted and noted a joint report dated 26 October 2000 (circulated) by the Director of Finance and Director of Community Services on the current budgetary control position and the projected out-turn for the year for Refuse Collection and Street Cleansing for the period ended 22 September 2000 (Period 6).

The meeting terminated at 1040 hours.

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**APPENDIX I**

**EAST AYRSHIRE COUNCIL**

**LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE**

**MINUTES OF MEETING HELD ON WEDNESDAY 1 NOVEMBER 2000 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Jimmy Carmichael (Chair), Ann Hay, Brian Reeves, Lilian MacLean, Julie Faulds, John Weir, Harry Wilson, Tommy Farrell and Robert Taylor.

**ATTENDING:** John F Crawford, Head of Protective Services; David Mitchell, Legal Manager; George Scott, Licensing Officer; Julie Armstrong, Principal Administrative Officer; and Ian Gemmell, Administrative Officer.

**APOLOGIES:** Councillors David Macrae and William Menzies.

**CHAIR:** Councillor Jimmy Carmichael (Chair).

**EXCLUSION OF PRESS AND PUBLIC**

1. The Sub-Committee resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A to the Act.

**ORDER OF BUSINESS**

2. The Chair, at his discretion, and in terms of Standing Order 15 agreed to alter the order of business and to consider the Application for Renewal of a Private Hire Car Driver's Licence - John Gibson, 135 Carnshalloch Avenue, Patna after Item 7 on the Agenda, "Consideration of Suspension of Taxi Driver's Licence No EA/TD426 - James Hume, 36 Lammermuir Road, Kilmarnock".

**CONSIDERATION OF APPLICATION**

**3.1 APPLICATION FOR GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - DEREK GIBSON, 1 DALVENNAN AVENUE, PATNA**

There was submitted a report dated 10 October 2000 (circulated) by the Director of Community Services on an application for the grant of a Private Hire Car Driver's Licence.

There was also submitted a letter of representation dated 27 September 2000 from Strathclyde Police and a letter dated 23 October 2000 from the applicant (both circulated).

It was agreed to continue consideration of the application to a future meeting which would take the form of a Hearing, at which the applicant and Strathclyde Police would be invited to appear or be represented, and to speak to the matters raised.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVERS LICENCE NO EA/TD242  
- JOHN MCFADZEAN, 15 CARRON AVENUE, KILMARNOCK**

4. There was submitted a report dated 11 October 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to consider suspension of Taxi Driver's Licence No EA/TD242.

There were also submitted letters of representation dated 10 and 13 October 2000 from the Depute Clerk to East Ayrshire District Court which provided information relating to a conviction of the applicant under the Road Traffic Act 1998.

It was agreed:-

- (i) not to consider suspension of the licence; and
- (ii) to note the information provided verbally by the Head of Protective Services.

**RE-ADMISSION OF PRESS AND PUBLIC**

5. It was agreed that the Press and public be re-admitted.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVERS LICENCE NO EA/TD417  
- ANDREW MURRAY, 13 BURNTON PLACE, NEW CUMNOCK**

6. There was submitted a report dated 10 October 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to consider suspension of Taxi Driver's Licence No EA/TD417.

It was agreed to continue consideration of this matter to a future meeting which would take the form of a Hearing, at which the Licensee and appropriate Parties would be invited to attend or be represented and speak to the matters raised.

**CONSIDERATION OF SUSPENSION OF TAXI DRIVERS LICENCE NO EA/TD426  
- JAMES HUME, 46 LAMMERMUIR ROAD, KILMARNOCK**

7. There was submitted a report dated 10 October 2000 (circulated) by the Director of Community Services which invited the Sub-Committee to consider the suspension of Taxi Driver's Licence No EA/TD426.

There was also submitted a letter received on 19 October 2000 (circulated) from the Licensee which confirmed that he would attend the next training course to be held on 1 November 2000.

It was agreed that should the Licensee fail to attend the training course referred to, the Licensee and appropriate Parties would be invited to attend or be represented at a future meeting which would take the form of a Hearing and to speak to the matters raised.

**EXCLUSION OF PRESS AND PUBLIC**

8. The Sub-Committee resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting during the Hearing relating to the ensuing item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A to the Act.

## CONSIDERATION OF APPLICATION

### 9. HEARING : APPLICATION FOR RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - JOHN GIBSON, 135 CARNSHALLOCH AVENUE, PATNA

There was submitted a report dated 10 October 2000 (circulated) by the Director of Community Services inviting the Sub-Committee to consider, by way of a Hearing, an application for the renewal of a Private Hire Car Driver's Licence.

There was also resubmitted a report dated 22 August 2000 by the Director of Community Services, and a letter of representation dated 7 August 2000 from Strathclyde Police (both circulated).

It was noted that the applicant was not present or represented.

It was agreed to proceed to a Hearing in the licensee's absence.

The Sub-Committee heard Chief Superintendent A McKie, representing Strathclyde Police, in explanation of the Police representations and provided further information relating to the matter.

The Police representatives then left the meeting to enable the Sub-Committee to take and consider legal advice on the matter.

The Police representatives were re-admitted along with the Press and public.

### 9.1 DECISION

It was agreed to grant the renewal of the licence subject to the standard conditions.

## COMMERCIAL ADVERTISING ON TAXIS

10. It was reported and noted that the above Item had been withdrawn from the Agenda.

## SELF ADVERTISING ON TAXIS AND PRIVATE HIRE CARS

11. It was reported and noted that the above Item had been withdrawn from the Agenda.

The meeting terminated at 1030 hours.

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