

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE

**MINUTES OF MEETING HELD ON WEDNESDAY 14 NOVEMBER 2001 AT
1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Robert Taylor (Chair), Ann Hay, Stephanie Young, Brian Reeves, Daniel Coffey, Lilian MacLean, David Macrae, Harry Wilson, Iain Linton, Jane Darnbrough, Eric Jackson, Tommy Farrell, Julie Faulds, William Menzies, Elaine Dinwoodie and Jimmy Carmichael.

ATTENDING: David Montgomery, Chief Executive; William Stafford, Director of Community Services; David Mitchell, Head of Administrative and Legal Services; John Griffiths, Head of Leisure Services; John Crawford, Head of Protective Services; Tim Baulk, Financial Services Manager; Robert McCulloch, Outdoor Amenities Manager; Katie Kelly, Leisure Development Officer; Caroline Gordon, Public Relations Assistant; and Christine Baillie, Administrative Officer.

APOLOGIES: Councillors John Weir, Drew McIntyre, Finlay MacLean and Eric Ross.

CHAIR: Councillor Robert Taylor, Chair

SUB-COMMITTEE MINUTES

1. There was 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 27 JUNE 2001 (APPENDIX I)

**BUDGETARY PROGRESS REPORT - COMMUNITY SERVICES TO 23
SEPTEMBER 2001 (PERIOD 6)**

2. There was submitted and noted a joint report dated 30 October 2001 (circulated) by the Directors of Finance and 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 23 September 2001 (Period 6).

**ABSENCE MANAGEMENT REPORT QUARTER 2 (2 JULY - 31
SEPTEMBER 2001)**

3. There was submitted and noted a report dated 15 October 2001 (circulated) by the Director of Community Services which advised of absence rates and absence management for the Department of Community Services for the period 2 July to 30 September 2001.

**LAND ENCROACHMENT - SCOTT ELLIS PLAYINGFIELDS, NEW MILL ROAD,
KILMARNOCK**

4. There was submitted a report dated 23 October 2001 (circulated) by the Director of Community Services which requested that the Committee declare surplus to requirements 2 areas of ground extending in total to 434 square metres or thereby and forming part of Scott Ellis Playingfields, Kilmarnock for disposal to Mr James

Cuthbertson, Proprietor of the adjacent premises known as the Mill, New Mill Road, Kilmarnock.

Councillor Robert Taylor, seconded by Councillor Jimmy Carmichael, moved that the recommendations as contained within the report be approved.

Councillor Daniel Coffey, seconded by Councillor Harry Wilson, moved as an amendment that the report be continued to the next meeting of the Committee to allow legal advice to be sought.

On a division by a show of hands, the motion was carried by 10 votes to 6.

SCOTTISH ENVIRONMENTAL PROTECTION AGENCY FLOODLINE

5. There was submitted and noted a report dated 9 October 2001 (circulated) by the Director of Community Services which advised of the introduction of the new National Floodline (0845 988 1188) and flood warning codes in Scotland on 1 November 2001.

CLEANSING - VEHICLE REPLACEMENT

6. There was submitted a report dated 29 October 2001 (circulated) by the Director of Community Services which advised of the vehicle replacement requirements of the Cleansing DSO in financial year 2002/2003 and which sought approval for the acquisition of 3 refuse collection vehicles, 1 skip vehicle, 1 recycling vehicle, 1 mechanical sweeper and 2 pick-ups.

It was agreed:-

- (i) to approve the acquisition subject to appropriate budget provision having been made, of 3 refuse collection vehicles estimated at a capital cost of £336,000, 1 skip vehicle at £60,000, 1 recycling vehicle at £90,000, 2 3.5 tonne pick-ups at £32,000 and 1 street sweeping vehicle at £80,000; and
- (ii) to request that the Director of Finance secure the appropriate operating leases for the above in due course.

REPLACEMENT/ADDITION OF CEMETERY MACHINERY

7. There was submitted a report dated 22 October 2001 (circulated) by the Director of Community Services which sought approval to lease various types of equipment used to deliver the service of the Cemeteries Business Unit.

It was agreed:-

- (i) to approve the acquisition of replacement machinery as described in the report;
- (ii) to request that the Director of Finance set up the appropriate leasing arrangements; and
- (iii) otherwise, to note the contents of the report.

WASTE DISPOSAL CONTRACT - PROGRESS

8. There was submitted a report dated 18 October 2001 (circulated) by the Director of Community Services on progress made in terms of waste disposal.

It was agreed:-

- (i) that the Director of Community Services report on the outcome of discussions with contractors considered suitable for developing the new Waste Disposal Contract; and
- (ii) otherwise, to note the contents of the report.

NEW CONTROLS ON OZONE DEPLETING SUBSTANCES: DISPOSAL OF REFRIGERATORS

9. There was submitted a report dated 28 September 2001 (circulated) on new legislation which will significantly affect the disposal of refrigerators.

It was agreed:-

- (i) to note that significant additional costs will fall to the Department of Community Services from 1 January 2002 as a consequence of this new Legislation;
- (ii) to note that the Scottish Executive has indicated that additional GAE funding will be provided in the 2002/2003 settlement and to recommend that appropriate provision be made for the additional costs in the budget preparation exercise for the next financial year;
- (iii) to remit to the Director of Community Services in consultation with the Chair to take appropriate action following the issue of guidance by the Scottish Executive on this matter; and
- (iv) otherwise, to note the contents of the report.

FOOD SERVICE PLAN

10. There was submitted a report dated 29 October 2001 (circulated) by the Director of Community Services which advised of the production of a Food Service Plan and which requested that the Committee formally approves the Plan which reflects the Food Law and Enforcement Policies and Procedures as recommended by the Food Standards Agency.

It was agreed:-

- (i) to approve the Food Service Plan; and
- (ii) otherwise, to note the contents of the report.

GATES GIFT/SCOTTISH EXECUTIVE PUBLIC LIBRARIES EXCELLENCE FUND

11. There was submitted a report dated 18 October 2001 (circulated) by the Director of Community Services which advised that East Ayrshire Library, Registration and Information Services (EALRIS) had been allocated £14,000 by the Gates Gift/Scottish Executive Public Libraries Excellence Fund for a project entitled "Learning on the Move".

It was agreed:-

- (i) to support the aims of the project; and
- (ii) otherwise, to note the contents of the report.

CEMETERY PROGRESS REPORT

12. There was submitted a report dated 23 October 2001 (circulated) by the Director of Community Services on progress on various issues related to Cemetery Safety.

It was agreed:-

- (i) to approve the approach to memorial testing and safety regime as detailed in Paragraph 3.1 of the report;
- (ii) to approve the establishing of an in-house memorial safety team;
- (iii) to note the current status of the Memorial Mason Registration Scheme; and
- (iv) otherwise, to note the contents of the report.

SUMMER PROGRAMME FOR CHILDREN - EVALUATION REPORT

13. There was submitted a report dated 22 October 2001 (circulated) by the Director of Community Services which provided a summary of the evaluation process associated with the Summer Activity Programme for Children.

It was agreed:-

- (i) that a report on the sale of fireworks to the general public be submitted to the next meeting of the Committee; and
- (ii) otherwise, to note the contents of the report.

AWARDING OF CONTRACTS

14. There was submitted and noted a report dated 19 October 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources which provided, for information, details of tenders which have been accepted in respect of contracts as follows:-

<u>CONTRACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Supply and Fitment of Changing Facilities at St Mary's Holm, Galston and Beechgrove Road, Mauchline	Wernick Hire Ltd., Coatbridge	£28,087.50
Outdoor Access Strategy Consultancy Contract	Land Use Consultants Ltd., Glasgow	£18,948.14
Supply and Delivery of 4 Pest Control Vans	Verve Van Centre, Glasgow	£57,292.80
Supply and Delivery of Two 3 Wheel Ride-On Mowers	SGM, Inverkeithing	£38,780.00
Supply and Delivery of 8 Rotary Mowers	STM, Glasgow	£29,056.40
Supply and Delivery of 8 Ride-On Mowers	SGM Inverkeithing	£58,320.00

PLAYPARK PROVISION

15. There was submitted a report dated 24 October 2001 (circulated) by the Director of Community Services on the progress made by the Member/Officer Working Group on Playparks and which sought approval for its recommendations regarding the future of the Council's Playpark provision throughout East Ayrshire.

Councillor Robert Taylor, seconded by Councillor Jimmy Carmichael, moved that the recommendations as detailed within the report, subject to the word "consultation" being substituted for the word "decisions" in recommendation (ii) of the report, be approved.

Councillor Harry Wilson, seconded by Councillor Daniel Coffey, moved as an amendment that recommendation (iii) of the report read as follows:- "That the funds made available for playparks from the 2001/2002 Community Services Capital Programme be deployed to the benefit of as many playparks as possible by way of addressing safety concerns and reinstating equipment".

On a division by a show of hands, the motion was carried by 8 votes to 6.

Councillor Tommy Farrell left the meeting during discussion of the above item.

EXCLUSION OF PRESS AND PUBLIC

16. 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 of the Act.

BUDGETARY PROGRESS REPORT OUTDOOR AMENITIES AND LEISURE MANAGEMENT TO 23 SEPTEMBER 2001

17. There was submitted and noted a joint report dated 30 October 2001 (circulated) by the Directors of Finance and of Community Services on the current budgetary control position and the projected out-turn for the year for Outdoor Amenities and Leisure Management for the period ended 23 September 2001 (Period 6).

BUDGETARY PROGRESS REPORT REFUSE COLLECTION AND STREET CLEANSING TO 23 SEPTEMBER 2001

18. There was submitted and noted a joint report dated 30 October 2001 (circulated) by the Directors of Finance and 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 23 September 2001 (Period 6).

The meeting terminated at 1130 hours.

APPENDIX I

EAST AYRSHIRE COUNCIL

LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE

**MINUTES OF SPECIAL MEETING HELD ON WEDNESDAY 27 JUNE 2001
AT 1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Jimmy Carmichael, Brian Reeves, Lilian MacLean, Julie Faulds, Harry Wilson and William Menzies.

ATTENDING: William Stafford, Director of Community Services; John 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 Ann Hay, John Weir, David Macrae, Tommy Farrell and Robert Taylor.

CHAIR: Councillor Jimmy Carmichael, Chair.

ORDER OF BUSINESS

The Chair at his discretion, and in terms of Standing Order 15, agreed to alter the order of business and to hold the Hearing in connection with the consideration of suspension of Late Hours Catering Licence No EA/LHC 57 - Hasan Kaplan, at the end of the meeting.

**HEARING: CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE
NO EA/TD/199 - WILLIAM GOUDIE (Item 5, Page 1869 99/02)**

1. There was submitted a report dated 15 June 2001 (circulated) by the Director of Community Services which invited the Sub-Committee to consider by way of a Hearing, suspension of Taxi Driver's Licence No EA/TD 199.

It was reported and noted that the licensee concerned had surrendered his licence.

EXCLUSION OF PRESS AND PUBLIC

2. 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 of the Act.

**HEARING: APPLICATION FOR GRANT OF A
TAXI DRIVER'S LICENCE - HUGH O'PRAY**

3. There was submitted a report dated 26 April 2001 (circulated) by the Director of Community Services which invited the Committee (a) to consider whether to entertain an out-of-time representation from Strathclyde Police in connection with the above application; and (b) if so, agreed to consider the application by way of a Hearing.

There was also submitted a letter dated 16 March 2001, being a statement of reasons for the late submission of representations in connection with the application.

The applicant and Superintendent Alistair McKie, representing Strathclyde Police, were admitted to the meeting.

Superintendent McKie, on behalf of Strathclyde Police, spoke to the statement of reasons for late submission of representations from Strathclyde Police, and the applicant was given the opportunity to comment thereon.

It was agreed to accept the reasons for late submission of representations and to proceed to a Hearing on the application.

The Chair outlined the Hearing procedure.

3.1 HEARING

There was submitted a letter of representation dated 16 March 2001 from Strathclyde Police, and a letter dated 9 May 2001 from the applicant in support of his application.

The Sub-Committee heard McKie, representing Strathclyde Police, in explanation of the Police representations, and the applicant, who spoke to the matters raised, all in accordance with the agreed Hearing procedure.

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

Parties were re-admitted along with the Press and public.

3.2 DECISION

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

HEARING: CONSIDERATION OF SUSPENSION OF LATE HOURS CATERING LICENCE NO EA/LHC 57 - HASSAN KAPLAN

4. There was submitted a report dated 26 April 2001 (circulated) by the Director of Community Services which invited the Sub-Committee to consider by way of a Hearing, the suspension of Late Hours Catering Licence No EA/LHC 57.

There was also submitted a letter dated 10 April 2001 from the Depute Clerk to East Ayrshire District Court (circulated).

No Hearing took place as the licensee was not present or represented.

It was agreed:-

- (i) not to suspend the licence; and
- (ii) that the Director of Community Services inform the licensee that further breaches of the conditions attached to the licence may result in suspension.

The meeting terminated at 1020 hours.

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