

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE

**MINUTES OF MEETING HELD ON THURSDAY 22 FEBRUARY 1996 AT
1000 HOURS IN THE MEETING ROOM, LONDON ROAD CENTRE,
LONDON ROAD, KILMARNOCK**

- PRESENT:** Councillors Bob Beattie, Gordon McCredie, Drew McIntyre, Gordon Cree, Alan Campbell, David Macrae, Kim Nicoll, David Sneller, George Smith, Jimmy Carmichael, Robert Taylor, John Smith and Tommy Farrell.
- ATTENDING:** Fiona Lees, Depute Chief Executive; Bill Stafford, Director of Community Services; Margaret McManus and Anne Fairbairn (Support Unit).
- APOLOGIES:** Councillors Jane Darnbrough and Kathleen Hall.
- CHAIR:** Councillor Bob Beattie, Chair.

**COSLA SEMINAR - THE ENVIRONMENT PROTECTION AGENCY
AND THE NEW COUNCILS**

1. There was submitted and noted report dated 9 January 1996 (circulated) by the Chair of Community Services Committee on the content of the CoSLA seminar on "The Environment Protection Agency and the New Councils" held at Rosebery House, Edinburgh on 30 November 1995. Reference was made to Professor Turmeau's public commitment to the provision of local Scottish Environment Protection Agency (SEPA) offices throughout Scotland and it was agreed to write to the Convention of Scottish Local Authorities (COSLA) and request that a SEPA office be established in East Ayrshire.

CONSUMER AND TRADING STANDARDS - FEES

2. There was submitted report dated 9 January 1996 (circulated) by the Director of Community Services on the current fees charged by Consumer and Trading Standards for the testing and adjustment of weighing and measuring equipment, including public weighbridges.

It was agreed:

- (i) to authorise the Director of Community Services to arrange the provision of this service as from 1 April 1996; and

- (ii) to authorise the Director of Community Services to adjust fees in accordance with LACOTS Guidance, as shown at Appendix 1 of the report and to carry out such adjustments on an annual basis to ensure full cost recovery.

PETROLEUM LICENSING AND ENFORCEMENT

3. There was submitted report dated 10 January 1996 (circulated) by the Director of Community Services on the duties placed on the Council in relation to petroleum licensing and enforcement of other legislation relating to the storage and sale of petroleum.

It was agreed:

- (i) to authorise the Director of Community Services to undertake petroleum licensing and enforcement in line with the existing procedures issued by Strathclyde Regional Council's Trading Standards Department;
- (ii) to authorise the Director of Community Services to apply the standard licence conditions as produced by the Local Authority Committee on Food and Trading Standards (LACOTS) and to amend any future licences in the light of amended standard conditions being produced; and
- (iii) to authorise the Director of Community Services to levy charges for the issue of petroleum licences in accordance with the Health and Safety (Fees) Regulations and to amend the charges in accordance with any subsequent regulations.

APPOINTMENT OF PUBLIC ANALYSTS

4. There was submitted report dated 18 January 1996 (circulated) by the Director of Community Services highlighting the Council's duty to appoint one or more Public Analysts and to consider the necessary arrangements in making such applications.

It was agreed to authorise the Director of Community Services to appoint, on behalf of East Ayrshire Council, one or more Public Analysts following resolution of staffing levels and personnel at the Colston Laboratory.

APPOINTMENT OF AGRICULTURAL ANALYST

5. There was submitted report dated 30 January 1996 (circulated) by the Director of Community Services highlighting the Council's duty to appoint an Agricultural Analyst and to consider the necessary arrangements in making such an appointment.

It was agreed to authorise the Director of Community Services to appoint an Agricultural Analyst and Deputy Agricultural Analysts following resolution of staffing levels and personnel at the Colston Laboratory.

**LOCAL AUTHORITIES RADIATION AND RADIOACTIVITY
MONITORING ADVICE AND COLLATION CENTRE -
WEST OF SCOTLAND ENVIRONMENTAL RADIATION MONITORING SCHEME**

6. There was submitted report dated 28 December 1995 (circulated) by the Director of Community Services providing details:
- (i) of the functions and advantages of the Radioactive Monitoring Network (RIMNET) System;
 - (ii) of the advantages of membership of the Local Authorities Radiation and Radioactivity Monitoring Advice and Collation Centre (LARRMACC);
 - (iii) of present projected costs of membership of LARRMACC;
 - (iv) of the advantages of continuing the West of Scotland Environmental Radiation Monitoring Scheme (WSERMS) with appropriate modification of membership; and
 - (v) of a recommended mechanism for continuation of WSERMS, corporate membership of LARRMACC; and continued Approved Data Supplier status within RIMNET.

It was agreed:

- (i) to become a corporate member of LARRMACC;
- (ii) to make a contribution of £624 as the 1996/97 membership fee - this fee to be incorporated into the budget for scientific services;
- (iii) that the Colston Laboratory, which was expected to transfer to the City of Glasgow Council, undertake the lead role in LARRMACC membership and provide the RIMNET lead authority contact point; and
- (iv) to continue membership of a modified WSERMS.

**APPOINTMENT OF CHIEF INSPECTOR
OF WEIGHTS AND MEASURES**

7. There was submitted report dated 1 February 1996 (circulated) by the Director of Community Services highlighting the Council's duty to appoint a Chief Inspector of Weights and Measures and to make recommendations on appointments of a Chief Inspector and two Deputy Chief Inspectors.

It was agreed to appoint Mr Joseph Donnelly, Principal Officer (Trading Standards) as Chief Inspector of Weights and Measures and Peter Lennon and Les Aitchison, Team Leaders (Trading Standards) as Deputy Chief Inspectors of Weights and Measures.

MEMBERSHIP OF THE NATIONAL SOCIETY FOR CLEAN AIR AND ENVIRONMENTAL PROTECTION

8. There was submitted report dated 6 February 1996 (circulated) by the Director of Community Services on the National Society for Clean Air and Environmental Protection and to recommend that East Ayrshire Council become a member of that Society.

It was agreed to recommend that membership of the National Society for Clean Air and Environmental Protection be approved and that membership be reviewed on an annual basis.

AIR QUALITY MANAGEMENT

9. There was submitted report dated 18 January 1996 (circulated) by the Director of Community Services on significant changes to the legislation governing air quality monitoring and new duties placed on the Council by these changes.

It was agreed:

- (i) to accept in principle the rationale set out in the new legislation;
- (ii) to authorise the Director of Community Services to make further investigation into the resource implications for the discharge of the function;
- (iii) to authorise the Director of Community Services to respond to the detailed government guidance as it becomes available;
- (iv) to authorise the Director of Community Services to liaise with other local authorities, where this is appropriate and deemed necessary, in the light of government guidance; and
- (v) that Members liaise with the Director regarding testing sites within their electoral areas and that a composite report be submitted to a future meeting.

**FIRST HELA STRATEGY DOCUMENT
ON HEALTH AND SAFETY 1996/97**

10. There was submitted report dated 30 January 1996 (circulated) by the Director of Community Services on the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) First Strategy Document for the enforcement of Health and Safety, recommending that East Ayrshire Council adopt a similar enforcement strategy for Health and Safety at Work.

It was agreed:

- (i) to note the contents of the First HELA Strategy Document 1996/97; and
- (ii) that the development of an appropriate enforcement strategy be remitted to the Director of Community Services.

LICENSING OF GAME DEALERS

11. There was submitted report dated 31 January 1996 (circulated) by the Director of Community Services regarding the legislative requirements relating to the licensing and regulation of Game Dealers, and making recommendations regarding fees and conditions.

It was agreed:

- (i) that the joint fee for any applications for both licences and renewal of licences be £10 effective from 1 April 1996;
- (ii) that, as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council is the licensing authority and that any material circumstances affecting the licence be notified to the Council without undue delay; and
- (iii) that the fees for applications for a licence be reviewed on an annual basis.

LICENSING OF SEX SHOPS

12. There was submitted report dated 5 February 1996 (circulated) by the Director of Community Services regarding the legislation relating to the licensing and control of sex shops, providing details of the existing situation, and making recommendations for a licensing scheme.

It was agreed:

- (i) to recommend that the Head of Legal Services and the Director of Community Services prepare and submit a resolution in terms of the Civic Government (Scotland) Act 1982, extending the current licensing provision to the whole of East Ayrshire;

- (ii) that the Committee, following the confirmation of the resolution, determine that the number of licences appropriate for the locality be nil;
- (iii) that the Head of Legal Services and the Director of Community Services prepare a report outlining suggested conditions to be attached to a licence, as and when this becomes necessary, and submit this report to the Committee for their consideration;
- (iv) that the fee for an application for licence or renewal of the licence be £200 annually, from the date of the resolution taking effect; and
- (v) that the fee for an application for licence or renewal of a licence be reviewed on an annual basis.

LICENSING OF WINDOW CLEANERS

- 13.** There was submitted report dated 1 February 1996 (circulated) by the Director of Community Services identifying proposals for harmonising the licensing functions operated by the existing District Councils.

Councillor Bob Beattie, seconded by Councillor John Smith, moved:

- (i) that the fee for an application for licence or renewal of a licence be £100 and the fee for an employee's licence be £50 effective from 1 April 1996;
- (ii) that the conditions and guidance notes contained in Appendix 1 of the report be attached to each licence;
- (iii) that, as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council are the licensing authority and that the conditions will apply on renewal of the licence and that the conditions will apply immediately in respect of any new applications;
- (iv) that the fees for the applications for licence be reviewed on an annual basis; and
- (v) that the Head of Legal Services and the Director of Community Services prepare and submit a resolution in terms of the Civic Government (Scotland) Act 1982, extending this licence provision to cover the whole of East Ayrshire.

Councillor Nicoll, seconded by Councillor Hall, moved as an amendment that the matter be continued for further consideration in respect of licence fees.

On division by a show of hands the motion was carried by 10 votes to 3.

Councillor McIntyre left the meeting at this point.

PUBLIC PROCESSIONS - EXEMPTED ORGANISATIONS

14. There was submitted report dated 1 February 1996 (circulated) by the Director of Community Services advising the Committee of the list of organisations exempted from the provisions of Part V of the Civic Government (Scotland) Act 1982, relating to the requirement to notify the Council of the intention to process, and recommending that East Ayrshire Council adopt the list currently held by Strathclyde Regional Council.

It was agreed to recommend:

- (i) that the existing Strathclyde Regional Council Orders relating to exempted organisations be adopted;
- (ii) that the situation regarding exempted organisations be revised as and when this becomes necessary; and
- (iii) that the Director of Community Services investigate, in consultation with the Director of Support Services, the feasibility of establishing an Appeals Sub-Committee consisting of four Elected Members (three from the Administration and one from the Opposition) and report.

**THE REGULATION AND CONTROL OF
PUBLIC CHARITABLE COLLECTIONS**

15. There was submitted report dated 7 February 1996 (circulated) by the Director of Community Services regarding the legislation and procedures relating to the regulation of public charitable collections and recommending guidance notes to be attached to each application form for permission to undertake a public charitable collection.

It was agreed:

- (i) that the guidance notes contained in Appendix 1 of the report be attached to each application form for permission to undertake a public charitable collection; and
- (ii) to remit to the Director of Community Services to make the necessary arrangements to ensure that public charitable collections are carried out so that all organisations are treated in a fair and equitable manner.

REGISTRATION OF RETAILERS OF POISONS

- 16.** There was submitted report dated 1 February 1996 (circulated) by the Director of Community Services highlighting the requirement to register premises for the retail sale of non-medical poisons and to consider procedures, fees and conditions, in this respect.

It was agreed:

- (i) that the fees, as detailed in Appendix 1 of the report, remain at their current level;
- (ii) that the fees be reviewed on annual basis;
- (iii) that the notes and conditions contained in Appendix 1 of the report be attached to each registration; and
- (iv) that, as soon as practicable after 1 April 1996, the holder of each existing registration be advised in writing that East Ayrshire Council are the registration authority.

SAFETY OF SPORTS GROUNDS

- 17.** There was submitted report dated 22 January 1996 (circulated) by the Director of Community Services regarding the existing situation and procedures in relation to the safety of sports grounds and recommending procedures to ensure that statutory obligations are met.

It was agreed:

- (i) to authorise the Director of Community Services to make the necessary arrangements to establish a Safety Working Group incorporating the various interested Council departments and outside bodies; and
- (ii) that the fees charged in respect of the various certificates required in terms of the legislation remain at the current levels since, in general terms, they reflect full cost recovery.

LICENSING OF CAR BOOT SALES

- 18.** There was submitted report dated 6 February 1996 (circulated) by the Director of Community Services outlining proposals for the licensing and control of car boot sales operated on a commercial basis.

It was agreed:

- (i) that the Director of Community Services submit a report to a future meeting regarding health and safety issues;
- (ii) that the fee for a licence or renewal of a licence be the same as the licence for market operators;
- (iii) that the conditions outlined in Appendix 1 of the report be attached to each licence; and
- (iv) that the fees in respect of that licence be reviewed on an annual basis.

POST OF HEAD OF LEISURE

- 19.** There was submitted report dated 9 February 1996 (circulated) by the Director of Community Services advising of the resignation of the Head of Leisure and suggesting that the procedure for filling the post be remitted to the Policy and Resources (Personnel) Sub-Committee for future consideration.

The Chair wished Mr Woodcock, Head of Leisure well in his new post.

It was agreed;

- (i) that the post should be filled as soon as possible; and
- (ii) that it be remitted to the Policy and Resources (Personnel) Sub-Committee to determine the necessary arrangements.

EXCLUSION OF PRESS AND PUBLIC

- 20.** The Committee resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, that the Press and Public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Schedule 7A of the Act shown against each item.

BACTERIOLOGICAL SAMPLING PROGRAMME (PARAGRAPH 8)

- 21.** There was submitted report dated 1 February 1996 (circulated) by the Director of Community Services advising of the existing bacteriological sampling programmes in respect of District Councils and proposing a suitable and cost effective programme for East Ayrshire.

It was agreed:

- (i) that the proposed bacteriological sampling programme outlined in Appendix 1 of the report be adopted from 1 April 1996;
- (ii) that the Director of Community Services be authorised to negotiate a contract within the provisional budget sum with North Ayrshire and Arran NHS Trust Laboratory Service for the provision of a cost effective bacteriological sampling programme for 1996/97, to be reviewed on an annual basis thereafter; and
- (iii) that North Ayrshire and Arran NHS Trust Laboratory be formally recognised as the approved food examiner; and
- (iv) to remit to the Director of Community Services to make any necessary arrangements.

DOG WARDEN SERVICE (PARAGRAPH 6)

- 22.** There was submitted report dated 1 February 1996 (circulated) by the Director of Community Services advising of the level of provision of Dog Warden Services in the existing Districts; reviewing the arrangements for kennelling and veterinary services; assessing and reviewing the charges made for recovery of dogs from the kennels and outlining proposals for the future provision of the service in East Ayrshire.

It was agreed:

- (i) that option 3 as detailed within the report be implemented by East Ayrshire Council in order that harmonisation and integration of the Dog Warden Service can be achieved;
- (ii) that liaison with the Police be carried out to formalise and standardise procedures to be adopted in East Ayrshire in relation to dog control and statutory responsibilities;
- (iii) that the Director of Community Services make the appropriate arrangements regarding the future of the Dog Warden Service; and
- (iv) that in respect of harmonisation of kennelling and veterinary services the Director of Community Services submit a report to a future meeting.

The meeting terminated at 1105 hours.