

**EAST AYRSHIRE COUNCIL**

**COMMUNITY SERVICES COMMITTEE**

**MINUTE OF THE MEETING HELD ON 21 DECEMBER 1995 AT 1400 HOURS IN  
THE MEETING ROOM, LONDON ROAD CENTRE, KILMARNOCK**

**PRESENT:** Councillors Beattie (Chair), McCredie, McIntyre, Cree, Darnbrough, Campbell, Hall, Macrae, Sneller, G Smith, Carmichael, Taylor and J Smith

**ATTENDING:** Chief Executive; Depute Chief Executive; Director of Community Services; Support Unit (M McManus and A Fairbairn).

**APOLOGIES:** Councillor Nicoll

**COMMUNITY SERVICES (LEISURE AND RECREATION) SUB-COMMITTEE  
OF 23 OCTOBER 1995**

1. There was submitted and approved minutes (circulated) of the above Sub-Committee as shown in the Appendix to these minutes.

**REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES**

2. There was submitted a report (circulated) by the Director of Community Services advising members of the registration function currently carried out in East Ayrshire and to make recommendations with regard to future arrangements.

The report outlined the statutory position, current service, registration boundaries, Saturday civil marriages and service development and included relevant appendices.

Having heard the Director it was agreed:-

- i) that no alteration to registration boundaries be made meantime and the Director of Community Services be authorised to formalise the agreements with North and South Ayrshire Councils;
- ii) to approve the continuation of Saturday Civil Marriages provision at Kilmarnock Area Registration Office and to enter into appropriate negotiation with Trade Unions concerned regarding staff implications; and
- iii) to instruct the Director of Community Services to advise the Registrar General accordingly.

**WATER SAMPLING PROVISION**

3. There was submitted a report (circulated) by the Director of Community Services identifying proposals for the harmonisation of the water sampling programmes presently adopted by the District Councils.

The report made reference to the legislation, background and existing situation.

It was agreed to authorise the Director of Community Services:

- i) to draw up an appropriate sampling programme; and
- ii) to recover costs for requests from commercial/industrial operations.

### **PROCEDURES FOR PUBLIC PROCESSIONS**

4. There was submitted a report (circulated) by the Director of Community Services advising members of the procedures for dealing with notifications of intention to hold public processions.

The report made reference to the legislation, background and existing situation and having heard the Director it was agreed:-

- i) to authorise the Director of Community Services to make the necessary administrative arrangements to implement the relevant sections of the Act;
- ii) that the procedure note contained in Appendix II of the report be adopted for use by East Ayrshire Council;
- iii) that, on receipt of a notification to hold a procession, the Director of Community Services advise the Clerk to the appropriate Area Committee, to allow the Committee to consider the proposals, and to make objections, alterations or to suggest conditions. In the event of receiving only the statutory seven days notice, the Director of Community Services would notify each Councillor in the area concerned and seek his/her comments;
- iv) that the standard conditions contained in Appendix III of the report be adopted for use by East Ayrshire Council;

- v) that the Orders presently operated by Strathclyde Regional Council and which will continue in force until 31 December 1999 (unless amended by this Council), should be adopted for use by East Ayrshire Council for the present time. A review of the Orders would be undertaken in consultation with Strathclyde Police and the Head of Legal Services, and any necessary amendments would be submitted to a future meeting of the Committee for their consideration;
- vi) that the Director of Community Services ascertain the noise regulations as they apply to processions and monitor the situation; and
- vii) that the Director of Community Services prepare a list of exempted organisations relative to East Ayrshire, and submit a report to a future meeting of the Committee for their consideration.

### **LICENSING OF VENISON DEALERS**

5. There was submitted a report (circulated) by the Director of Community Services advising the Committee of the procedure for licensing venison dealers.

The report outlined the legislation, background, existing situation and suggested conditions contained as an appendix to the report. Having heard the Director it was agreed:-

- i) that the fee for a licence or renewal of a licence be £110, effective from 1 April 1996;
- ii) that the conditions contained in Appendix I to the report be attached to each licence;
- iii) as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority, and the proposed conditions would apply at renewal of the licence. The conditions would apply immediately in respect of new applications; and
- iv) that the fee in respect of that licence should be reviewed on an annual basis.

### **LICENSING OF PLACES OF PUBLIC ENTERTAINMENT**

6. There was submitted a report (circulated) by the Director of Community Services identifying proposals for harmonising the licensing functions operated by the existing District Councils.

The report made reference to the legislation, background and existing situation including suggested conditions attached as an appendix to the report and having heard the Director it was agreed:-

- i) that the fee for a standard licence or renewal of a standard licence be £100 effective from 1 April 1996;
- ii) that the fee for a major outdoor event or major events held in temporary sites such as warehouses, be set at a minimum of £2,500 or 1% of the gross takings, whichever is the greater;
- iii) that the conditions contained in Appendix I to the report be attached to each licence. The conditions for major events would be considered on an individual basis;
- iv) that, as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council are now the licensing authority, and the proposed conditions would apply on renewal of the licence. The conditions would apply immediately in respect of all new applications;
- v) that the fees in respect of this licence should be reviewed on an annual basis; and
- vi) that the Director of Community Services and the Head of Legal Services prepare and submit a resolution in terms of the Civic Government (Scotland) Act 1982, extending the licensing provision to cover the whole of East Ayrshire.

#### **LICENSING OF PLACES OF INDOOR SPORTS ENTERTAINMENT**

7. There was submitted a report (circulated) by the Director of Community Services identifying proposals for harmonising the licensing functions operated by the existing District Councils.

The report outlined the legislation, background, existing situation and appended suggested conditions.

Having heard the Director it was agreed:

- i) that the fee for a standard licence or renewal of a standard licence be £100, effective from 1 April 1996;
- ii) that the conditions contained in Appendix I to the report be attached to each licence;

- iii) as soon as practicable after 1 April 1996 each existing licence holder will be advised in writing that East Ayrshire Council is now the licensing authority, and the proposed conditions would apply on renewal of the licence. The conditions would apply immediately in respect of all new applications; and
- iv) that the fees in respect of that licence should be reviewed on an annual basis.

### **LICENSING OF GENERAL SECOND-HAND DEALERS**

8. There was submitted a report (circulated) by the Director of Community Services identifying proposals for harmonising the licensing functions operated by the existing District Councils.

The report outlined the legislation, background, existing situation and suggested conditions attached as an appendix.

Having heard the Director it was agreed that:

- i) that the fee for a licence or renewal of a licence be £100, effective from 1 April 1996;
- ii) the conditions contained in Appendix I to the report be attached to each licence;
- iii) as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council are now the licensing authority and the proposed conditions would apply on renewal of the licence. The conditions would apply immediately in respect of all new applications;
- iv) that the fees in respect of that licence should be reviewed on an annual basis;
- 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 the licensing provision to cover the whole of East Ayrshire; and
- vii) that a report be submitted to a future meeting to advise the Committee of the regulations concerning the holding of car boot sales.

## **LICENSING OF TAXI AND PRIVATE HIRE CAR DRIVERS**

- 9.** There was submitted a report (circulated) by the Director of Community Services identifying proposals for harmonising the licensing functions operated by the existing District Councils.

The report outlined the legislation, background, existing situation and included suggested conditions as an appendix to the report.

Having heard the Director it was agreed that:

- i) discussions take place with Strathclyde Police and the Taxi Operators Association regarding a possible contravention of the Highway Code by taxi drivers in respect of the congestion of taxis at car ranks and the sounding of car horns during unsocial times;
- ii) the fee for an application for a licence be £80 and that for a renewal of a licence be £60 effective from 1 April 1996;
- iii) the conditions contained in Appendix I to the report be attached to each licence;
- iv) as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council are now the licensing authority, and the proposed conditions would apply on renewal of the licence. The conditions would apply immediately in respect of all new applications;
- v) that the fees in respect of that licence should be reviewed on an annual basis; and
- vi) that any new applicant for a taxi or private hire car driver's licence be required to sit a street knowledge test relevant to the zone or zones in which they intended to work. Should a driver wish to change from one zone to another, he/she must sit the street knowledge test for the new zone.

## **LICENSING OF PRIVATE HIRE CARS**

- 10.** There was submitted a report (circulated) identifying proposals for harmonising the licensing functions operated by the existing District Councils. The report outlined the legislation, background, existing situation and included suggested conditions as an appendix to the report.

Having heard the Director it was agreed:

- i) that the fee for an application for licence or renewal of a licence be £200 effective from 1 April 1996;
- ii) that the conditions contained in Appendix I to the report be attached;

- iii) as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council are now the licensing authority, and the proposed conditions would apply on renewal of the licence. The conditions would apply immediately with all new applications;
- iv) that the fees in respect of this licence should be reviewed on an annual basis;
- v) that after consultation with the local Private Hire Cars Operations Association and the Scottish Private Hire Cars Federation, the Director of Community Services prepare an agreed specification and a list of approved vehicles for use as private hire cars;
- vi) that the Council adopt the following age limitation policy in respect of vehicles used as private hire cars;
  - no vehicle over 8 years old (from the date of original registration) to be used as a private hire car;
  - vehicles up to 5 years old will be required to undergo an annual inspection, and over 5 years old any vehicle will require to undergo a bi-annual inspection.
  - any existing licence holder, with a vehicle 8 years of age will be allowed to operate the vehicle until the renewal date of the licence or until 1 April 1997, whichever is sooner and to continue the current agreement between Kilmarnock and Loudoun District Council and the operators within that district which permits the use of vehicles over 8 years of age, provided they were in service when the age limitation policy was adopted, and the vehicles have a current Certificate of Compliance;
  - that arrangements be made with the Director of Commercial Operations to have the necessary inspections carried out within that department and the cost of such inspections charged directly to the licence holder. A fee of £35, effective from 1 April 1996, has been agreed with the Director of Commercial Operations;

- that the Director of Community Services be asked to investigate the possibility of offering an incentive to private hire car operators to adapt their vehicles for use by people with disabilities and report back; and
- vii) that the issue of disabled access also be raised with the Access Panel.

### **LICENSING OF TAXIS**

- 11.** There was submitted a report (circulated) by the Director of Community Services identifying proposals for harmonising the licensing functions operated by the existing District Councils.

The report outlined the legislation, background, existing situation and included suggested conditions as an appendix to the report.

Having heard the Director it was agreed:

- i) that the fee for an application for licence or renewal of a licence be £200 effective from 1 April 1996;
- ii) that the conditions contained in Appendix I to the report be attached to each licence;
- iii) as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council are now the licensing authority, and the attached conditions would apply on renewal of the licence. The conditions would apply immediately in respect of all new applications;
- iv) that the fees in respect of this licence should be reviewed on an annual basis;
- v) that in the interests of public order, and that there is no significant demand for taxis which is unmet, the areas of trade be zoned into the former District Council areas, and all new and existing licences be endorsed to that effect;
- vi) that after consultation with the local Taxi Operators Associations and the Scottish Taxi Federation, the Director of Community Services will prepare an agreed specification and the list of approved vehicles for use as taxis;
- vii) that the Council adopt the following age limitation policy in respect of vehicles used as taxis:
  - no vehicle over 8 years old (from the date of original registration) to be used as a taxi. This restriction would not apply to purpose built Hackney Cabs;

- vehicles up to 5 years old will be required to undergo an annual inspection. Over 5 years old any vehicle will require to undergo a bi-annual inspection. In the case of a purpose built Hackney Cab, the vehicle will be required to undergo an annual inspection up to 8 years from original registration and thereafter bi-annually
- any existing licence holder, with a vehicle 8 years of age will be allowed to operate the vehicle until the renewal date of the licence or until 1 April 1997, whichever is sooner and to continue the current agreement between Kilmarnock and Loudoun District Council and the operators within that district which permits the use of vehicles over 8 years of age, provided they were in service when the age limitation policy was adopted, and the vehicles have a current Certificate of Compliance;
- that arrangements be made with the Director of Commercial Operations to have the necessary inspections carried out within that department and the cost of such inspections charged directly to the licence holder. A fee of £35, effective from 1 April 1996, has been agreed with the Director of Commercial Operations; and
- that the Director of Community Services in consultation with the local Taxi Operators Associations review the existing fare structures and prepare a report for consideration by the Committee at some later date; and
- that the Director of Community Services be asked to investigate the possibility of offering an incentive to taxi drivers to adapt their vehicles for use by people with disabilities and report back.

### **CARAVAN SITE LICENSING**

- 12.** There was submitted a report (circulated) to identify proposals for the harmonisation of the administrative and enforcement functions presently adopted by the District Councils.

The report outlined the legislation, existing provision and exempted organisation.

Having heard the Director it was agreed:

- i) the present system of administering and enforcing the caravan sites legislation is generally successful and should continue;
- ii) that the licence conditions attached to the report should be adopted; and
- iii) the various exempted organisations should be contacted and asked to provide details of locations, numbers of caravans etc.

### **PEST CONTROL SERVICE**

- 13.** There was submitted a report (circulated) advising the Committee of the existing service provision of pest control services in the respective districts and to advise of proposed charges associated with the pest control service for East Ayrshire Council.

The report outlined the legislative discussion, existing situation and financial implications and the Director spoke to his report.

Councillor McCredie seconded by Councillor Campbell moved that the Pest Control Service be free to everyone.

Councillor Beattie seconded by Councillor J Smith moved as an amendment that:

- i) that the proposed charges scheme for pest control services as appended to the report be adopted as of 1 April 1996; and
- ii) service level agreements for pest control are discussed and agreed with the various departments of East Ayrshire Council to be operational as of 1 April 1996.

The amendment defeated the motion by 10 votes to 3.

### **LANDFILL TAX**

- 14.** There was submitted a report (circulated) by the Director of Community Services advising the Committee of the financial and operational effects of the Budget announcement of a tax on waste disposal.

The report outlined the background discussions which had taken place and the legal and policy implications.

Having heard the Director it was agreed:

- i) to make appropriate representation to the Scottish Office to consider methods of promoting waste recycling other than through the imposition of a landfill tax;
- ii) to refer the matter to the Policy and Resources Committee to authorise estimated additional expenditure of £250,000 in 1996/97;
- iii) to authorise the Director of Community Services to explore with the Scottish Environmental Protection Agency proposals to control the escape of waste; and
- iv) to remit this report to the Development Services Committee in view of the implications for small businesses.

### **NUCLEAR FREE LOCAL AUTHORITIES (SCOTLAND)**

- 15.** Reference was made to the Policy and Resources Committee and its meeting of 5 October 1995 when it had been agreed that the Council should affiliate to Nuclear Free Local Authorities (Scotland) [NFLA(S)].

Thereon, there was submitted a report (circulated) by the Director of Community Services requesting the Council to consider nominating a representative and a substitute representative to Nuclear Free Local Authorities (Scotland).

Having heard the Director it was agreed:

- i) the Council be asked to nominate a representative and substitute representatives to Nuclear Free Local Authorities (Scotland); and
- ii) to instruct the Director of Community Services to advise the Secretary of Nuclear Free Local Authorities (Scotland) accordingly.

The meeting ended at 1504 hrs.