

## **GENERAL PURPOSES – 19 May 2004**

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**Motherwell, 19 May 2004 at 2 pm.**

### **A Meeting of the GENERAL PURPOSES COMMITTEE**

#### **PRESENT**

Councillor Holloway, Convener; Councillor Saunders, Vice-Convener; Provost Connelly; Councillors Barrie, Burrows, Chadha, Curley, Devine, Gorman, Gormill, Homer, Irvine, Love, J. Martin, Shields and Wilson.

#### **CHAIR**

Councillor Holloway (Convener) presided.

#### **IN ATTENDANCE**

The Director of Administration; Head of Legal Services, and Senior Accountant, Department of Finance.

#### **APOLOGIES**

Councillors Lunny, McAuley, McCabe and McKenna.

#### **GENERAL PURPOSES (LICENSING) SUB-COMMITTEE**

1. There was submitted the Minutes of the meetings and Special meetings of the General Purposes (Licensing) Sub-Committee held on 4, 16 and 23 March and 1 and 26 April 2004.

**Decided:** that the Minutes of the meetings and Special meetings of the General Purposes (Licensing) Sub-Committee held on 4, 16 and 23 March and 1 and 26 April 2004 be approved and noted.

#### **CIVIC FUNCTIONS GROUP**

2. There was submitted the Minute of the meeting of the Civic Functions Group held on 5 May 2004.

**Decided:** that the Minute of the meeting of the Civic Functions Group held on 5 May 2004 be approved and noted.

#### **2003/2004 BUDGET MONITORING REPORT - DEPARTMENT OF ADMINISTRATION (EXCLUDING PERSONNEL) - 1 APRIL 2003 TO 31 MARCH 2004**

3. There was submitted a report dated 30 April 2004 by the Director of Administration detailing for the period 1 April 2003 to 31 March 2004, provisional outturn and income against the estimates contained in the 2003/2004 budget for the Central Services Division, including separate details in respect of the registration of births, deaths and marriages, and for the Legal Services Division of the Department of Administration.

**Decided:** that the report be noted.

**PRIVATE HIRE DRIVER LICENSING - CARRYING OF GUIDE, HEARING AND OTHER ASSISTANCE DOGS**

4. With reference to paragraph 10 of the Minute of the meeting of this Committee held on 10 March 2004, when it was noted that the Scottish Ministers proposed to introduce regulations designed to require private hire car drivers to carry guide, hearing and other assistance dogs accompanied by disabled people at no extra cost, there was submitted a report dated 27 April 2004 by the Director of Administration advising (1) that the Private Hire Car Driver's Licence (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004 came into force on 31 March 2004, and (2) that all Private Hire Car Driver's Licences for which application for grant or renewal is made after 31 March 2004 will be subject to a condition requiring the driver to carry assistance dogs, unless medically exempt.

**Decided:** that the implementation of the Private Hire Car Driver's Licence (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004 be noted.

**TAXI LICENSING - VEHICLE SPECIFICATIONS**

5. With reference to paragraph 8 of the Minute of the meeting of this Committee held on 18 December 2002, when it was reiterated that all taxis operated in North Lanarkshire be purpose built and fully wheelchair accessible by 31 December 2005, there was submitted a report dated 28 April 2004 by the Director of Administration (1) advising (a) that since this policy was formulated, there had been numerous representations from the taxi trade seeking a change to that policy, arguing that there was no demand for 100% purpose built fleet, and (b) that the Government had announced that the timetable for full implementation of taxi accessibility regulations under the Disability Discrimination Act 1995 was now 2020; (2) referring to the recommendation by the Office of Fair Trading (OFT) to the Government, that numerical limits on taxi licences are anti-consumer, as noted by this Committee at its meeting held on 14 January 2005, and (3) indicating that the Taxi Trade representatives had called for a further meeting to discuss the vehicle specifications.

**Decided:**

- (1) that the Convener, Vice-Convener and Officers of the Council be authorised to enter into further discussions with representatives of the Taxi Trade in respect of overall taxi licensing, and
- (2) that a report be submitted to a future meeting of this Committee.

**CIVIC GOVERNMENT LICENSING - STEWART -V- PERTH AND KINROSS COUNCIL**

6. There was submitted a report dated 30 April 2004 by the Director of Administration (1) advising (a) that on 2 April 2004 the House of Lords issued a judgement in the case of Stewart -v- Perth and Kinross Council, in favour of Stewart; (b) that the case related to certain conditions that had been imposed by that Council on a Second Hand (Car) Dealer's Licence, and (c) that the matter had been referred to COSLA who issued a letter to all Council leaders supporting Perth and Kinross Council's request to all local authorities for a financial contribution towards the cost of the Stewart case, and (2) indicating that this Council, in common with most Councils in Scotland, has similar conditions included in the standard conditions attached to Second Hand Dealers Licences, and that the Head of Legal Services is considering how best to amend these conditions to avoid falling foul of the decision in the Stewart case.

**Decided:**

- (1) that the request by Perth and Kinross Council seeking a financial contribution from the Council to offset the costs of the Stewart case be declined, and

- (2) that it be noted that the Head of Legal Services is considering how best to amend the conditions attached to Second Hand Dealer's Licences to avoid falling foul of the decision in the Stewart case.

## **REVIEW OF SUMMARY JUSTICE**

7. With reference to paragraph 5 of the Minute of the meeting of this Committee held on 14 January 2004, when it was noted that the Council had responded to the consultation by COSLA on the Review of Summary Justice regarding certain issues raised by that Review Committee, there was submitted a report (docketed) dated 29 April 2004 by the Director of Administration (1) advising of the publication of the Report to Ministers by the Summary Justice Review Committee which carried 140 recommendations on the structure of the delivery of Summary Justice in Scotland, and also on a range of legal/ procedural matters; (2) detailing the implications of these recommendations, and (3) providing in the Annex to the report the Council's draft response to various recommendations of that Report.

### **Decided:**

- (1) that the publication of the report to Ministers by the Summary Justice Review Committee be noted, and
- (2) that the Council's response, as detailed in the Annex to the report, be approved.

## **FREEDOM OF INFORMATION**

### **(1) PUBLICATION SCHEME**

8. With reference to paragraph 3 of the Minute of the meeting of this Committee held on 14 January 2004, when it was noted that, in terms of the Freedom of Information (Scotland) Act 2002, the Council require to submit to the Scottish Information Commissioner its Draft Publication Scheme, there was submitted a report dated 5 May 2004 by the Director of Administration (1) advising that on 23 April 2004 the Scottish Information Commissioner formally approved the North Lanarkshire Council Publication Scheme in terms of the aforementioned Act; (2) indicating that the Council is required to provide information to any person who requests it, subject to the conditions of that Scheme together with any charges applicable; (3) detailing the implications for the Council and the relevant staff; (4) proposing Council facilities where a hard copy of the Publication Scheme should be available for inspection by members of the public, together with the Council Website, and (5) further advising that the Council must fully implement the Publication Scheme by 1 June 2004.

**Decided:** that the approval of the North Lanarkshire Council's Publication Scheme, in terms of the Freedom of Information (Scotland) Act 2002, the implications for the Council and the action taken to bring the Scheme into effect be noted.

### **(2) CONSULTATION: CHARGING FEES**

9. With reference to the preceding paragraph, there was submitted a report (docketed) dated 27 April 2004 by the Director of Administration (1) advising of a consultation by the Scottish Executive on the charging of fees under the Freedom of Information (Scotland) Act 2002; (2) indicating that Section 9 of that Act provides that a local authority receiving a request for information may charge a fee for providing that information, and that under that Section, power is given to the Scottish Ministers to make regulations for charging provision; (3) intimating that the Scottish Executive have now produced draft regulations and guidance on charging fees and seek comments by 31 May, and (4) detailing the Council's draft response to the questions posed within that consultation document.

**Decided:**

- (1) that the consultation by the Scottish Executive on the charging of fees under the Freedom of Information (Scotland) Act 2002 be noted, and
- (2) that the Council's response to the consultation document, as detailed within the report, be agreed.

**DEPARTMENT OF ADMINISTRATION**

**(1) PERFORMANCE MANAGEMENT REPORT**

10. With reference to paragraph 20 of the Minute of the meeting of this Committee held on 14 January 2004 when the Department of Administration Service Plan was approved, there was submitted a report dated 4 May 2004 by the Director of Administration detailing the progress of the Service Plan for the period from 1 October 2003 to 31 March 2004 together with Absence Management statistics and Statutory Performance Indicators.

**Decided:** that the progress of the Department of Administration Service Plan be noted.

**(2) AREA/REGISTRATION SERVICE - PERFORMANCE REPORT 2003/2004**

11. With reference to paragraph 6 of the Minute of the meeting of this Committee held on 24 January 2001, when there was noted the success of the Area/Registration Service in gaining a Charter Mark Award, there was submitted a report (docketed) dated 12 May 2004 by the Director of Administration (1) providing an update on the performance of the area/registration service; (2) advising that the Charter Mark accreditation expires in December 2004; (3) detailing the background relative thereto, and (4) outlining considerations for the re-submission for Charter Mark accreditation.

**Decided:** that the contents of the report be noted.

**POST WATCH**

12. With reference to paragraph 7 of the Minute of the meeting of this Committee held on 29 October 2003, when there noted the intention of Post Office Limited to change their consultation process regarding the closure of Post Offices, there was submitted a report dated 13 May 2004 by the Director of Administration (1) advising (a) that following criticism from MPs, MSPs, local authorities and Post Watch Scotland regarding the way in which Post Office were conducting the exercise to close urban post offices, the Communications Minister asked that Post Watch, in consultation with Post Office Limited review the consultation arrangements, and (b) that Post Watch have now completed this review and Post Office Limited have agreed to implement a number of changes to its procedures with immediate effect, and (2) providing details thereon.

**Decided:** that the intention of Post Office Limited to change their consultation process regarding the closure of Post Offices be noted.

**TOWN TWINNING**

**(1) MEULAN**

13. There was submitted a report dated 21 April 2004 by the Director of Administration (1) advising of action taken, after consultation with the Convener, in awarding assistance in terms of Council policy to Kilsyth Twinning Association in respect of a twinning visit from Meulan, France during the Easter period, and (2) seeking homologation in this respect.

**Decided:** that the action taken, after consultation with the Convener, in awarding assistance in terms of Council policy to Kilsyth Twinning Association in respect of a twinning visit from Meulan, France during the Easter period be homologated.

**(2) SCHWEINFURT**

14. There was submitted a report dated 21 April 2004 by the Director of Administration (1) advising (a) that at its meeting held on 10 March 2004 this Committee agreed that assistance in terms of Council policy be awarded to Schweinfurt Twinning Association in respect of a proposed visit to Schweinfurt, Germany in June 2004, and (b) that the proposed visit had been cancelled, and (2) indicating (a) that, separately, an invitation from the Oberbürgermeisterin had been accepted for the Provost and a small delegation to travel to Schweinfurt to attend events to commemorate the Jubilees of the Twinning between Schweinfurt and Seinajoki, Finland and Chateaudun, France during May 2004, and (b) that homologation was sought in this respect.

**Decided:**

- (1) that the cancellation of the twinning visit to Schweinfurt during June 2004 be noted, and
- (2) that the action taken, after consultation with the Convener, in accepting the invitation to attend events to commemorate the Jubilee of the Twinning between Schweinfurt and Seinajoki, Finland and Chateaudun, France during May 2004 be homologated.

**(3) ST. DENNIS**

15. There was submitted a report dated 12 May 2004 by the Director of Administration (1) advising that a request had been received from the Municipality of St. Dennis, France, that North Lanarkshire Council conjoin with them in the organisation of a workshop on the Right to Health and to a Healthy Environment, with particular reference to the role of housing and environmental preservation; (2) referring to the meeting of this Committee held on 27 August 2003, when it was agreed that the Council participate in the Second European Forum of Local Authorities for Social Inclusion held in St. Dennis; (3) indicating that following on from that conference, the Fourth Conference on the European Charter will take place in Nuremberg on 9 and 10 December 2004, and (4) further advising that the Council, as a major social housing landlord, is in a position to make a significant contribution to the workshop.

**Decided:**

- (1) that the request from the Municipality of St. Dennis that the Council conjoin with them in the Fourth Conference on the European Charter by the organising of a workshop on the Right to Health and to a Health Environment, with particular reference to the role of housing and environmental preservation be approved, and
- (2) that the contents of the report be otherwise noted.

**(4) STEPPS/LES MARCHES**

16. There was submitted a report dated 21 April 2004 by the Director of Administration (1) advising that correspondence had been received from the President, Friends of Les Marches Twinning Association indicating (a) that a group of 11 young people and two adult supervisors would be travelling to Les Marches, France during July 2004 to participate in a Youth Exchange Programme, and (b) that it was proposed that two members of the Twinning Association would be travelling for three days during May 2004 to appraise accommodation and venue associated with the planned programme of activities, and (2) recommending assistance in terms of Council policy.

**Decided:** that assistance in terms of Council policy be awarded to Friends of Les Marches Twinning Association in respect of the two visits to Les Marches, France during May and July 2004.

**CONFERENCES**

17. There was submitted a report (docketed) dated 13 May 2004 by the Director of Administration advising that four invitations had been received in respect of attendance at conferences and seeking that consideration be given to the invitations.

**Decided:**

- (1) that the Council be represented at the undernoted conferences:-

<b>Conference</b>	<b>Venue</b>	<b>Date</b>	<b>Attendance</b>
All Party Conference on Skin Cancer	Edinburgh	26 April 2004	Councillor Saunders
Freedom of Information - Getting Our Act Together	Edinburgh	17 June 2004	Councillor Saunders

and

- (2) that otherwise no attendance be authorised.