

## **GENERAL PURPOSES – 9 March 2005**

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**Motherwell, 9 March 2005 at 2 pm.**

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

#### **PRESENT**

Councillor Holloway, Convener; Councillor Saunders, Vice-Convener; Councillors Barrie, Chadha, Curley, Devine, Gormill, Irvine, McAuley, J. Martin, Wallace and Wilson.

#### **CHAIR**

Councillor Holloway (Convener) presided.

#### **IN ATTENDANCE**

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

#### **APOLOGIES**

Provost Connelly and Councillors Burrows, Love, Lunny, McCabe and Shields.

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

1. There were submitted the Minutes of the meetings and special meetings of the General Purposes (Licensing) Sub-Committee held on 25 January and 3 and 14 February 2005.

**Decided:** that the Minutes of meetings and special meetings of the General Purposes (Licensing) Sub-Committee held on 25 January and 3 and 14 February 2005 be approved and noted.

#### **CIVIC FUNCTIONS GROUP**

2. There was submitted the Minute of the meeting of the Civic Functions Group held on 23 February 2005.

**Decided:** that the Minute of the meeting of the Civic Functions Group held on 23 February 2005 be approved and noted.

#### **2004/2005 BUDGET MONITORING REPORT - DEPARTMENT OF ADMINISTRATION (EXCLUDING PERSONNEL) - 1 APRIL 2004 TO 4 FEBRUARY 2005**

3. There was submitted a report dated 21 February 2005 by the Director of Administration detailing, for the period from 1 April 2004 to 21 February 2005, outturn and income against the estimates contained in the 2004/05 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.

**COMMUNITY COUNCIL FUNDING**

4. With reference to paragraph 7 of the Minute of the meeting of this Committee held on 10 March 2004, when the level of financial support afforded to Community Councils for the financial year 2003/04 was agreed, there was submitted a report dated 18 February 2005 by the Director of Administration (1) advising that the current level of financial support to Community Councils in North Lanarkshire was set at £450 per Council, with an additional £9 per 100 of the electorate, rounded up to the nearest 100, and (2) proposing that, given that the current level of financial support for administrative purposes were still sufficient, the status quo prevail for the financial year 2005/06.

**Decided:** that, given that the current level of financial support to Community Councils in North Lanarkshire were sufficient, the status quo prevail for the financial year 2005/06.

**CHILDREN (SCOTLAND) ACT 1995 - SAFEGUARDER FEES**

5. With reference to paragraph 6 of the Minute of the meeting of this Committee held on 18 December 2002, when the scale of fees to Safeguarders was approved, there was submitted a report (docketed) dated 18 February 2005 by the Director of Administration (1) advising that COSLA had recommended that these fees be increased in line with the rate of inflation for the period 2005/06; (2) setting out the current level, together with the recommended remuneration to safeguarders; (3) referring to the meeting of this Committee held on 14 January 2004 when it was noted, at that time, that the overspend in Safeguarder Fees could be contained within the overall budgetary provision for the Committee Services Division of his Department, and (4) indicating that, given this increase and the anticipated number of appointments, it was likely that expenditure in future financial years will continue to increase and that, while every effort will be made, it cannot be anticipated that such expenditure would be accommodated within existing budgetary resources in future years.

**Decided:**

- (1) that the scale of fees to Safeguarders for the period from 1 April 2005 be as undernoted:-

	<b>Fees</b>
A fixed appointment fee payable to reflect the investigative work involved in the appointment and the drawing up and submission of reports	£209.10
A fixed attendance fee for attending each hearing that takes place in the course of the appointment regardless of the number of children involved	£104.55
A fixed fee for reports provided for continued hearings	A fee of 50% of the fixed appointment fee (£104.55) payable for each continued Children's Hearing where the Safeguarder submits a written supplementary report and 25% (£52.28) for an oral report.

**Fees**

A fixed fee in respect of second and subsequent children

In multiple appointments an additional appointment fee of 50% of the fixed appointment fee (£104.55) be payable in relation to each of the second and subsequent children only where they live separately from the first child and 25% (£52.28) when they live together. Fixed fee for continued hearing for each of the second and subsequent children living together of £13.07. This fee would also be relative to initial appointment and to continued hearings based on the fees ie. 50% of £52.28 for a written supplementary report and 50% of £26.14 for an oral supplementary report.

and

- (2) that it be noted that an increase in the safeguarders budget may be required.

**CHILDREN'S PANEL EXPENSES ALLOWANCES PAID TO OFFICE BEARERS**

6. There was submitted a report (docketed) dated 11 February 2005 by the Director of Administration (1) advising (a) that the Children's Hearing System had been in operation in Scotland since 1971 and is involved with children whose situations may require official intervention, and (b) that the Children's Panel is a group of specially selected volunteers who make decisions about the children who have been referred to them, thus taking the children out of the Court system; (2) outlining the operational aspects to the Children's Panel within North Lanarkshire; (3) indicating that, in 1996, the Children's Panel Advisory Committee agreed the current level of allowances paid to Office Bearers; (4) proposing that the level of allowances be increased, and (5) advising that the budget for Children's Panel expenses had not been increased since 1996, and is currently overspent, and, given the nature of the expenditure, that it was not possible, by management action, to contain costs.

**Decided:**

- (1) that the current level of allowances paid to Children's Panel Office Bearers be as undernoted:-
- (a) the Children's Panel Chairperson be given an allowance of up to £50 per quarter plus a fixed sum of £5 per month for Internet access;
  - (b) the Depute Children's Panel Chairs be given an allowance of up to £25 per quarter plus a fixed sum of £5 per month for Internet access, and
  - (c) the Area Children's Panel Chairs be given an allowance of £40 per quarter plus a fixed sum of £5 per month for Internet access, and
- (2) that it be noted that an increase in the Children's Panel budget may be required.

**CONTRACTS - CIVIC CENTRE, MOTHERWELL**

**(1) EXTERNAL WORKS FOR CIVIC PODIUM/COURTYARD**

7. There was submitted a report dated 20 January 2005 by the Director of Community Services (1) providing details of the five tenders received in respect of the external works to the podium/courtyard at the Civic Centre, Motherwell, and (2) advising (a) that the lowest tender received was that from Ashlea Limited, in the corrected sum of £313,424.74 after checking, and (b) that the Director of Administration, after consultation with the Convener, had accepted the tender by Ashlea Limited.

**Decided:** that the action taken, after consultation with the Convener, in accepting the lowest tender, being that submitted by Ashlea Limited in the corrected sum of £313,424.74 for the external works to the podium/courtyard be homologated.

**(2) CCTV SYSTEM UPGRADE**

8. There was submitted a report dated 22 February 2005 by the Director of Housing and Property Services (1) providing details of three quotations received in respect of the upgrade of the CCTV system at the Civic Centre, Motherwell, and (2) advising (a) that the lowest quotation received was that from Scotshield Fire and Security Systems, in the corrected sum of £48,373 after checking, and (b) that the Director of Administration, after consultation with the Convener, had accepted the lowest quotation by Scotshield Fire and Security Systems.

**Decided:** that, the action taken, after consultation with the Convener, in accepting the lowest quotation, being that submitted by Scotshield Fire and Security Systems in the corrected sum of £48,373 for the upgrade of the CCTV System at the Civic Centre be homologated.

**REGRADING OF DEBT RECOVERY CLERICAL OFFICERS**

9. There was submitted a report dated 25 February 2005 by the Director of Administration (1) advising (a) that following reorganisation in 1996, the Legal Services Division of his Department were responsible for the administration of the Council's unpaid debt, after normal reminder systems had been exhausted, and (b) that this work was characterised by attempts to improve the quality and accuracy of records relating to each outstanding debt and had prompted a number of reviews; (2) referring to the decision of the Finance Committee recommending the creation of the Debt Recovery Team and the strategies adopted across the Council to ensure that unpaid invoices could be effectively pursued, and (3) indicating (a) that the working practices between Finance and Legal Services had involved a significant and material change in the type of work undertaken by the two Clerical Assistants, graded GS3 within the Debt Recovery Team; (b) that having completed her analysis of the regrading request, the Head of Personnel Services concluded that the revised and agreed job descriptions pertaining to those posts support a regrading from GS3 to AP1, and (c) that the financial cost of implementing the regrading can be met within existing budget resources.

**Decided:**

- (1) that it be agreed to regrade the two Clerical Assistants within the Debt Recovery Team of the Legal Services Division from GS3 to AP1, and
- (2) that the report be remitted to the Policy and Resources (Personnel) Sub-Committee.

**LOCAL AUTHORITY BYELAWS**

10. There was submitted a report dated 17 February 2005 by the Director of Administration (1) advising (a) that North Lanarkshire Council have byelaws which prohibit the consumption of alcohol in designated public places within 39 communities and two country parks at Palacerigg and Strathclyde; (b) that there has been some discussions with senior Police officers and local authority representatives as to whether the byelaws might be extended to make it an offence not only to consume alcohol in public places, but also, to have, in ones possession, open containers of alcohol; (c) that the local Divisional Police Commander had indicated that such a change would be welcomed from a policing point of view given that the requirement to actually witness the consumption of alcohol can, sometimes, defeat the inherent aims of the byelaw; (d) that byelaws may be promoted and amended only if so permitted by the Scottish Ministers, and (e) that after enquiry as to whether the suggested amendment would likely be approved by the Ministers, the Scottish Executive have confirmed that they were currently considering with the Crown Office the issue of model byelaws and, until such times as a final decision was taken, no such amendment to those byelaws currently in place would be confirmed by the Ministers; (2) referring to the concern expressed by Coatbridge Area Committee regarding powers available to the local authority to prevent nuisance perceived to arise from loitering and skateboarding in public streets and in the doorways to buildings and the playing of football in the street and on areas of recreational ground and indicating (a) that after enquiries were made as to the possibility of invoking the general byelaw powers contained in the Local Government (Scotland) Act, to regulate these matters, the Scottish Executive had confirmed that Ministers were not inclined to confirm byelaws when non-compliance would involve school children, and (b) that common law powers could be a mechanism for tackling such problems, and (3) further advising that the Scottish Executive have also re-affirmed that tackling anti-social behaviour is one of their top priorities.

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

**CIVIC GOVERNMENT LICENSING - LICENSING ENFORCEMENT**

11. With reference to paragraph 17 of the Minute of the meeting of this Committee held on 4 June 2003, when the enhancement of the Licensing Enforcement Officer establishment was agreed, there was submitted a report (docketed) dated 17 February 2005 by the Director of Administration (1) advising of the operation of the Licensing Enforcement Officers during the year 2004, and (2) providing details thereon.

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

**EDUCATION APPEAL COMMITTEE: SCOTTISH COMMITTEE OF THE COUNCIL ON TRIBUNALS**

12. There was submitted a report dated 3 March 2005 by the Director of Administration advising (1) that the Education Appeal System, which is governed by the Education (Scotland) Act 1980 and by regulations made under that Act, provides that local authorities require to establish independent Education Appeal Committees to review school admissions and exclusion decisions; (2) that the Education Appeal Committees, being independent tribunals, are not formal Committees of the Council under the Local Government (Scotland) Act 1973, but rather, in terms of the Tribunals and Inquiries Act 1992, are under the jurisdiction and supervision of the Scottish Committee of the Council on Tribunals; (3) that, in the discharge of their responsibilities, members of the Scottish Committee of the Council on Tribunals have a right to attend Education Appeal Committee hearings throughout Scotland, and (4) that following attendance by a member of the Scottish Committee of the Council on Tribunals at a recent Education Appeal Committee, comments, as detailed in the report, were provided which it was suggested, be welcomed as positive.

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**Decided:** that the comments offered, following attendance by a member of the Scottish Committee of the Council on Tribunals at a recent Education Appeal Committee, be welcomed as positive.

### REVIEW OF MARCHES AND PARADES IN SCOTLAND: REPORT BY SIR JOHN ORR

13. With reference to paragraph 11 of the Minute of the meeting of this Committee held on 25 August 2005, when it was agreed that the Council respond to the independent review of marches and parades in Scotland, undertaken by Sir John Orr, former Chief Constable of Strathclyde Police, there was submitted a report (docketed) dated 3 March 2005 by the Director of Administration (1) advising (a) that following the conclusion of that review, commissioned by the First Minister, a report has now been published together with Appendices and a Scottish Executive Social Research Paper, copies of which were deposited in the Members' Library; (b) that the report has been welcomed by Scottish Ministers although detailed proposals for implementation of the recommendations has not yet been produced, and (c) that the report proceeds on the basis of extensive research and wide ranging consultation including consultation with local authorities, in which the Council participated fully and constructively, and contains recommendations which fall into four categories; (2) setting out considerations with regard to the recommendations, and (3) indicating (a) that the Scottish Executive have now issued a consultation paper entitled "Supporting Police, Protecting Communities: Proposals for Legislation" which addresses a number of issues including proposals with regard to marches and parades; (b) that given the wide ranging nature of that consultation it will be submitted for consideration to the next meeting of the Policy and Resources Committee, and (c) that in the interim, the Scottish Executive proposed to establish a Joint Working Group chaired by the Executive and involving local authorities and Police.

The Director of Administration orally advised that the Head of Central Services has subsequently been appointed to the aforementioned Working Group.

**Decided:** that the position be noted meantime.

### DISCUSSION PAPER ON INTEREST ON DEBT AND DAMAGES - SCOTTISH LAW COMMISSION

14. There was submitted a report (docketed) dated 1 March 2005 by the Director of Administration (1) advising (a) of the publication of a discussion paper by the Scottish Law Commission on Interest on Debt and Damages, as contained within Appendix 2 of the report, and (b) that the main proposals of the paper were to harmonise the treatment of interest on contractual debts and interest from damages, and (2) seeking authority to forward a response, on behalf of the Council, as contained within Appendix 1 of the report.

**Decided:** that the Head of Legal Services be authorised to respond to the Scottish Law Commission, as contained within Appendix 1 of the report, on the discussion paper on Interest on Debt and Damages.

### REGISTRATION SERVICES (SCOTLAND) BILL - CONSULTATION

15. There was submitted a report (docketed) dated 1 March 2005 by the Director of Administration (1) advising (a) of a consultation exercise being undertaken by the Registrar General for Scotland on the Registration (Scotland) Bill, a copy of which has been deposited in the Members' Library, and (b) that a separate consultation in October 2000 resulted in a number of changes being introduced to improve and modernise the Registration Service so that it more effectively meets the needs of the people of Scotland; (2) setting out the proposals together with the key principles guiding the proposals, and (3) detailing considerations in order to formulate a response to that consultation.

**Decided:**

- (1) that the Head of Central Services be authorised to respond to the General Registrar for Scotland, in terms of the report, on the consultation on the Registration (Scotland) Bill, and
- (2) that the contents of the report be otherwise noted.

**REGISTRATION SERVICE - PRELIMINARIES TO MARRIAGES WHERE PARTIES ARE SUBJECT TO IMMIGRATION CONTROL**

16. There was submitted a report (docketed) dated 21 February 2005 by the Director of Administration (1) advising of proposals by the General Register Office for Scotland to deal with the problem of "sham marriages" in terms of the Asylum and Immigration (Treatment of Claimants Etc.) Act 2004 which received royal assent on 22 July 2004; (2) providing details thereon, and (3) seeking homologation for action taken and submitted in response to the General Register Office for Scotland, as contained within the report.

**Decided:** that the action taken in forwarding a response, on behalf of the Council, to the General Register Office for Scotland on the preliminaries to marriages where parties are subject to immigration control be homologated.

**AREA REGISTRATION SERVICE - CHARTER MARK AWARD 2004**

17. With reference to paragraph 6 of the Minute of the meeting of this Committee held on 24 January 2001, when it was noted of the success of the Area/Registration Service in gaining a Charter Mark Award, there was submitted a report dated 25 February 2005 by the Director of Administration advising of the reaccreditation of the Area/Registration Service of the award for recognising and encouraging excellence in public service, until December 2007.

**Decided:**

- (1) that the success of the Area/Registration Service in being reaccredited the Charter Mark Award until December 2007 be noted, and
- (2) that congratulations be extended to all of the staff involved in the Council's submission.

**PRINTING AND REPROGRAPHICS - PROPOSED VARIATION OF CONTRACT WITH XEROX**

18. There was submitted a report dated 21 February 2005 by the Director of Administration (1) advising that the Improvement Action Plan, under the best value regime for Administration, included enhancing the equipment links between the printing facility and printing users and the continual review of the equipment to ensure that the facilities met the requirements of the Council; (2) referring to the meeting of this Committee held on 8 May and also 23 October 2002 when proposals to enhance the printing facilities were approved, and (3) setting out arrangements for the further enhancement of the printing equipment.

**Decided:**

- (1) that it be agreed to enter into a revised contract with Xerox (UK) Limited as contained within the report, and
  - (2) that the contents of the report be otherwise noted.
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**POST OFFICE CLOSURES**

19. With reference to paragraph 9 of the Minute of the meeting of this Committee held on 12 January 2005, when it was agreed to write to Post Office relaying the dismay of the Council at the decision to close Post Offices within the Council's area, there was submitted a report dated 17 February 2005 by the Director of Administration advising that, notwithstanding the strong representations made, the Post Office had confirmed the closure of the Carfin, Holytown and Clarkston branches of the Post Office.

**Decided:** that it be noted that notwithstanding the strong representations made, Post Office had reached a final decision to close Carfin, Holytown and Clarkston branches of the Post Office.

**TOWN TWINNING**

**(1) BRON, FRANCE**

20. There was submitted a report dated 18 February 2005 by the Director of Administration advising that correspondence had been received from the Secretary, Cumbernauld Rugby Football Club (1) indicating that a party of 30 members of EMS Bron Rugby Football Club will be travelling to Cumbernauld on 23-29 March 2005 to participate in a Rugby Tournament, and (2) seeking financial assistance in respect of the visit.

**Decided:** that assistance in terms of Council policy be awarded to Cumbernauld Rugby Football Club in respect of the visit to Cumbernauld by EMS Bron Rugby Football Club.

**(2) INTERNATIONAL MEETING OF DISABLED AND NON-DISABLED PERSONS**

21. There was submitted a report dated 21 February 2005 by the Director of Administration (1) advising that correspondence had been received from the Oberbürgermeisterin, Schweinfurt, requesting that the Council facilitate representation of North Lanarkshire disabled persons at the International Meeting of Disabled and Non-Disabled Persons to be held in Schweinfurt, Germany on 20-23 April 2005, and (2) indicating (a) that the Schweinfurt Twinning Association had been consulted with regard to this proposal and, following discussion between the Office Bearers of that Association and those of North Lanarkshire Disabled Forum, propose that the Council provide financial assistance to a member of that Forum to participate in the International Meeting and, also, give a presentation on their work, and (b) that a person to represent the Disabled Forum has been identified and, given that he is a wheelchair user, requires to be accompanied.

**Decided:** that it be agreed that the Council provide financial assistance to enable two members of the North Lanarkshire Disabled Forum to participate and give a presentation on their work at the International Meeting of Disabled and Non-Disabled Persons to be held in Schweinfurt, Germany on 20-23 April 2005.

**(3) SCHWEINFURT, GERMANY**

22. There was submitted a report dated 17 February 2005 by the Director of Administration advising that correspondence had been received from the Chairman of Schweinfurt Twinning Association indicating (1) that a party of 22 persons will be travelling to Schweinfurt, Germany on 16-26 June 2005 and will undertake a daily programme of events organised by the Municipality of Schweinfurt, and (2) seeking financial assistance in respect of the visit.

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**Decided:** that assistance in terms of Council policy be awarded to Schweinfurt Twinning Association in respect of the visit to Schweinfurt, Germany on 16-26 June 2005.

### **CONFERENCES**

23. There was submitted a report (docketed) dated 18 February 2005 by the Director of Administration advising that two invitations had been received in respect of attendance at conferences and seeking that consideration be given to the invitations.

**Decided:** that no attendance be authorised.