

GENERAL PURPOSES – 23 August 2006

Motherwell, 23 August 2006 at 2 pm.

A Meeting of the GENERAL PURPOSES COMMITTEE

PRESENT

Councillor Holloway, Convener; Councillor Saunders, Vice-Convener; Councillors Barrie, Burrows, Chadha, Devine, Gormill, Higgins, Homer, Irvine, Love, McAuley, McKenna, Shields and Wallace.

CHAIR

Councillor Holloway (Convener) presided.

IN ATTENDANCE

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

APOLOGIES

Provost Connelly and Councillors Curley, McCabe, J. Martin and Wilson.

MINUTES OF SUB-COMMITTEE

(1) GENERAL PURPOSES (LICENSING) SUB-COMMITTEE

1. There were submitted the Minutes of the meetings and Special Meetings of the General Purposes (Licensing) Sub-Committee held on 15 May, 8 and 22 June, and 11, 13 and 31 July 2006.

Decided: that the Minutes of the meetings and special meetings of the General Purposes (Licensing) Sub-Committee held on 15 May, 8 and 22 June and 11, 13 and 31 July 2006 be approved and noted.

(2) GENERAL PURPOSES (PUBLIC PROCESSIONS) SUB-COMMITTEE

2. There were submitted the Minutes of the meetings of the General Purposes (Public Processions) Sub-Committee held on 13 and 20 June 2006.

Decided: that the Minutes of the meetings of the General Purposes (Public Processions) Sub-Committee held on 13 and 20 June 2006 be approved and noted.

(3) CIVIC FUNCTIONS GROUP

3. There was submitted the Minute of the meeting of the Civic Functions Group held on 9 August 2006.

Decided: that the Minute of the meeting of the Civic Functions Group held on 9 August 2006 be approved and noted.

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EXTENSION OF CONTRACT OF EMPLOYMENT OF TEMPORARY SOLICITOR (PO1)

4. There was submitted a report dated 31 July 2006 by the Director of Administration (1) seeking approval for the extension of the Contract of Employment of a Solicitor post working solely on cases of anti-social behaviour, graded PO1, and (2) advising that funding for the extension of the contract for the period up to 31 March 2007 is available from the Scottish Executive "Building Strong, Safe and Attractive Communities" Initiative.

Decided:

- (1) that it be agreed to extend until 31 March 2007 the contract of the Solicitor post working solely on cases of anti-social behaviour funded from the Scottish Executive's "Building Strong, Safe and Attractive Communities" Initiative, and
- (2) that the report be remitted to the policy and Resources (Personnel) Sub-Committee.

2006/2007 BUDGET MONITORING REPORT - DEPARTMENT OF ADMINISTRATION (EXCLUDING PERSONNEL) - 1 APRIL TO 21 JULY 2006

5. There was submitted a report dated 8 August 2006 by the Director of Administration, detailing for the period from 1 April to 21 July 2006, expenditure and income against the estimates contained in the 2006/2007 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 contents of the report be noted.

CHILDREN (SCOTLAND) ACT 1995 - SAFEGUARDER FEES

6. With reference to paragraph 5 of the Minute of the meeting of this Committee held on 9 March 2005, when the Scale of Fees to Safeguarders was approved, there was submitted a report dated 2 August 2006 by the Director of Administration (1) advising (a) that, in terms of the Social Work (Scotland) Act 1968, the Social Work Panel of Persons to Safeguard the Interests of Children (Scotland) Regulations 1984 and the Children Act 1995, the Council is required to appoint Panels from which persons may be appointed to safeguard the interests of children in any proceedings under Section 41 of Chapter 3 of Part 2 of the Children (Scotland) Act 1985; (b) that the Scheme of Fees was developed jointly by the Scottish Safeguarders Association and COSLA to ensure a clear and consistent approach within which all Safeguarders could be remunerated; (c) that COSLA have now intimated that they have taken a decision to stop recommending a rate and that individual member Councils be left to decide what rate is appropriate, and (d) that the nine local authorities across the West of Scotland area were in the process of recommending or implementing a 2.5% inflation increase to Safeguarder fees; (2) recommending that the Council approve a like increase; (3) referring to the meeting of this Committee held on 9 March 2005 when it was noted that the number of Safeguarder appointments made had increased and the provisional revenue budget outturn for last financial year shows an overspend, 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 2006 be as undernoted:-

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	Current Fees	Revised Fees
A fixed appointment fee payable to reflect the investigative work involved in the appointment and the drawing up and submission of reports	£209.10	£214.33
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	£107.16
A fixed fee for reports provided for continued hearings	£104.55 £52.28	A fee of 50% of the fixed appointment fee (£107.16) payable for each continued Children's Hearing where the Safeguarder submits a written supplementary report and 25% (£53.59) for an oral report.
A fixed fee in respect of second and subsequent children	£104.55 £52.28 £13.07 £52.28 £26.14	In multiple appointments an additional appointment fee of 50% of the fixed appointment fee (£107.16) be payable in relation to each of the second and subsequent children only where they live separately from the first child and 25% (£53.59) when they live together. Fixed fee for continued hearing for the second and subsequent children living together of £13.40. A fee of £53.59 for a written supplementary report and £26.79 for an oral supplementary report.

and

- (2) that it be noted that an increase in the Safeguarder's budget will be required.

REVIEW OF CIVIC GOVERNMENT LICENSING FEES

7. With reference to paragraph 10 of the Minute of the meeting of this Committee held on 27 February 2002, when revised licensing fees under the provisions of the Civic Government (Scotland) Act 1982 were approved, there was submitted a report (docketed) dated 27 July 2006 by the Director of Administration (1) seeking a review of fees for certain activities licensed by the Council under the provisions of the aforementioned Act; (2) detailing the background relative thereto; (3) setting out a number of issues for consideration, and (4) detailing, in the Appendix to the report, the current fees, together with the proposed revised fees.

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Decided:

- (1) that the revised licensing fees under the provisions of the Civic Government (Scotland) Act 1982, as contained within the Appendix to the report, be approved, and
- (2) that the report be otherwise noted.

TAXI LICENSING – TAXI FARES REVIEW 2006

8. With reference to paragraph 4 of the Minute of the meeting of this Committee held on 12 January 2005, when it was agreed to amend the taxi fares scales, there was submitted a report dated 26 July 2006 by the Director of Administration advising (1) that Section 17 of the Civic Government (Scotland) Act 1982 obliges the Council, as licensing authority to fix from time to time scales for the fares and other charges in respect of the hire of taxis in its area, and (2) that such reviews are required to be carried out at intervals of not greater than 18 months and that the Council now require to carry out the next taxi fares review.

The Head of Legal Services advised, orally, that the Taxi Federation had submitted their views to the Council which would be fully considered.

Decided:

- (1) that the Head of Legal Services be authorised to enter into full consultation with the taxi trade on the issue of taxi fares, and
- (2) that a further report be submitted to a future meeting of this Committee.

CONSULTATION ON THE SHERIFF COURT AND ALTERNATIVE DISPUTE RESOLUTION

9. There was submitted a report dated 15 August 2006 by the Director of Administration (1) advising that (a) the Sheriff Court Rules Council was set up by Section 33 of the Sheriff Courts (Scotland) Act 1971 to keep under review procedures and practices in civil proceedings in the Sheriff Courts, and (b) the Mediation Committee of the Sheriff Court Rules Council were consulting on a review carried out as to what the function of the court should be in relation to the use by parties to an action of alternative resolution procedures and have made a number of recommendations, and (2) seeking authority to respond to the consultation, as contained within the Appendix to the report.

Decided: that the Head of Legal Services be authorised to respond to the Sheriff Court Rules Council on the consultation paper issued regarding the use by parties to an action of alternative resolution procedures.

CONSULTATION ON PROPOSALS TO AMEND THE LAW ON COMPELABILITY OF SPOUSAL WITNESSES

10. There was submitted a report (docketed) dated 14 August 2006 by the Director of Administration (1) advising that the Criminal Procedure Division of the Justice Department of the Scottish Executive had issued a consultation paper on proposals to amend the law on compellability of spousal witnesses and seeking views from all interested parties, including the Council; (2) detailing the background to the current law; (3) outlining the options for change, and (4) seeking approval to respond to the consultation, as contained within the Appendix to the report.

Decided: that the Head of Legal Services be authorised to respond to the Criminal Procedure Division of the Justice Department of the Scottish Executive, as contained within the Appendix to the report.

CULPABLE HOMICIDE (SCOTLAND) BILL CONSULTATION PAPER

11. There was submitted a report (docketed) dated 16 August 2006 by the Director of Administration (1) advising that Karen Gillon, MSP had issued a consultation paper on proposals to reform the law on Culpable Homicide in Scotland and is seeking views from all interested parties, including the Council; (2) detailing the background to the current law; (3) setting out the implications for the Council; (4) outlining the proposals to amend the current law, and (5) seeking approval to respond to the consultation, as contained within the Appendix to the report.

Decided: that the Head of Legal Services be authorised to respond to the Consultation Paper on proposals to reform the law on Culpable Homicide in Scotland.

REVIEW OF MARCHES AND PARADES IN SCOTLAND - CONSULTATION ON DRAFT GUIDANCE TO LOCAL AUTHORITIES

12. With reference to paragraph 10 of the Minute of the meeting of this Committee held on 17 May 2006, when an update on the proposals contained within the Police Public Order and Criminal Justice (Scotland) Bill was noted, there was submitted a report dated 24 July 2006 by the Director of Administration (1) advising of a consultation by the Scottish Executive on a draft Code of Guidance on marches and parades which, it is proposed, will be issued under Section 65(a) of the Civic Government (Scotland) Act, as amended by the Police Public Order and Criminal Justice (Scotland) Act 2006; (2) detailing the background relative thereto; (3) outlining the operational implications; (4) attaching, as Appendix 1 of the report, a copy of the draft guidance, and (5) seeking homologation for action taken, after consultation with the Convener, in responding to the consultation, as contained within Appendix 2 of the report.

Decided:

- (1) that the action taken, after consultation with the Convener, in responding to the consultation of draft guidance to local authorities be homologated, and
- (2) that the position be noted meantime.

SERVICE LEVEL AGREEMENT BETWEEN GENERAL REGISTER OFFICE AND LOCAL REGISTRATION AUTHORITIES FOR THE USE OF FER, DIGROS AND SRS REGISTRATION INFORMATION SYSTEMS

13. With reference to paragraph 12 of the Minute of the meeting of this Committee held on 14 January 2004, when it was agreed to enter into an appropriate Service Level Agreement with the General Register Office for Scotland (GRO), there was submitted a report dated 25 July 2006 by the Director of Administration (1) advising that the GRO had consulted on a proposed revision of that agreement for the use of Forward Electronic Register (FER) and the Digital Imaging of the Genealogical Records of Scotland's People (DIGROS) Registration Information Systems, together with the intended decommissioning of the Scottish Registration System (SRS), and (2) detailing the background relative thereto.

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Decided: that authority be delegated to the Head of Central Services to respond to the revised proposals by the GRO, and thereafter, if appropriate, enter into a Service Level Agreement with the GRO and complete the decommissioning of the SRS system.

LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

14. With reference to paragraph 7 of the Minute of the meeting of this Committee held on 11 January 2006, when it was agreed that further reports be submitted to this Committee on future developments with regard to the Local Electoral Administration and Registration Services (Scotland) Bill, there was submitted a report dated 14 August 2006 by the Director of Administration (1) advising of the completion of the Parliamentary process through the Scottish Parliament of the Bill and its receipt of Royal Assent on 1 August 2006; (2) detailing the background relative thereto, and (3) outlining the implications for the Council.

Decided: that the contents of the report be noted.

FREEDOM OF INFORMATION (SCOTLAND) ACT

15. With reference to paragraph 9 of the Minute of the meeting of this Committee held on 17 May 2006, when the activity and service delivery of the Freedom of Information (Scotland) Act was noted, there was submitted a report dated 15 August 2006 (1) advising of the current position with regard to Freedom of Information requests, and (2) providing details thereon.

Decided: that the position be noted.

LOCAL PUBLIC HOLIDAYS 2007 FOR FACTORIES AND BUSINESSES

16. There was submitted a report dated 24 July 2006 by the Director of Administration regarding the determination of local public holidays for the year 2007 for factories and businesses in North Lanarkshire.

Decided: that the following dates be determined as local public holidays in North Lanarkshire for 2007 for factories and businesses, viz:-

Monday, 1 and Tuesday 2 January 2007
Monday, 9 April 2007
Monday, 7 and Monday, 28 May 2007
Monday, 16 July 2007
Monday, 24 September 2007
Tuesday, 25 and Wednesday, 26 December 2007.

TWINNING CAMPI BISENZIO

17. There was submitted a report dated 15 August 2006 by the Director of Administration advising (1) that a letter had been received from the Mayor of Campi Bisenzio, Italy, indicating (a) that the commune of Campi Bisenzio had arranged a series of cultural initiatives and debates to commemorate the liberation of the town, and (b) inviting a delegation of two to three persons from North Lanarkshire to participate in these events, from 1-4 September 2006, and (2) that in light of the timescale and the requirement for an early response, following consultation with the Provost and Convener of this Committee, the invitation had been accepted.

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Decided: that the action taken after consultation with the Convener, in accepting the invitation from the Mayor of Campi Bisenzio be homologated.

TOWN TWINNING: CUMBERNAULD/BRON ASSOCIATION

18. There was submitted a report dated 2 August 2006 by the Director of Administration (1) advising of action taken, after consultation with the Convener, in awarding assistance in terms of Council policy to Cumbernauld/Bron Association in respect of a twinning visit to Bron, France from 13-20 September 2006, and (2) seeking homologation in this regard.

Decided: that the action taken, after consultation with the Convener, in awarding assistance in terms of Council policy to Cumbernauld/Bron Association in respect of a twinning visit to Bron, France, from 13-20 September 2006 be homologated.