

**Motherwell, 5 October 2004 at 2 pm.**

A Meeting of the **PLANNING AND ENVIRONMENT (PROTECTIVE SERVICES)  
SUB-COMMITTEE**

**PRESENT**

Councillor McKenna, Convener; Councillors Brooks, Cassidy, J. Coyle, Devine, Gemmell, Gorman, Gormill, Holloway, Irvine, McGhee, Maginnis and Saunders.

**CHAIR**

Councillor McKenna (Convener) presided.

**IN ATTENDANCE**

The Committee Services Manager, Head of Protective Services and Trading Standards Manager.

**APOLOGIES**

Councillors Gordon and Wilson.

**ANTI-SOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004 - BAN ON SALES OF SPRAY PAINTS  
TO UNDER 16s**

1. **C** There was submitted a report dated 5 October 2004 by the Director of Planning and Environment (1) reporting that the Anti-Social Behaviour Etc. (Scotland) Act 2004 received Royal assent on 26 July 2004, creates an offence of selling a spray paint device to a person under the age of 16, and requires retailers of spray paints to display in a prominent position a notice on their premises stating that it is illegal to sell a spray paint device to anyone under the age of 16; (2) intimating that the Scottish Executive have advised that Trading Standards Officers will be primarily responsible for enforcing these provisions; (3) indicating that the Scottish Executive have stated that preventing vandalism and graffiti is a key part of their strategy to promote safe, secure and attractive communities and tackle anti-social behaviour; (4) reminding Members that the Council have already implemented a number of initiatives aimed at tackling anti-social behaviour involving graffiti, including the Graffiti Hit Squad and the Street Smart Campaign; (5) advising that the Scottish Executive intend to mail shot all identified retailers of spray paint in Scotland notifying them of the changes in the law and providing them with a copy of the statutory sign which they must display, and (6) seeking delegated authority for officers in the Trading Standards Service to exercise relevant powers of entry, inspection and seizure in terms of the Anti-Social Behaviour Etc. (Scotland) Act 2004.

**Decided:**

- (1) that the Director of Planning and Environment and the Head of Protective Services be granted delegated authority to authorise officers of the Trading Standards Service to exercise the powers of entry, inspection and seizure under Section 125 of the Anti-Social Behaviour Etc. (Scotland) Act 2004 for the purposes of enforcing offences under Sections 122 and 123 relating to the sale of spray paint devices, and
- (2) that the report be otherwise noted.

**DEBT COUNSELLING SERVICES 2003/04**

2. There was submitted a report dated 5 October 2004 by the Director of Planning and Environment (1) reminding Members (a) that the Trading Standards Service operates a free, confidential, impartial and independent debt counselling service for the community and employees of North Lanarkshire Council; (b) that the Department has two Advice Centre Managers, eight Debt Counsellors and four Debt Advisers, and (c) that offices are located in Bellshill, Coatbridge and Cumbernauld with outreach surgeries and home visits available; (2) detailing the rise in the number of new cases dealt with in the last six years; (3) reporting that the total debt presented to Debt Counsellors in multi-debt cases rose from £12.24m in 2002/03 to £15.04m in 2003/04, an increase of 23%; (4) detailing the amount of Council Tax debt dealt with in the last six years; (5) advising that unsecured credit and loans are the main forms of debt, account for around 60% of the total debt, and can be one of the most expensive forms of borrowing; (6) indicating that analysis of debt counselling service statistics show that every year the demand for the service increases, and (7) advising that a report containing full detailed statistics for the debt counselling service has been placed in the Local Government Library for the information of Members.

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

**DOORSTEP SELLING**

3. There was submitted a report dated 5 October 2004 by the Director of Planning and Environment (1) advising that the Department of Trade and Industry (DTI) has published a formal consultation paper, which set out proposals to tackle the problem of doorstep selling; (2) reporting that the proposed legislation aims to protect vulnerable householders by restricting the activities of doorstep salesman; (3) indicating that a copy of the consultation paper has been placed in the Local Government Library; (4) outlining the main proposals of the consultation paper, and (5) indicating that the Department welcomed the proposals and have highlighted in a response to the DTI that only a complete ban would have any impact in protecting vulnerable householders as they are least likely to understand the technicalities of cooling off periods and cancellation rights.

**Decided:** that the response by the Director of Planning and Environment on behalf of the Trading Standards Service to the Department of Trade and Industry (DTI) consultation, particularly in relation to a ban on cold calling to offer property repairs be homologated.

**DEPARTMENT OF TRADE AND INDUSTRY - CONSUMER STRATEGY CONSULTATION**

4. With reference to paragraph 7 of the Minute of the meeting of this Sub-Committee held on 9 December 2003, there was submitted a report dated 5 October 2004 by the Director of Planning and Environment (1) advising that the Department of Trade and Industry (DTI) have published a consultation document on its consumer strategy for the next five to ten years entitled "Extending Competitive Markets: Empowered Consumers, Successful Businesses" which is aimed at consumer and business representatives, local government, regulators and enforcers; (2) reminding Members of the results of the DTI's comparative study into consumer policy regimes in other Organisation for Economic Co-operation and Development (OECD) countries; (3) reporting that the DTI aim to have confidential well informed business and consumers that drive competitive markets resulting in a more prosperous society for all, with this being achieved by making competition more effective, by empowering consumers and tackling deliberately dishonest trading; (4) outlining the proposals for empowering consumers; (5) detailing how the DTI proposes to make the law clearer for the benefit of consumers and businesses; (6) listing the proposals which will make it easier for consumers and businesses to resolve problems; (7) outlining some of the proposals for ensuring a fair and safe trading environment which will have potential implications for the Council; (8) advising that the DTI were no longer considering the establishment of a national trading standards service outwith local authority control and are seeking to make service improvements through innovation within the existing framework; (9) reporting that as the proposals only set out general principles it was not proposed to

send an individual response to the document at this stage, and (10) concluding that the DTI have indicated that they will publish their final consumer policy strategy in the spring of 2005.

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

#### **THE FIREWORKS REGULATIONS 2004**

5. With reference to paragraph 3 of the Minute of the meeting of this Sub-Committee held on 4 May 2004, there was submitted a report dated 5 October 2004 by the Director of Planning and Environment on the Fireworks Regulations 2004 (1) outlining the background relative thereto; (2) reporting that the new Firework Regulations 1994 (a) will make permanent an earlier temporary ban on under 18s possessing adult fireworks in a public place, and a ban on all persons except firework professionals possessing Category 4 fireworks; (b) will introduce a curfew on the use of fireworks at night between the hours of 11 pm and 7 am, with exceptions which will allow use until midnight on 5 November and until 1 am on the nights of the Chinese New Year, Diwali and New Year's Eve; (c) will make it an offence to supply fireworks that exceed the noise level of 120 decibels; (d) will require shops and other suppliers to display a notice advising of the regulations and for suppliers to supply information on request to the Council about transactions where the amount of fireworks sold exceeds 50 kg; (e) will require, from 1 January 2005, suppliers to hold a licence from the Council if they wish to sell fireworks outwith the traditional firework period of 15 October to 10 November and certain other specified dates; (f) provide that a fee of up to £500 may be charged for a licence and that a licence cannot be granted unless the applicant holds a registration or licence under the Explosives Act 1875, and (g) will require importers to supply Customs and Excise with details of storage facilities for each consignment of fireworks following their importation, and (3) indicating that Local Authority Consumers of Regulatory Services (LACORS) are currently giving consideration to the effectiveness of this fee and that a final decision on the fee to be charged by Councils will not be decided until further advice is provided by LACORS.

**Decided:**

- (1) that the Council charge a fee of £500 per year for a licence to enable a supplier to sell fireworks outwith the traditional period of 15 October to 10 November and other specified dates, and
- (2) that the report be otherwise noted.

#### **MANDATORY LICENSING OF HOUSES IN MULTIPLE OCCUPATION - REVISED GUIDANCE**

6. With reference to paragraph 5 of the Minute of the meeting of this Sub-Committee held on 12 August 2003, there was submitted a report dated 5 October 2004 by the Director of Planning and Environment (1) outlining the background relative thereto; (2) reporting that when the Mandatory Licensing of Houses under Multiple Occupation scheme was first introduced, Benchmark and Tenancy Management Standards were adopted for properties within North Lanarkshire, based on national guidance; (3) advising that a set of standard licence conditions were also adopted for attachment to every licence issued and these conditions were developed following detailed consultation with the members of a Working Group comprising Officers from the Departments of Planning and Environment, Administration, Housing and Property Services and Social Work established to review arrangements for licensing Houses in Multiple Occupation; (4) indicating that the Scottish Executive have issued new guidance which pulls together all of the best practice developed since licensing was introduced and has been published in two formats, one for Licensing Authorities and one for landlords; (5) proposing that the Council adopt the Benchmark and Tenancy Management Standards as contained in the Mandatory Licensing of Houses in Multiple Occupation: Guidance for Licensing Authorities as its Benchmark and Tenancy Management Standards; (6) outlining the main changes to the Benchmark and Tenancy Management Standards, and (7) advising that copies of the

new guidance documents and leaflets have been placed in the Local Government Library for the information of Members.

**Decided:**

- (1) that approval be given to the adoption of the Benchmark and Tenancy Management Standards as contained in the Mandatory Licensing of Houses in Multiple Occupation: Guidance for Licensing Authorities issued by the Scottish Executive as the Council's Benchmark and Tenancy Management Standards, and
- (2) that all relevant Council properties be inspected to ensure compliance with the Act.

**PRIVATE SECTOR HOUSING ENFORCEMENT - ACTION IN RESPECT OF NON-COMPLIANCE**

7. There was submitted a report (docketed) dated 5 October 2004 by the Director of Planning and Environment regarding possible enforcement action for properties privately owned (1) outlining the background relative thereto; (2) reporting that the Housing (Scotland) Act 1987 imposes a duty on Local Authorities to address deficiencies in properties which do not meet the tolerable standard which includes action by Councils to enter premises and carry out the work specified in notices; (3) advising that it is sometimes necessary, where works of an emergency nature are required to protect public safety or prevent damage to other buildings, to undertake the works and later retrieve the costs; (4) advising that there is currently no provision within the Protective Services Division budget for such works, and that the cost can often be substantial, and (5) proposing that unless properties are included in an agreed scheme the Department will initiate action only for works of an emergency nature which are required to protect public safety or prevent damage to other buildings.

**Decided:**

- (1) that the enforcement action which can be taken in relation with private sector housing which is in disrepair be noted, and
- (2) that the content and recommendations contained within the report be otherwise approved.

**NATIONAL CONSUMER WEEK: 18-22 OCTOBER 2004**

8. There was submitted a report dated 5 October 2004 by the Director of Planning and Environment (1) advising that the theme for this year's National Consumer Week is "Get Real - Say No!" and will focus on a variety of scams that take advantage of unsuspecting consumers including postal and telephone scams and counterfeiting; (2) reporting that the Trading Standards Service receive hundreds of enquiries and complaints each year in connection with postal and telephone scams; (3) detailing the types of scams involved; (4) intimating that sole traders and small businesses often fall victim to bogus schemes that charge fees for unnecessary registration for Data Protection and Health and Safety purposes; (5) advising that the campaign in North Lanarkshire will consist of a series of posters produced by the Trading Standards Service backed up with consumer leaflets provided by the Office of Fair Trading; (6) outlining the content of the posters, and (7) reporting that the national launch of the week's activities will take place at the Department of Trade and Industry (DTI) in London and will be attended by the Consumer Minister, Gerry Sutcliffe MP, with national press releases issued by the Trading Standards Institute and that local releases highlighting the issues being focused on by North Lanarkshire Council will be sent to local media organisations.

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

**STAKEHOLDER ANALYSIS - TRADING STANDARDS PLANNED INSPECTIONS**

9. With reference to paragraph 2 of the Minute of the meeting of this Sub-Committee held on 11 February 2003, there was submitted a report dated 1 September 2004 by the Director of Planning and Environment (1) advising Members of the efforts made by the Trading Standards Service to address issues raised as a consequence of consultation with the recipients of planned visits which involve enforcement of legislation; (2) indicating that a sample of all visits for a period from April 2003 to March 2004 was selected to give an insight into the performance of all the staff involved; (3) confirming that a total of 370 questionnaires were issued with 166 being returned, representing a return of 44.86%; (4) advising that the majority of the questionnaires had returned expressed satisfaction with the service; (5) indicating that background papers detailing the analysis of returned questionnaires are available in the Members Library, and (6) proposing that this exercise be repeated in order to build on what is clearly perceived by the users as a service which delivers good value for service users.

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

**ANNUAL REPORT FROM THE TRADING STANDARDS SERVICE: AUDIT SCOTLAND PERFORMANCE AUDIT**

10. With reference to paragraph 3 of the Minute of the meeting of this Sub-Committee held on 10 August 2004, there was submitted a report dated 5 October 2004 (1) advising that Audit Scotland and Trading Standards service as part of its performance improvement agreement, highlighted that the Trading Standard service, should report annually to stakeholders on its performance over the preceding year, and (2) indicating that a copy of the Trading Standard Service Annual Report 2003-2004 would be issued to all Members of the Council.

**Decided:** that the contents of the Trading Standards Service annual report be noted.

**INSPECTION STRATEGY FOR THE IDENTIFICATION OF CONTAMINATED LAND - APPOINTMENT OF SUB-CONSULTANT**

11. With reference to paragraph 7 of the Minute of the meeting of this Sub-Committee held on 4 May 2004 there was submitted a report dated 5 October 2004 by the Director of Planning and Environment regarding the inspection strategy for the identification of contaminated land (1) outlining the background relative thereto; (2) advising that the implementation of the strategy is to ensure that land is suitable for its current use and to enable appropriate remediation action to be taken where any site meets the definition of statutory contaminated land; (3) reporting that the Council commissioned Jacobs Babtie, formerly The Babtie Group, to prepare, issue and assist in the award of a tender to engage a specialist sub-consultant to provide additional resources to implement the Strategy; (4) indicating that five tenders were submitted and advising that Johnstone, Pool and Bloomer had submitted the lowest priced tender of £24,658 and were subsequently appointed to carry out the required works, and (5) reminding Members that the costs of all payments to the sub-consultants for work in progressing the Implementation of the Strategy will be fully funded by the Scottish Executive Grant of £662,000 for the year 2004/2005.

**Decided:**

- (1) that it be noted that Johnstone, Pool and Bloomer had been approved as sub-consultants to carry out the works required;
- (2) that a further report be submitted to a future meeting of this Sub-Committee providing progress in the implementation of the strategy, and
- (3) that the report be otherwise noted.