

Motherwell, 27 August 2009 at 2 pm.

A Meeting of the **CORPORATE SERVICES COMMITTEE**

PRESENT

Councillor Hogg, Convener; Councillors Carrigan, Chadha, Devine, Grant, Irvine, Key, McElroy, Nolan, Ross, Stewart and Stocks.

CHAIR

Councillor Hogg (Convener) presided.

IN ATTENDANCE

The Executive Director of Corporate Services; Head of Central Services; Head of Legal Services, and Senior Accountant, Finance and Customer Services.

APOLOGIES

Councillors S. Coyle, Harmon, McAuley and Wallace.

DECLARATIONS OF INTEREST IN TERMS OF THE ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000

1. Councillor Carrigan declared a non-pecuniary interest in paragraph 15 below by reason of his membership of the Health and Safety Commission and Councillor Ross declared a non-pecuniary interest in paragraph 18 below by reason of his involvement in the licensed trade.

QUARTERLY PERFORMANCE MANAGEMENT EXCEPTIONS REPORT – QUARTER 1 (APRIL TO JUNE 2009)

2. There was submitted a report dated 19 August 2009 by the Executive Director of Corporate Services (1) advising of areas in which the Service's performance, within quarter 1, April to June 2009, was outwith agreed thresholds, and (2) providing details thereon, together with actions proposed.

Decided: that the contents of the report be noted.

GENERAL DEBTORS' BAD WRITE OFF FOR FORMER ADMINISTRATION DEPARTMENT IN FINANCIAL YEAR 2006/2007

3. There was submitted a report dated 6 August 2009 by the Executive Director of Corporate Services (1) presenting a summary of outstanding debtor accounts which had been deemed uncollectable following all attempts to recover; (2) advising that an analysis of the outstanding balances due to the former Administration Department had been conducted and that the sum of £332.40 had been identified as uncollectable; (3) indicating that the Executive Director of Finance and Customer Services, under delegated powers, had written off balances under £250, in the sum of £18.50, and (4) seeking approval of the write off of balances over £250 in the sum of £313.90.

CORPORATE SERVICES – 27 August 2009

Decided:

- (1) that it be noted that the Executive Director of Finance and Customer Services, under delegated powers, had written off balances under £250 for the former Administration Department, deemed uncollectable in the sum of £18.50;
- (2) that the write off of items over £250 to the value of £313.90 be approved, and
- (3) that the report be remitted to the Policy and Resources (Finance and Customer Services) Sub-Committee.

2009/2010 REVENUE MONITORING REPORT – CORPORATE SERVICES - 1 APRIL TO 17 JULY 2009

4. There was submitted a report dated 4 August 2009 by the Executive Director of Corporate Services detailing, for the period from 1 April to 17 July 2009, expenditure and income against the estimates contained in the 2009/10 Budget for Corporate Services including separate details in respect of the five divisions of that Service.

Decided: that the contents of the report be noted.

COMPOSITE CAPITAL PROGRAMME 2009/2010 – 1 APRIL TO 17 JULY 2009

5. There was submitted a report dated 27 July 2009 by the Head of Property Services detailing, for the period from 1 April to 17 July 2009, expenditure against the estimates contained in the 2009/10 annual capital programme and providing a projected final expenditure position at year end.

Decided: that the contents of the report be noted.

CIVIC CENTRE MOTHERWELL

6. With reference to paragraph 8 of the Minute of the meeting of this Committee held on 30 October 2008, when it was agreed that the Council be asked to make available additional funding to enable the re-roofing and the whole of the internal works to the Civic Centre to be undertaken, there was submitted a report dated 23 July 2009 by the Head of Central Services (1) referring to the approved Capital Programme to upgrade and refurbish the Civic Centre, Motherwell; (2) detailing the background relative thereto; (3) indicating that there remains to be completed the refurbishment of the ground floor, other than the Registration Office and the Finance wing, at a cost of £1.25m from the Capital Programme; (4) advising that, given the satisfactory performance of the contractor on site, the Head of Design Services had been authorised to proceed with the preparation of the Bills and Quantities to obtain the necessary building warrant and to enter into negotiations with the present contractor, and (5) seeking homologation of the action taken.

Decided: that the position be noted and the authority given to the Head of Design Services to enter into negotiations with the present contractor be homologated.

MINUTES OF SUB-COMMITTEES

(1) CORPORATE SERVICES (LICENSING) SUB-COMMITTEE

7. There was submitted the Minutes of the meetings and special meetings of the Corporate Services (Licensing) Sub Committee held on 20 May, 10 June, 7, 14 and 15 July and 5 August 2009.

Decided: that the Minutes of the meetings and special meetings of the Corporate Services (Licensing) Sub-Committee held on 20 May, 10 June, 7, 14 and 15 July and 5 August 2009 be approved and noted.

(2) CIVIC FUNCTIONS GROUP

8. There was submitted the Minute of the meeting of the Civic Functions Group held on 6 August 2009.

Decided: that the Minute of the meeting of the Civic Functions Group held on 6 August 2009 be approved and noted.

CHARITY LAW CONSULTATION: PROPOSALS FOR MINOR AMENDMENTS TO THE CHARITIES AND TRUSTEE INVESTMENT (SCOTLAND) ACT 2005 AND TO THE CHARITIES ACCOUNTS (SCOTLAND) REGULATIONS 2006

9. There was submitted a report dated 5 August 2009 by the Head of Legal Services (1) seeking homologation of action taken in responding, on behalf of the Council, to the Scottish Government's consultation on proposals for minor amendments to the Charities and Trustee Investment (Scotland) Act 2005 and to the Charities Accounts (Scotland) Regulations 2006; (2) detailing the background relative thereto, and (3) setting out the proposals of the consultation together with a summary of the response, as contained within the Appendix to the report.

Decided: that the action taken in responding, on behalf of the Council, to the Scottish Government's consultation on proposals for minor amendments to the Charities and Trustee Investment (Scotland) Act 2005 and to the Charities Accounts (Scotland) Regulations 2006, as contained within the Appendix to the report, be homologated.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CUSTODIAL SENTENCES AND WEAPONS (SCOTLAND) ACT 2007 - THE KNIFE DEALERS LICENCES (EXCEPTIONS) ORDER 2009 - THE KNIFE DEALERS LICENCES (LICENSED CONDITIONS) (SCOTLAND) ORDER 2009 - THE KNIVES (FORFEITED PROPERTY) (SCOTLAND) ORDER 2008 - IMPLEMENTATION OF NEW MANDATORY LICENSING SCHEME

10. There was submitted a report (docketed) dated 10 August 2009 by the Head of Legal Services (1) advising of the introduction of a new Mandatory Licensing Scheme, Knife Dealer's (Licence Conditions) Order 2009, which comes into force on 1 September 2009, with all knife dealers requiring to be in possession of a licence by 1 June 2010; (2) detailing the background relative thereto together with the mandatory conditions to be attached to the licences; (3) setting out the timescale for the licensing of knife dealers, in the Scottish Government's letter, as contained with Appendix 1 of the report; (4) confirming that the legislation was silent as to the definition of a domestic and non-domestic knife, as was the Scottish Government's e-mail, as contained with Appendix 2 of the report; (5) indicating that the internet definitions, as contained within Appendix 3 of the report, be used to establish that a "domestic" is any knife, tool or blade, used habitually in accommodation used as family homes; (6) setting out the operational aspects of the 2009 Order, including fees applicable for the processing of applications, and the involvement of Environmental Services staff, and (7) further proposing that any application of a contentious nature, or attracting adverse comment or

observations, would be submitted for consideration by the Corporate Services (Licensing) Sub-Committee, otherwise applications be granted under delegated powers.

Decided:

- (1) that the introduction of Knife Dealer's (Licence Conditions) Order 2009 be noted;
- (2) that the mandatory conditions to be attached to knife dealer licences be noted;
- (3) that the internet definitions for domestic and non-domestic knives be agreed;
- (4) that it be agreed that the application fee for the grant of a licence be set at £288 and a renewal fee set at £188;
- (5) that authorisation of Environmental Services officers for the purposes of inspecting premises which are subject of applications for licences under the Scheme be agreed;
- (6) that it be agreed that any applications of a contentious nature, or attracting adverse comment or observation be considered by the Corporate Services (Licensing) Sub-Committee and that there be delegated to those officers who currently have delegated powers to grant licences under the Civic Government (Scotland) Act 1982, authority to grant applications, not of a contentious nature, attracting no adverse comment or observation, and
- (7) that authority be granted to the Head of Legal Services to issue a press release and mailshot to advise business of the forthcoming requirement.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF BOOKING OFFICES) ORDER 2009

11. **C** There was submitted a report (docketed) dated 22 July 2009 by the Head of Legal Services (1) advising of the introduction of a new mandatory Licensing Scheme, Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009, which comes into force on 3 April 2009, as contained within Appendix 1 of the report; (2) indicating that a licence is required for the use of premises for the carrying on of a business which consists to any extent for taking bookings, by any means of communication, from members of the public for the hire of a taxi or private hire car from 16 November 2009; (3) detailing the background relative thereto together with the mandatory conditions to be attached to licences, as contained within Appendix 2 of the report; (4) setting out the operational aspects of the 2009 Order, including fees applicable for the processing of applications, and the involvement of Environmental Services staff, and (5) further advising that any application of a contentious nature, or attracting adverse comment or observations be considered by the Corporate Services (Licensing) Sub-Committee, otherwise applications be granted under delegated powers.

Decided:

- (1) that the introduction of the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 be noted;
 - (2) that the mandatory conditions to be attached to booking offices be noted;
 - (3) that the application fee for grant of a licence be set at £288 and the renewal fee set at £188;
 - (4) that authorisation of Environmental Services officers for the purposes of inspecting premises which are the subject of applications for licensing under the Scheme, be agreed;
 - (5) that it be agreed that any applications of a contentious nature, or attracting adverse comment or observation be considered by the Corporate Services (Licensing) Sub-Committee and that there be delegated to those officers who currently have delegated powers to grant licences
-
-

under the Civic Government (Scotland) Act 1982, authority to grant applications, not of a contentious nature, attracting no adverse comment or observation, and

- (6) that authority be granted to the Head of Legal Services to issue a press release and mailshot to advise businesses of the forthcoming requirement.

SUMMARY JUSTICE REFORM – UNIFICATION OF COURTS WITHIN SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY

12. With reference to paragraph 10 of the Minute of the meeting of this Committee held on 8 January 2009, when proposals for the unification of the North Lanarkshire District Courts into the Scottish Court Service in June 2009 was noted, there was submitted a report dated 10 August 2009 by the Head of Legal Services (1) advising of a delay in the timetable for the unification; (2) detailing the background relative thereto; (3) indicating that the Scottish Court Service have advised (a) that there has been further debate within the Scottish Parliament in relation to proposals for Court locations within other areas of the Sheriffdom and, as a result, further secondary legislation will be required, and (b) that the further legislative process will necessitate a delay in the unification timetable until the end of January 2010, and (4) further advising that the Scottish Court Service intend to take further recommendations to the Cabinet Secretary for Justice and sought any further views the Council may have by 27 August 2009.

Decided:

- (1) that the delay in the unification of the District Courts into the Scottish Court Service be noted, and
- (2) that the Head of Legal Services be authorised to respond to the Scottish Court Service affirming that the Council would not wish to demur from the previous proposals.

DRAFT CHILDREN'S HEARINGS (SCOTLAND) BILL – IMPLICATIONS FOR THE COUNCIL

13. With reference to paragraph 16 of the Minute of the meeting of this Committee held on 30 October 2008, when it was noted that a response to the consultation on the reform of the Children's Hearing System entitled "Strengthening the Future" had been submitted to the Scottish Government, there was submitted a report dated 18 August 2009 by the Head of Central Services (1) advising that the Scottish Government published a Draft Children's Hearings (Scotland) Bill designed to put into effect much of what was contained in the consultation paper, including proposals that local authorities be taken out of the process except for a minor role in promoting the Children's Hearing System; (2) indicating that the Draft Bill envisages the creation of the role of President who, with the help of a national body, would take on the vast majority of the duties currently undertaken by local authorities and Children's Panel Advisory Committees (CPAC) with regard to the provision of administrative support; (3) detailing the current support provided by local authorities, and the implications the Draft Bill will have for the Council, and (4) concluding that it is clear from the provisions of the Draft Bill that the role currently undertaken by the local authority will disappear and be replaced by a national body.

Thereon the Head of Central Services advised, orally, that the Scottish Government had, on 27 August, advised that changes had been made to the Draft Bill which would not now be introduced to Parliament until next year and that a paper would be issued setting out the current thinking with regard to the Draft Bill.

Decided: that the position be noted.

SCOTLAND'S POPULATION 2008 - REGISTRAR GENERAL'S ANNUAL REVIEW OF DEMOGRAPHIC TRENDS

14. There was submitted a report dated 18 August 2009 by the Head of Central Services (1) advising of the publication of the Registrar General's Annual Review of Demographic Trends entitled "Scotland's Population 2008", a copy of which has been placed in the Members' Library, and (2) providing a summary thereon.

Decided: that the publication of the Registrar General's Annual Review of Demographic Trends entitled "Scotland's Population 2008" be noted.

Councillor Carrigan declared a non-pecuniary interest in the following item of business by reason of his membership of the Health and Safety Commission.

HEALTH AND SAFETY INFORMATION FOR ELECTED MEMBERS

15. There was submitted a report dated 23 July 2009 by the Head of Central Services (1) advising of the publication by the Institute of Occupational Safety and Health (IOSH) of a new guide highlighting the health and safety responsibilities of elected Members, a copy of which had been placed in the Members' Library; (2) indicating that the publication entitled "Think About Health and Safety - What Elected Members of Local Authorities Need to Know" highlights the key role of elected Members in securing the health and safety of the Council's workforce and ensuring the health, safety and wellbeing of their communities; (3) detailing the background relative thereto, and (4) proposing that Members be made aware of the publication via the Members' Training and Development Programme.

Decided: that Members be made aware of the publication entitled "Think About Health and Safety - What Elected members of Local Authorities Need to Know", via the Members' Training and Development Programme.

CONSULTATION ON DRAFT NATIONAL ELECTED MEMBER STRATEGY FOR LOCAL GOVERNMENT

16. With reference to paragraph 12 of the Minute of the meeting of this Committee held on 8 January 2009, when it was agreed that the Head of Central Services submit a response to Improvement Service's Consultation on a National Elected Member Development Strategy for Local Government, there was submitted a report dated 10 July 2009 by the Head of Central Services (1) providing an update on the findings of the consultation; (2) providing, in the Appendix to the report, the questions raised in the consultation together with the Council's response; (3) detailing the background relative thereto; (4) summarising the findings, and (5) advising that during June 2009 COSLA agreed to establish two groups to progress the strategy.

Decided:

- (1) that the progress of a Draft National Elected Member Strategy for Local Government be noted, and
- (2) that further updates be presented to this Committee.

RE-TENDERING OF HOUSING AND PROPERTY MAINTENANCE CONTRACTS

17. There was submitted a report dated 10 August 2009 by the Head of Design Services (1) seeking approval from this Committee to progress the procurement process of the Housing and Corporate Property Maintenance Contract with the advertisement of the contract within the Official Journal of the
-
-

European Union (OJEU); (2) detailing the background relative thereto; (3) indicating that the partnership arrangement for the delivery of a multi-trade maintenance service, including emergency, routine repairs, planned and cyclical maintenance for housing and corporate property was due to expire in January 2011; (4) setting out proposals for consideration, and (5) confirming that Finance and Customer Services and the Legal Services Division were fully involved in the Member/Officer Working Group progressing the matter.

Decided: that the Head of Design Services be authorised to progress the procurement process for the Housing and Corporate Property Maintenance Contract with the advertisement of the contract within the Official Journal of the European Union (OJEU).

Councillor Ross declared a non-pecuniary interest in the following item of business by reason of his concern in the licensing trade.

NORTH LANARKSHIRE LOCAL LICENSING FORUM – RESIGNATION

18. There was submitted a report dated 5 August 2009 by the Head of Central Services (1) advising that the Council had appointed Ms. Theresa Ward, Lanarkshire Housing Association as a member of North Lanarkshire Local Licensing Forum and that subsequently Ms. Ward had resigned; (2) indicating that an approach had been made from the Scottish Co-operative expressing an interest in becoming involved in the Forum, and (3) proposing that in order to maintain a wide range of representatives for the purposes of the licensing objectives, set out in the Licensing (Scotland) Act 2005, and given the Local Licensing Forum currently had five members of the licensed trade, expressions of interest be invited from Housing Associations in North Lanarkshire in the first instance.

Decided: that expressions of interest be invited from Housing Associations in North Lanarkshire to fill the vacancy on the North Lanarkshire Local Licensing Forum.

LOCAL PUBLIC HOLIDAYS 2010 FOR FACTORIES AND BUSINESSES

19. There was submitted a report dated 5 August 2009 by the Head of Central Services seeking the determination of local public holidays for the year 2010 for factories and business in North Lanarkshire.

Decided: that the following dates be determined as local public holidays in North Lanarkshire for 2010 for factories and businesses viz:-

Friday, 1 and Monday, 4 January 2010
Monday, 5 April 2010
Monday, 3 and Monday, 31 May 2010
Monday, 19 July 2010
Monday, 27 September 2010
Monday, 27 and Tuesday, 28 December 2010

TOWN TWINNING – CUMBERNAULD/BRON ASSOCIATION

20. There was submitted a report dated 5 August 2009 by the Head of Central Services advising of correspondence received from the Chairperson, Cumbernauld/Bron Association (1) advising that a part of approximately 17 ramblers would be travelling to Cumbernauld from 9 to 16 September 2009, and (2) seeking assistance towards the visit.

Decided: that assistance in terms of Council policy be awarded to Cumbernauld/Bron Association.

CORPORATE SERVICES STRUCTURE REVIEW - CENTRAL SERVICES AND LEGAL SERVICES

21. There was submitted a report (docketed) dated 13 August 2009 by the Executive Director of Corporate Services proposing, for the reasons detailed therein (1) the transfer of responsibility for Data Protection, Freedom of Information and central responsibilities in terms of the Regulation of Investigatory Powers Legislation from Central Services Division to the Legal Services Division of Corporate Services; (2) that the posts of Corporate Freedom of Information Officer, Assistant Corporate Freedom of Information Officer and two posts of Administrative Officer be transferred from the Central Services Division to the Legal Services Division of Corporate Services; (3) the deletion of one post of Civic Governance Manager and two posts of Administrative Assistant.

Decided:

- (1) that responsibility for Data Protection, Freedom of Information and central responsibilities in terms of Regulation of Investigatory Powers Legislation be transferred from the Central Services Division to the Legal Services Division of Corporate Services;
- (2) that the posts of Corporate Freedom of Information Officer, Assistant Corporate Freedom of Information Officer and two posts of Administrative Officer be transferred from the Central Services Division to the Legal Services Division of Corporate Services, and
- (3) that one post of Civic Governance Manager and two posts of Administrative Assistant be deleted from the establishment of Corporate Services.

DESIGN SERVICES – REVIEW OF STAFF STRUCTURE

22. There was submitted a report (docketed) dated 19 August 2009 by the Head of Design Services proposing, following a review of staffing requirements, (1) the deletion of one post of Group Manager (Engineer) at NLC14, one post of Team Leader (Engineer) at salary grade NLC12, two posts of Engineer at salary grade NLC9-11, one post of Assistant Engineer at salary grade NLC6-10, two posts of Architect at salary grade NLC9-11, one post of Senior Technician at salary grade NLC6-10, and one post of Technician at salary grade NLC6-10, and (2) the establishment of one post of Group Manager at salary grade NLC14 and five posts of Clerk of Works at salary grade NLC8.

Decided:

- (1) that the following posts be deleted from the establishment of the Design Services Division of Corporate Services

one post of Group Manager (Engineer) at salary grade NLC14;
one post of Team Leader (Engineer) at salary grade NL12;
two posts of Engineer at salary grade NLC9-11;
one post of Assistant Engineer at salary grade NLC6-10;
two posts of Architect at salary grade NLC9-11;
one post of Senior Technician at salary grade NLC6-10, and
one post of Technician at salary grade NLC6-10, and
- (2) that the establishment of the Design Services Division of Corporate Services be increased by one post of Group Manager at salary grade NLC14 and five posts of Clerk of Works at salary grade NLC8.