

Motherwell, 26 April 2016 at 2 pm.

A Meeting of the ENVIRONMENTAL SERVICES COMMITTEE

PRESENT

Councillor McPake, Convener; Councillor Docherty, Vice-Convener; Councillors Brooks, Cefferty, Cochrane, J. Coyle, Curley, Goldie, Grant, Harmon, P. Hogg, W. Hogg, Irvine, McCulloch, McKendrick, McLaren, Morgan, G. O'Rourke, P. O'Rourke, Stocks and Annette Valentine.

CHAIR

Councillor McPake (Convener) presided.

IN ATTENDANCE

The Committee Services Manager, Acting Executive Director of Regeneration and Environmental Services, Head of Protective Services, Business Manager (Cleansing), Business Manager (Environmental and Cemeteries) and Business Manager (Transport).

APOLOGIES

Councillors Majid, McGlinchey, Shields, Spowart and Zambonini.

CONVENER'S REMARKS

The Convener welcomed the new Members of the Committee to the meeting. Councillor P. O'Rourke then asked that the Committee's recognition of the work carried out by the previous Convener of the Committee be recorded. The Convener further advised that it was Ken Wilson, Acting Executive Director of Regeneration and Environmental Services' last meeting of the Committee. The Convener thanked Ken for all his support and valuable contribution to the Council over the years, and wished him well for the future.

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

1. Declarations of interest were received from Members, details of which are set out below, and the Members concerned took no part in the consideration of the matters identified:-

Councillor Cefferty by virtue of his membership of CultureNL in respect of item 12 "Colzium Cafe and Visitors Centre, Kilsyth – Redevelopment".

Councillor McPake by virtue of his employment in respect of paragraph 18 "Review of Fees for Testing of Taxis and Private Hire Cars".

PERFORMANCE PORTFOLIO - THIRD QUARTER 2015/16

2. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services providing details of (1) the performance for the third quarter of the financial year 2015/16 in relation to the indicators contained within the Service Plan for Regeneration and Environmental Services; (2) indicators which (a) had not met the set target and where performance was below the acceptable threshold, and (b) had surpassed the set target and where

performance was above the acceptable threshold, and (3) the corrective action taken or due to be taken to ensure the targets were met.

Decided: that the report be noted.

CONTINUATION OF FORMAL JOINT WORKING BETWEEN TRADING STANDARDS AND POLICE SCOTLAND

3. With reference to paragraph 4 of the Minute of the meeting of this Committee held on 11 August 2015, there was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) reminding Members that it had been agreed that a three month pilot project be established between Trading Standards and Police Scotland, during which a member of Trading Standards would be embedded within the Lanarkshire Police Division to enable both parties to work together, as partners, towards common aims; (2) containing details of some of the pilot project's successes and highlights; (3) advising that during the pilot period, £1.6m of goods were seized; (4) detailing the operational aspects of the project, and (5) seeking approval for the continuation of formal joint working arrangements between Trading Standards and Police Scotland, Lanarkshire Division, as detailed within the report.

Decided:

- (1) that the continuation of the formal joint working arrangements between Trading Standards and Police Scotland, Lanarkshire Division, as detailed in the report, be approved, and
- (2) that the contents of the report be otherwise noted.

GLASGOW BIN LORRY FATAL ACCIDENT INQUIRY – UPDATE OF NLC ACTIVITY

4. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) referring to the Glasgow Bin Lorry Fatal Accident Inquiry which had recently concluded; (2) summarising, in Appendices 1 to 3 of the report, (a) the reasonable precautions which the Sheriff considered might have been taken; (b) the recommendations made by the Sheriff following the Inquiry, and (c) three matters raised by the Sheriff for consideration by the relevant authorities; (3) detailing the Sheriff's recommendations aimed at Glasgow City Council and other local authorities; (4) setting out actions undertaken by the Council, to date, in respect of (a) bin lorry design; (b) workforce training; (c) references; medicals; health, and driving licence checks, and (d) route safety reviews; (5) advising that the Sheriff's decision had stated that the Council's approach to route risk assessment should be seen as best practice, and (6) recommending that the actions taken by the Council in relation to the recommendations made by the Glasgow Bin Lorry Fatal Accident Inquiry be noted.

Decided: that the actions taken by the Council in relation to the recommendations made by the Glasgow Bin Lorry Fatal Accident Inquiry be noted.

ALCOHOL TESTING PROCEDURES 2016

5. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) reminding Members that the Council recognised that alcohol related problems were matters of health and social concern, and sought to provide, as far as reasonably practicable, all possible support to employees who sought assistance to overcome any such problems; (2) advising that, in April 2008, the Corporate Manslaughter and Corporate Homicide Act 2007 came into force which set out a new offence of when gross failures in the way activities were managed by an organisation resulted in a person's death; (3) explaining that prosecution would be

likely, when the organisation knowingly permitted someone to drive when unsure about their ability to control a vehicle, and, if they, in the course of their employment, were involved in a road traffic fatality; (4) proposing (a) that a trial of in-house breath tests be carried out in those driver categories which were considered to be a high risk, namely those drivers in (A) Waste Management; (B) Environment and Cemeteries; (C) Fleet Management, and (D) Countryside and Landscapes; (b) that the Managers/Supervisors who had been trained in the application of testing procedures and equipment would conduct the in-house alcohol breathalyser tests on a random basis; (c) that employees would be selected at random and tested in a manner which respected human dignity; (d) that a register would be maintained of all tests conducted, with the process complying with data protection principles, and (e) that any employee found to exceed 22 micrograms of alcohol in 100 millilitres of breath would not be permitted to undertake driving duties; (5) outlining the financial implications of purchasing digital breathalysers and disposable mouthpieces, and (6) recommending (a) that alcohol testing procedures be introduced, on a pilot basis, within Waste Management, Environment and Cemeteries, Countryside and Landscapes and Fleet Operations, and (b) the report be referred to the Policy and Resources (Human Resources) Sub-Committee for consideration.

Decided:

- (1) that alcohol testing procedures be introduced, on a pilot basis, within Waste Management, Environment and Cemeteries, Countryside and Landscapes and Fleet Operations, and
- (2) that the report be referred to the Policy and Resources (Human Resources) Sub-Committee for consideration.

CEMETERIES SERVICE – BURIAL SPACE NEEDS

6. With reference to paragraph 6 of the Minute of the meeting of this Committee held on 28 January 2014, there was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) referring to the requirement to provide sufficient burial space throughout North Lanarkshire; (2) detailing, in the Appendix to the report, an updated schedule of new lair provision within North Lanarkshire; (3) intimating that the open space to the west of Coltswood Cemetery, including the pitch to the west of the Cemetery, should be secured as an extension; (4) highlighting the requirement for burial space to be secured in the Wishaw area by the time new lairs cease to be available at Cambusnethan Cemetery; (5) summarising progress made in securing land to the north of Benhar Cemetery for use as a future expansion; (6) reminding Members that burial space which had been created within Eastfield Cemetery, Cumbernauld, to serve the Muslim community, became operational in Autumn 2015, and that there was provision within Cambusnethan Cemetery for Muslim burials; (7) advising of the requirement to secure additional building space adjacent to New Monklands Cemetery, and (8) summarising the financial implications thereon.

Decided:

- (1) that the existing provision of new lairs be noted;
- (2) that the requirement to secure additional burial space adjacent to New Monklands Cemetery be noted;
- (3) that the requirement to secure land and develop a replacement for Cambusnethan Cemetery be noted;
- (4) that additional burial space to the west of Coltswood Cemetery be secured;
- (5) that the open space to the north of Benhar Cemetery be secured as burial ground, and
- (6) that the open space to the east of Eastfield Cemetery be secured as burial ground.

DEPOT AND ENVIRONS AT SHOTTSKIRK ROAD, SHOTTS

7. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services seeking approval to declare the depot and environs extending to 1,112 square metres or thereby at Shottskirk Road, Shotts surplus to operational requirements, as detailed in the plan appended to the report.

The Convener then proposed, for the reasons detailed, that this item be continued to a future meeting of the Committee, following further consultation with local Members.

Decided: that a further report be submitted to a future meeting of the Committee, following further consultation with local Members.

The Convener exercised his discretion to vary the Order of Business as hereinafter Minuted.

REVENUE MONITORING REPORT – REGENERATION AND ENVIRONMENTAL SERVICES

8. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) providing a summary of the Regeneration and Environmental Services' financial performance for the period from 1 April 2015 to 4 March 2016, as contained within the Appendices to the report; (2) giving explanations for any significant variances, together with risks and uncertainties, and (3) detailing the projected outturns.

Decided: that the contents of the report be noted.

**CAPITAL MONITORING REPORT – REGENERATION AND ENVIRONMENTAL SERVICES
COMPOSITE CAPITAL PROGRAMME FOR 2015/16**

9. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) advising of the overall projected financial position for the 2015/16 Capital Programme, for the period from 1 April 2015 to 4 March 2016; (2) providing an update on the financial performance of the Regeneration and Environmental Services Capital Programme for that period; (3) containing explanations of significant variances and potential risks, and (4) detailing, in the Appendix to the report, the projected outturn for 2015/16.

Decided: that the contents of the report be noted.

**REVENUE MONITORING REPORT – 1 APRIL 2015 - 4 MARCH 2016 - REGENERATION AND
ENVIRONMENTAL SERVICES TRADING ACCOUNTS**

10. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) providing a summary of Regeneration and Environmental Services' Trading Accounts' financial performance for the period from 1 April 2015 to 4 March 2016; (2) forecasting the outturn as at 31 March 2016, and (3) summarising (a) in Appendix 1 of the report the overall trading summary; (b) in Appendices 2 to 4 of the report a summary of each of the individual trading accounts, and (c) in Appendix 5 to the report, the payments made to other bodies.

Decided: that the report be noted.

Prior to consideration of the following item of business, Councillor Cefferty, by virtue of being a member of CultureNL, declared an interest and took no part in the determination.

COLZIUM CAFE AND VISITOR CENTRE – REDEVELOPMENT

11. There was submitted a report dated 17 March 2016 by the Head of Corporate Property and Procurement (1) providing details of six tenders received for the redevelopment of the existing derelict stone built Grade B listed building within the curtilage of Colzium Mansion House, formerly the 'Clock Theatre', to provide a building suitable for use as a cafe and visitor centre, and (2) advising that, following consultation with the Convener, the former Executive Director of Corporate Services had accepted the lowest offer, after checking and adjustment, by J.B. Bennett (Contracts) Limited, in the sum of £639,259.57.

Decided: that the report be noted.

NOTIFICATION OF CONTRACT AWARDS FOR THE PERIOD FROM 2 FEBRUARY TO 31 MARCH 2016

12. There was submitted a report dated 31 March 2016 by the Head of Democratic and Legal Services providing, in the Appendix to the report, details of contracts which had been awarded by the former Executive Director of Corporate Services, on the authority of the appropriate Chief Officer, in accordance with the Council's General Contract Standing Orders, for works over £50,000 but less than £500,000 in value during the period from 2 February to 31 March 2016.

Decided: that the report be noted.

FLEET PROCUREMENT 2015

(1) LIGHT VEHICLE TENDER AWARD - 43 VEHICLES

13. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) advising of tenders received for the purchase of 43 vehicles, as detailed therein; (2) referring to an options appraisal exercise which had been carried out, which had shown that it was more cost effective to purchase the vehicles, sell them to a finance leasing company and subsequently lease the vehicles back; (3) explaining the financial implications of such an arrangement, and (4) indicating that the former Executive Director of Corporate Services, following consultation with the Convener, had accepted the tenders for the procurement of 43 vehicles.

Decided: that the action taken by the former Executive Director of Corporate Services, following consultation with the Convener, to accept the tenders for the 43 vehicles, be noted.

(2) LIGHT VEHICLE TENDER AWARD - THREE EXCAVATORS AND TWO BRAKERS

14. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) advising of tenders received for the purchase of three excavators and two brakings, as detailed therein; (2) referring to an options appraisal which had been carried out, which had shown that it was more cost effective to purchase the vehicles, sell them to a finance leasing company and subsequently have the vehicles leased back; (3) explaining the financial implications of such an arrangement, and (4) indicating that the former Executive Director of Corporate Services, following consultation with the Convener, had accepted the tender for three excavators and two brakings.

Decided: that the action taken by the former Executive Director of Corporate Services, following consultation with the Convener, to accept the tender for the three excavators and two brakings, be noted.

FLEET TRACKER SYSTEM PROCUREMENT TENDER

15. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) advising of action taken by the former Executive Director of Corporate Services, following consultation with the Convener, to undertake a tender process to procure, supply, install, commission and maintain a vehicle tracking system for the Council Fleet; (2) informing that there were currently 183 vehicles with tracker devices, with the intention to increase that number to 400 vehicles following the procurement process; (3) outlining the financial implications to the Council, and (4) explaining that the system would be procured through the European Journal (OJEU) Public Contracts Scotland Open Procedure.

Decided: that the action taken by the former Executive Director of Corporate Services, following consultation with the Convener, to proceed with the procurement tender process, be noted.

DISPOSAL/RECYCLING OF INERT RUBBLE WASTE FROM THE COUNCIL'S HOUSEHOLD WASTE RECYCLING CENTRE SITES

16. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) referring to a contract which had been awarded to Messrs. Patersons of Greenoakhill Limited during the contract period 15 December 2014 to 14 December 2015 for the disposal/recycling of inert rubble waste from the Council's Household Waste Recycling Centres (HWRC); (2) indicating that the contract had only been for a one year duration with no option to extend; (3) advising that, as an interim arrangement, Waste Management Services had arranged a contract with Patersons of Greenoakhill Limited for the disposal/recycling of the rubble through a quick "process" on the Public Contracts Scotland Portal; (4) explaining that the contract had a maximum term of eight months, or a maximum tonnage of 3,000 tonnes, or a maximum value of £30,000, with the Council reserving the right to end this contract when any one of the values had been reached; (5) informing that during the time of this contract, Waste Management Services would plan and prepare tender documentation for a further three year contract, with the option to extend, and (6) intimating that the anticipated costs of awarding the quick 'process' contract would be approximately £25,000 to £30,000 and, for a three year contract, £150,000.

Decided:

- (1) that the action taken by the Acting Executive Director of Regeneration and Environmental Services, following consultation with the Convener, to enter into the interim contract for a period of up to eight months be homologated, and
- (2) that the tendering process for the disposal of inert rubble waste for a minimum of three years be commenced.

PETITION – PROPOSED GOLFHILL QUADRANT AND COUTHER QUADRANT ALLOTMENT PROJECT, AIRDRIE

17. There was submitted a report dated 1 March 2016 by the Head of Democratic and Legal Services advising of the receipt of a petition containing 16 signatures which had been lodged by a resident of Golfhill Quadrant, Airdrie requesting that consideration be given to providing an alternative access to the proposed Golfhill Quadrant and Couter Quadrant Allotment project.

Decided: that consideration of the matter be continued pending the submission of a report by the Acting Executive Director of Regeneration and Environmental Services to a future meeting of this Committee.

Prior to consideration of the following item of business, Councillor McPake, by virtue of his employment, declared an interest and took no part in the determination of the item.

Thereon, the Convener vacated the Chair and Councillor Docherty assumed the Chair for the remaining item of business.

REVIEW OF FEES FOR TESTING OF TAXI'S AND PRIVATE HIRE CARS

18. There was submitted a report dated 26 April 2016 by the Acting Executive Director of Regeneration and Environmental Services (1) advising that the Council, as licensing authority, had a duty to ensure that taxis and private hire cars were safe, road worthy and fit for purpose; (2) indicating that, as the current test fees charges for taxis and private hire cars had not been increased since 2001, it was considered appropriate to now increase these fees; (3) enclosing, in Appendix 1 to the report, a full list of current fees and proposed increases, and (4) setting out the fees charged by other surrounding local authorities.

Decided:

- (1) that the various fees be increased, as detailed in Appendix 1 to the report, and
- (2) that the report be remitted to the Corporate Services Committee for its information.