

**Motherwell, 16 August 2016 at 2 pm.**

**A Meeting of the ENVIRONMENTAL SERVICES COMMITTEE**

**PRESENT**

Councillor McPake, Convener; Councillor Docherty, Vice-Convener; Councillors Baird, Cefferty, Cochrane, J. Coyle, Curley, Goldie, Grant, W. Hogg, Irvine, Logue, Love, Masterton, McAnulty, McCulloch, McNally, Morgan, Spowart, Stevenson, Wallace and Zambonini.

**CHAIR**

Councillor McPake (Convener) presided.

**IN ATTENDANCE**

The Committee Services Manager; Assistant Chief Executive (Infrastructure); Head of Regulatory Services and Waste Solutions, and Head of Environmental Assets.

**APOLOGIES**

Councillors Harmon, McGlinchey, McKendrick, McLaren, P. O'Rourke and Stocks.

**CONVENER'S REMARKS**

The Convener welcomed Robert Steenson to his first meeting of the Environmental Services Committee and congratulated him on his recent appointment as Assistant Chief Executive (Infrastructure).

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

1. No declarations were made.

**SERVICE PLAN PERFORMANCE REPORT – APRIL 2015 TO MARCH 2016**

2. There was submitted a report dated 16 August by the Head of Regulatory Services and Waste Solutions (1) providing details of the Regeneration and Environmental Services Performance for the financial year 2015/16; (2) advising which indicators (a) had not met the set target where performance was below the acceptable threshold; (b) had surpassed the set target and where performance was above the acceptable threshold, and (c) where corrective action had been taken or was due to be taken to ensure the targets were met, and (3) outlining various notable achievements during 2015/16.

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

**ANIMAL HEALTH AND WELFARE SERVICE PLAN 2016/17**

3. With reference to paragraph 5 of the Minute of the meeting of this Committee held on 11 August 2015, there was submitted a report dated 16 August 2016 by the Head of Regulatory Services and Waste Solutions (1) reminding Members that the Animal Health and Welfare Framework had been introduced to provide a risk based approach to the Animal Health and Welfare duties of the Council;

(2) outlining the framework which had been created in partnership with the Scottish Government, the Convention of Scottish Local Authorities, the Society of Chief Officers of Trading Standards Scotland, the Society of Chief Officers of Environmental Health in Scotland and the Animal and Plant Health Agency; (3) summarising the expectations of the Council in terms of the Framework; (4) advising that the Council's profile for 2016/17 had been completed and was attached as an Appendix to the report; (5) explaining that the profile contained an overview of the pattern of work expected through the year, based on the number and types of premises in North Lanarkshire; (6) indicating that an Animal Health and Welfare Service Plan, providing a structured plan of work to be carried out by the Council, had been completed and submitted, as required, to the Scottish Government; (7) explaining that the Plan, which had been approved by the Regional Veterinary Lead had been designed to help manage the risk of animal disease incursion, to control spread, and to maintain and improve the standards of animal welfare, and (8) recommending that the Plan be approved.

**Decided:**

- (1) that the Animal Health and Welfare Service Plan for 2016/17 be approved, and
- (2) that the report be otherwise noted.

**ANIMAL FEED SERVICE PLAN 2016/17**

4. With reference to paragraph 6 of the Minute of the meeting of this Committee held on 11 August 2015, there was submitted a report dated 16 August 2016 by the Head of Regulatory Services and Waste Solutions (1) reminding Members that a Framework Agreement on Official Feed and Food Law Controls, which set out planning and delivery requirements expected of local authorities, based on statutory Codes of Practice, had been agreed with the Food Standards Agency, the pre-cursor to Food Standards Scotland (FSS), and with local authorities; (2) indicating that the Animal Feed Service Plan for 2016/17 provided the basis on which the Council's arrangements for feed law enforcement would be monitored and audited by FSS; (3) summarising the various types of information contained within the Plan; (4) advising that specific work would be carried out to identify any unregistered food premises within North Lanarkshire that supplied food waste for processing into the animal feed chain; (5) containing, in the Appendix to the report, a review of the activities undertaken and outcomes during 2015/16, and (6) seeking approval of the Animal Feed Service Plan for 2016/17.

**Decided:**

- (1) that the Animal Feed Service Plan for 2016/17 be approved;
- (2) that the review of activities during 2015/16, as detailed in the Appendix to the report, be noted, and
- (3) that the report be otherwise noted.

**FOOD SAFETY OPERATIONAL PLAN 2016/17**

5. With reference to paragraph 3 of the Minute of the meeting of this Committee held on 11 August 2015, there was submitted a report dated 16 August 2016 by the Head of Regulatory Services and Waste Solutions (1) reminding Members that Food Standards Scotland (FSS) had been launched in April 2015 and had taken over the responsibilities previously carried out by the Food Standards Agency; (2) informing that there was a requirement for all local authorities to produce a Food Safety Annual Operational Plan; (3) advising that the FSS would work with local authorities and other bodies to maintain and, where possible, improve food safety standards; (4) indicating that the Council's Operational Plan detailed the projected resources and targets proposed for 2016/17 for food safety issues, and (5) recommending that the 2016/17 Food Safety Operational Plan be approved.

**Decided:** that the 2016/17 Food Safety Operational Plan be approved.

**TOBACCO ENFORCEMENT**

6. With reference to paragraph 7 of the Minute of the meeting of this Committee held on 11 August 2015, there was submitted a report dated 16 August 2016 by the Head of Regulatory Services and Waste Solutions (1) advising that, in terms of Section 26 of the Tobacco and Primary Medical Services (Scotland) Act 2010, it was the duty of the Council to consider, at least once per year, the extent to which it was appropriate to carry out a programme of enforcement relating to the supply of tobacco products to persons under 18 years of age; (2) outlining the level of enforcement activity undertaken by the Trading Standards Service during the period 1 April 2015 to 31 March 2016; (3) informing (a) that a business training pack entitled "It's Your Call" had been published and delivered to over 700 known vendors of tobacco products by the Trading Standards Services and the Police, and (b) that an on-line education pack entitled "Age Matters" had also been produced and distributed to all secondary schools; (4) indicating that six fixed penalty notices had been issued in respect of the sale of tobacco products to Trading Standards under age volunteers; (5) intimating that the Tobacco and Related Products Regulations 2016 and the Standardised Packaging Regulations 2015 implemented new obligations for standardised "plain" packaging for cigarettes and handrolling tobacco, and regulated the cigarette market; (6) reporting that pending Scottish legislation would introduce an age limit for the supply of cigarettes, and would put the onus on retailers to register as a seller, in the same way that tobacco retailers currently do, and (7) recommending approval of a proposed Enforcement Strategy, as detailed therein, in relation to the sale of tobacco products.

**Decided:**

- (1) that the Enforcement Strategy in relation to the sale of tobacco products, as detailed in the report, be approved, and
- (2) that the report be otherwise noted.

**USE OF PESTICIDES WITHIN PARKS AND OPEN SPACES**

7. With reference to paragraph 18 of the Minute of the meeting of North Lanarkshire Council held on 30 June 2016 when it was decided that the Council review the practice of using pesticides in its parks and recreational spaces, there was submitted a report by the Head of Environmental Assets dated 16 August 2016 (1) informing that the International Agency for Research on Cancer had concerns with regard to the use of Glyphosate, which was one of the most widely used herbicides within Europe; (2) detailing within the report how the use, sale, supply and storage of pesticides in the UK was controlled by the Health and Safety Executive; (3) advising (a) that all herbicide products used by the Council were Ministerially Approved Pesticide Products (MAPP) and carried an authorised number to clearly identify the tasks that they were approved for, and (b) that all Council employees involved in the storage of herbicides, including Glyphosate formulations, were trained and certified under the relevant part of the National Proficiency Test Councils Scheme; (4) indicating that the Service possessed the proper accreditation required to ensure the safe storage, use and application of herbicides; (5) summarising, within the report, the Service's weed control strategy; (6) confirming that the Service regularly reviewed the use of herbicides and ensured that the safety systems in place were robust and effective, and (7) intimating that the Service, as well as regularly trialling new products, was currently investigating the use of other methods of weed control.

**Decided:**

- (1) that the control and monitoring measures currently in place to manage the use of herbicides within parks and open spaces be noted;
- (2) that it be noted that the Council continue to only use herbicides that have MAPP approval within an integrated programme of weed control, and

- (3) that it be noted that the Service continue to evaluate alternative products and/or methods of weed control for use within parks and open spaces and the wider streetscape that were financially affordable.

**LOCAL NATURE RESERVE UPDATE: LAND TRANSFER AT GARTCOSH LOCAL NATURE RESERVE AND FRANKFIELD LOCH, AND RESTORATION OF CAMBUSNETHAN LOCAL NATURE RESERVE**

8. With reference to paragraph 14 of the Minute of the meeting of the Policy and Resources (Regeneration and Infrastructure) Sub-Committee held on 19 May 2016, there was submitted a report dated 16 August 2016 by the Head of Environmental Assets (1) summarising the background to (a) the proposed transfer of land at Gartcosh Local Nature Reserve and Frankfield Loch, and (b) the restoration of Cambusnethan Local Nature Reserve; (2) advising that a Mitigation Management Plan had been subsequently agreed with partners, which required the Council to take title to three land extensions to the Gartcosh Local Nature Reserve and to maintain a wall to protect the great crested newts from road traffic and future developments; (3) indicating that, once completed, the extensions would be managed by Greenspace Development, with the management costs for twenty years being met by the developers; (4) reporting that, following planning permission being granted for a residential development, the title to the land at Frankfield Loch was to be transferred to the Council for the development as a Local Nature Reserve at no cost to the Council, with the developers also meeting the cost of maintenance and management of the Reserve, and (5) intimating that a draft twenty five year Compensatory Habitat Management Plan had been drawn up as part of a Section 69 Agreement between Network Rail and the Council, whereby, as compensation for trees to be removed to allow embankment stabilisation works at Garrion Gill, Network Rail had agreed to restore Cambusnethan Local Nature Reserve to a more natural standard, with the works being undertaken by Network Rail.

**Decided:**

- (1) that the addition of three extensions to Gartcosh Local Nature Reserve, to be managed in accordance with the Mitigation Management Plan, and fully funded by a commuted sum, be approved;
- (2) that the transfer of land at Frankfield Loch to the Environmental Assets portfolio, with future management fully funded by a commuted sum, be approved;
- (3) that it be noted that the work proposed to be undertaken to allow works agreed in the draft Compensatory Habitat Management Plan at Cambusnethan Local Nature Reserve, is to proceed, and
- (4) that work with Network Rail and Scottish Natural Heritage to secure the Section 69 Agreement be approved.

**WASTE SOLUTIONS: SERVICE PROVISION TO REGISTERED CHARITIES**

9. There was submitted a report dated 16 August 2016 by the Head of Regulatory Services and Waste Solutions (1) advising that the Environmental Protection Act 1990 permitted authorities to apply charges appropriate to the cost of the service for both collection and disposal of material from organisations with charitable status; (2) informing that currently each charitable organisation was entitled to one uplift per week, equivalent to a 360 litre container, free of charge, with any additional bins or services charged at the appropriate non-domestic rate; (3) explaining that, in addition, bona fide charities were permitted access to the Household Waste Recycling Centres to dispose of unwanted materials, on the understanding that charities ensured that recyclable materials were deposited into the appropriate skips at each Centre, to minimise disposal costs to the Council; (4) detailing that the current arrangement of one uplift per week would be applied primarily to the residual waste stream; (5) listing the revised charges for the provision of waste and recycling services, and (6) recommending that the cost mechanism for all charity collections and disposals, as detailed within the report, be approved.

**Decided:**

- (1) that the cost mechanism for all charity collections and disposals, as detailed within the report, be approved, and
- (2) that the report be otherwise noted.

**GENERAL DEBTORS DEBT WRITE-OFF 2016/17**

10. There was submitted a report dated 16 August 2016 by the Head of Regulatory Services and Waste Solutions (1) summarising the outstanding debtors accounts in respect of Regeneration and Environmental Services which had been deemed uncollectable following all attempts to recover; (2) indicating that the Head of Business for Financial Solutions, under his delegated powers, had written off debts under £250 in value, which amounted to a total of £4,939.41; (3) seeking approval for the write-off of debts over £250 in value, which amounted to a total of £88,491.16, and (4) indicating that records will be maintained of all debt written off to ensure that further action could be taken if the situation arose.

**Decided:**

- (1) that it be noted that the Head of Business for Financial Solutions, under his delegated powers, had written off debts up to £250 in value, deemed uncollectable, in the total sum of £4,939.41 for Regeneration and Environmental Services;
- (2) that the write-off of debts over £250 in value, to the total sum of £88,491.16 be approved, and
- (3) that the report be remitted to the Policy and Resources (Finance and Customer Services) Sub-Committee for consideration.

**REVENUE MONITORING REPORT – 1 APRIL TO 24 JUNE 2016 (PERIOD 3) - INFRASTRUCTURE**

11. There was submitted a report dated 16 August 2016 by the Assistant Chief Executive (Infrastructure) (1) providing a summary of financial performance for the period from 1 April to 24 June 2016, as contained within the Appendices to the report; (2) containing explanations of 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 – 1 APRIL TO 24 JUNE 2016 (PERIOD 3) - INFRASTRUCTURE COMPOSITE CAPITAL PROGRAMME FOR 2016/17**

12. There was submitted a report dated 16 August 2012 by the Assistant Chief Executive (Infrastructure) (1) advising of the overall projected financial position for the 2015/16 Capital Programme for the period from 1 April to 24 June 2016; (2) providing an update on the financial performance of the Capital Programme for that period; (3) containing explanations of significant variances and potential risks; (4) detailing, in the Appendix to the report, the projected outturn for 2016/17, and (5) proposing, for the reasons detailed therein, a budget virement (a) to transfer £30,000 from the Land Management to Fleet budget for the purchase of an oil management system, and (b) to transfer £34,000 from the General Facilities Maintenance budget to the Greenspace budget for match funding towards the cost of constructing the Crannog Play Area at Drumpellier Country Park.

**Decided:**

- (1) that the proposed virements of £30,000 and £34,000, as detailed in the report, be approved, and
- (2) that the contents of the report be otherwise noted.

**FLEET PROCUREMENT 2017**

13. There was submitted a report dated 16 August 2016 by the Head of Environmental Assets (1) seeking approval to proceed with the procurement of 74 vehicles, in terms of the Vehicle Replacement Programme for 2017; (2) providing a breakdown of the vehicles required to be replaced; (3) summarising the financial implications, and (4) advising that a further report will be submitted to a future meeting of this Committee, proposing the procurement process to be undertaken.

Councillor McPake, seconded by Councillor Docherty, moved that, subject to a further report being submitted detailing the procurement process to be undertaken, 74 vehicles be procured.

Councillor McAnulty, seconded by Councillor Goldie, moved, as an amendment, that consideration be continued pending a further report.

On a vote being taken, 6 Members voted for the amendment and 10 Members voted for the motion, which was accordingly declared carried.

**Decided:**

- (1) that action be taken to procure 74 vehicles, in terms of the Vehicle Replacement Programme 2017, and
- (2) that a further report, detailing the procurement process, be submitted to a future meeting of this Committee.

**POOL CARS**

14. Arising from consideration of the immediately preceding paragraph, a question was raised as to how the Council's Pool Cars were being utilised, and a request made for a report giving a breakdown of their use.

**Decided:** that consideration be continued pending a report detailing and giving a breakdown as to how the Council's Pool Cars were being utilised.

**FLEET PROCUREMENT 2016**

**(1) LIGHT VEHICLE TENDER AWARD**

15. There was submitted a report dated 16 August 2016 by the Head of Environmental Assets (1) advising of tenders received for the purchase of 20 vehicles, as detailed therein; (2) referring to an options appraisal exercise which had been carried out and which had shown that it was more cost effective to purchase the vehicles, sell them to a finance leasing company and subsequently lease them back from the leasing company; (3) explaining the financial implications of such an arrangement, and (4) indicating that the Head of Business for Legal and Democratic Solutions, following consultation with the Convener, had agreed to proceed with the procurement of the 20 vehicles.

**Decided:** that the action taken by the Head of Business for Legal and Democratic Solutions, following consultation with the Convener, to proceed with the procurement of the 20 vehicles, be noted.

**(2) HEAVY VEHICLE TENDER AWARD**

16. There was submitted a report dated 16 August 2016 by the Head of Environmental Assets (1) advising of tenders received for the purchase of three vehicles, as detailed therein; (2) referring to an options appraisal exercise which had been carried out and which had shown that it was more cost effective to purchase the vehicles, sell them to a finance leasing company and subsequently lease them back from the leasing company; (3) explaining the financial implications of such an arrangement, and (4) indicating that the Head of Business for Legal and Democratic Solutions, following consultation with the Convener, had agreed to proceed with the procurement of the three vehicles.

**Decided:** that the action taken by the Head of Business for Legal and Democratic Solutions, following consultation with the Convener, to proceed with the procurement of the three vehicles, be homologated.