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ENV.SERVICES1998M

Motherwell, 20 January 1998 at 2 pm.

A Meeting of the ENVIRONMENTAL SERVICES COMMITTEE

PRESENT

Councillor Combe, Convener; Councillor Hogg, Vice-Convener; Councillors A. Burns, E. Burns, Cox, Curley, Gilchrist, Gordon, Hebenton, Lucas, McAlorum, J. McGuigan, McKenna, McLaughlin, Maginnis, Ross, Shaw and Smith.

CHAIR

Councillor Combe (Convener) presided.

IN ATTENDANCE

The Committee Services Officer, Director of Environmental Services, Head of Direct Services, Head of Protective Services, Head of Construction Resources and Senior Accountant.

ALSO IN ATTENDANCE

C. McDonald and J. Patton, Scottish Environmental Protection Agency.

APOLOGIES

Councillors Cefferty, H. McGuigan, J. Martin and McKeown.

The Convener exercised his discretion to alter the order of business in order to consider Agenda item 5 as the first item of business.

SCOTTISH ENVIRONMENT PROTECTION AGENCY (SEPA) -
PRESENTATION BY DIVISIONAL MANAGER, WEST REGION, SEPA

1. Callum McDonald, Divisional Manager for Scottish Environment Protection Agency was heard in relation to the role of SEPA, the regulation of open cast mining and the impact of Landfill Tax, including indiscriminate dumping and thereafter responded to Members' questions. Thereon, the Committee considered a report dated 22 December 1997 by the Director of Environmental Services (1) outlining the background to the increase in illegal dumping in North Lanarkshire; (2) intimating that several meetings had taken place with SEPA in an attempt to resolve the problem of illegal dumping, and (3) indicating that there was a lack of clarity as to the appropriate enforcing agency for the problem.

Decided:

- (1) that the terms of the Presentation be noted;

- (2) that SEPA's request through COSLA to the Scottish Office for additional funds to pay for the removal of illegally dumped waste materials be supported;
- (3) that an approach to COSLA to seek exemption from the Government from Landfill Tax for illegally dumped waste material collected by local authorities and SEPA be approved;
- (4) that if exemption from Landfill Tax could not be obtained, the Director of Environmental Services be authorised, through COSLA, to seek eligibility of the clearance of illegally dumped waste as an approved project in terms of Landfill Tax legislation;
- (5) that the Director of Environmental Services be authorised to discuss the possibility of a joint exercise involving Strathclyde Police and SEPA to target offenders in the worst affected areas;
- (6) that the Director of Environmental Services be authorised to investigate with SEPA and Keep Scotland Tidy, the possibility of setting up a freephone telephone number for the public to advise on illegal dumping together with appropriate media advertising, and
- (7) that the proposal by SEPA for a pilot scheme in North Lanarkshire for a six month period for dealing with illegal dumping on private land and Council owned land as detailed in the report be approved.

ENVIRONMENTAL SERVICES (COMMUNITY SAFETY) SUB-COMMITTEE - MINUTE

2. There was submitted the Minute of the meeting of the Environmental Services (Community Safety) Sub-Committee held on 16 December 1997.

Decided: that the terms of the Minute be approved and noted.

VEHICLE REPLACEMENT PROGRAMME; PURCHASE/LEASE OF VEHICLES

3. With reference to paragraph 21 of the Minute of this Committee held on 19 August 1997 when consideration of the report by the Director of Environmental Services in relation to action taken to acquire a number of vehicles urgently required by the Council was continued, there was submitted a report (docketed) by the Director of Administration regarding the procedures adopted for the acquisition of the vehicles and the action taken by the Director of Environmental Services with regard to the Public Sector Contract Regulations 1995.

Decided:that the terms of the report be noted.

REVENUE ESTIMATES 1997/98 - FINANCIAL MONITORING
STATEMENT - DEPARTMENT OF ENVIRONMENTAL SERVICES

4. There was submitted a report dated 5 January 1998 by the Director of Finance advising of current spending levels for the Environmental Services function for the period from 1 April to 7 December 1997 and providing a comparison with the approved budget excluding Loan Charges, Central Administration Re-charges and Central Repairs Account.

Decided:that the terms of report be noted.

1996/97 FINANCIAL OUTTURN REPORT

5. There was submitted a report dated 24 December 1997 by the Director of Finance detailing the outturn expenditure for the financial year 1996/97 for the Environmental Services function and providing a comparison of actual expenditure and income with the approved budget and explanations of the most significant variances.

Decided:that the terms of the report be noted.

HEALTH AND SAFETY AT WORK ETC ACT 1974 - THE
ELECTRICITY AT WORK REGULATIONS 1989 - SERVICE OF
PROHIBITION NOTICES AND IMPROVEMENT NOTICES

6. There was submitted a report (docketed) dated 18 December 1997 by the Director of Environmental Services containing details of Prohibition and Improvement Notices in terms of the Health and Safety at Work Etc Act 1974 and the Electricity at Work Regulations 1989 which had been served by his department and which directed that specified electrical fittings could not be used until made safe and required remedies to contraventions within 21 days of the date of the Notices.

Decided:that the action taken in serving the Notices be noted.

PET ANIMALS ACTS 1951, 1964 AND 1970, ANIMAL BOARDING
ESTABLISHMENT ACT 1963 AND BREEDING OF DOGS ACT 1973

7. There was submitted report (docketed) dated 5 January 1998 by the Director of Environmental Services containing details of various premises throughout North Lanarkshire which had applied for licences by his Department in terms of the Pet Animals Act 1951 and Riding Establishment Acts 1964 and 1970, Animal Boarding Establishment Act 1963 and Breeding of Dogs Act 1973.

Decided:that the applications for licences in terms of the relevant legislation as detailed in the Appendix to the Director's report be approved.

REVIEW OF ZOO LICENSING ACT 1981

8. There was a report (docketed) dated 12 January 1998 by the Director of Environmental Services advising that a response as detailed in the Appendix to the report had been sent to the Department of Environment on behalf of the Council on the consultation paper "Review of Zoo Licensing Act 1981".

Decided:that the action taken by the Director of Administration in responding to the Department of Environment as detailed in the Appendix to the report be homologated.

DOG WARDEN SERVICE

9. There was submitted a report dated 5 January 1998 by the Director of Environmental Services regarding the operation of the dog warden service during November 1997.

Decided:that the terms of the report be noted.

SCOTTISH SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS - REQUEST FOR DONATION

10. There was submitted a report dated 13 January 1998 by the Director of Environmental Services informing that the Council had received a request for a donation from the Scottish Society for the Prevention of Cruelty to Animals to help towards the cost of two schemes, the object of which was to reduce the number of unwanted stray dogs and cats in circulation.

Decided:that the report be remitted to the Policy and Resources Committee for consideration.

PETROLEUM (CONSOLIDATION) ACT 1928 - PETROLEUM LICENCES ISSUED

11. There was submitted a report (docketed) dated 30 December 1997 by the Director of Environmental Services containing details of the various premises throughout North Lanarkshire which had been licensed to store petroleum spirit/petroleum mixtures by his department in November/December 1997.

Decided:that the terms of the report be noted.

FEES FOR LICENCES TO STORE PETROLEUM

12. There was submitted a report (docketed) dated 31 December 1997 by the Director of Environmental Services giving details of the fees for the issue of licences to store petroleum spirits which have been statutorily increased with effect from 1 January 1998.

Decided:that the terms of the report be noted.

COURT CASE - WEST END BAR, WISHAW

13. There was submitted a report dated 19 December 1997 by the Director of Environmental Services advising of the outcome of legal proceedings taken against the licensee of the West End Bar, Wishaw.

Decided:that the terms of the report be noted.

COUNTERFEIT CLOTHING - RESULT OF PROSECUTION

14. There was submitted a report dated 31 December 1997 by the Director of Environmental Services (1) detailing the outcome of an operation carried out by officers of the Special Projects Unit of the Environmental Services Department in liaison with Wishaw Police Office at the Spook Erections Street Market, Wishaw, to establish if counterfeit designer garments were being offered for sale, and (2) indicating that one stall holder had been prosecuted for the possession of counterfeit clothing and fined \$100.

Decided:that the terms of the report be noted.

CORE CONDITIONS OF EMPLOYMENT FOR APT & C STAFF:
SERVICE PROVISION OUTWITH HOURS

15. There was submitted a report dated 13 January 1997 by the Director of Environmental Services regarding payment of overtime to Environmental Services Department employees above Spinal Column Point 35 (SCP35) (1) outlining the background to the agreed core conditions of service, in which the payment of overtime to officers paid above SCP35 could be authorised only by the appropriate Service Committee; (2) intimating that the requirement to work overtime often required short notice, and (3) indicating that overtime payments for staff would be strictly controlled and authorised only where it was essential to meet the exigencies of the service.

Decided:

- (1) that the Director of Environmental Services be authorised to agree such overtime working for operational APT & C

staff above the SCP35 threshold as may be necessary for the carrying out of departmental responsibilities, and

- (2) that the report be referred to the Personnel Services Committee for consideration.

AUTHORISATION OF OFFICERS UNDERTAKING STATUTORY DUTIES

16. C There was submitted a report (docketed) dated 30 December 1997 by the Director of Environmental Services recommending that authority be granted to those officers in his Department undertaking duties on behalf of the Council in terms of the legislation they were required to enforce as detailed in

Appendices

1 and 2 of the report.

Decided: that the officers be authorised to carry out, to the extent of their employment, the statutory duties listed in terms of legislation described in Appendices 1 and 2 of the report.

PENNINGTON REPORT; DEPARTMENTAL IMPLICATIONS

17. With reference to paragraph 15 of the Minute of the meeting of this Committee held on 7 October 1997 when, inter alia, it was agreed that the Director of Environmental Services submit a report

to a future meeting recommending the utilisation of additional resources provided by the Government to meet the recommendations of the Pennington Report on the E-Coli 0157 outbreak in Central Scotland, there was submitted a report (docketed) dated 5 January 1998 by the Director of Environmental Services (1) summarising the key issues contained in the Pennington Report; (2) indicating that North Lanarkshire Council had been allocated \$73,000 in 1997/98, \$142,000 in 1998/99 and \$102,000 in 1999/2000 by the Government which required to be expended on a number of specified food safety issues, and (3) detailing a number of staffing proposals designed to ensure that the recommendations of the Pennington Report were met.

Decided:

- (1) that the proposals for the incremental adjustment to existing Environmental Health Officers/Trading Standards Officers and Technical Officers posts be approved;
- (2) that the establishment of three additional Environmental Health Officer posts and one Systems Administrator post be approved;
- (3) that the relevant I.T. Development, Staff Training and Food Industry Training and Educational Initiatives as detailed in the report be approved, and
- (4) that the matter be referred to the Personnel Services Committee for consideration.

TRANSPORT MANAGEMENT AND MAINTENANCE - PROVISION OF
SERVICE TO THE WEST OF SCOTLAND WATER AUTHORITY
(WOSWA)

18. With reference to paragraph 14 of the Minute of the meeting of this Committee held on 7 October 1997 when it was agreed that North Lanarkshire Council enter into a Joint Working Agreement for Transport Management Services to the West of Scotland Water Authority (WOSWA) with South Lanarkshire Council, there was submitted a report dated 7 January 1998 by the Director of Environmental Services (1) advising that the Council, in terms of the Joint Working Agreement had submitted tender bids for six contracts covering two WOSWA Operational Areas, Clyde East and Lanark South; (2) indicating that North Lanarkshire Council would be the lead bidder for the three contracts in the Lanark South area with South Lanarkshire being a Sub-Contractor, and (3) informing that a decision on the award of tenders was expected at the end of January/early February.

Decided: that the terms of the report be noted.

PROJECTED TENDER RETURN IMPLEMENTATION ARRANGEMENTS

19. With reference to paragraph 7 of the Minute of the meeting of the Policy and Resources Committee held on 13 May 1997, when, inter alia, approval was given to the delegation of powers to the Director of Administration, after consultation with the Convener, to allow the acceptance of tenders between meetings, there was submitted a report dated 22 December 1997 by the Director of Construction Services indicating that tenders for the refurbishment of Floors 3 and 4 at 86 Graham Street, Airdrie would be returned prior to the meeting of the next Committee.

Decided:

- (1) that the projected return, prior to the next meeting of the Committee, of tenders for the refurbishment of Floors 3 and 4 at 86 Graham Street, Airdrie be noted, and
- (2) that in accordance with the decision of the Policy and Resources Committee and subject to the whole provisions thereof, approval be given for acceptance of the tenders including any other works which may require to be accelerated, and to the action required prior to the next Committee.

WASTE DISPOSAL - LAND ADJACENT TO DALMACOULTER
LANDFILL SITE - GEOLOGICAL FAULT

20. There was submitted a report (docketed) dated 22 December

1997 by the Director of Environmental Services (1) indicating that the existing tipping area of Dalmacoulter had approximately six months of its life left; (2) intimating that the former Monklands District Council had purchased an area of land adjoining Dalmacoulter Landfill Site to take up the shortfall which may occur if the landfill site at Drumshangie was not operational; (3) indicating that the capital development cost of the area land was estimated at \$1.8 m in 1998/99; (4) informing that a geological fault in the form of a collapse had recently occurred on the land adjoining the site; (5) outlining the estimated costs associated with the investigative work required on the geological fault and the estimated cost of rectification work, and (6) intimating that there was no budgetary provision for the work.

Decided:

- (1) that the investigatory work into the geological fault estimated at \$13,000 and rectification of the geological fault estimated at between \$100,000 and \$200,000 at land adjoining Dalmacoulter Landfill Site as detailed in the report be approved in principle, subject in each case to the necessary resources being made available, and
- (2) that the report be remitted to the Policy and Resources Committee for consideration of identification of the necessary resources.

DRUMSHANGIE, AIRDRIE - PROPOSED EXTENSION TO
DALMACOULTER LANDFILL SITE, AIRDRIE

21. There was submitted a report (docketed) dated 5 January 1998 by the Director of Environmental Services (1) outlining the background to the agreement, negotiated by the former Monklands District Council, to purchase a landfill void from the British Coal Corporation, succeeded by Scottish Coal, at their opencast site at Drumshangie, Airdrie; (2) indicating that the rights and consents for the opencast site were now held by G.M. Mining Limited, Kilsyth; (3) intimating that G.M. Mining Limited, Kilsyth had not given their agreement to the necessary stopping up of Dykehead Road or diversion of a large water main, leaving the Council with a Planning Agreement for a landfill site bisected by a road, and (4) detailing three options for progressing the development of the site.

Decided:

- (1) that the Director of Environmental Services be authorised to enter into negotiations as proposed in the report and consult with the Director of Planning and Development regarding the necessary temporary Stopping Up Order, and

- (2) that a report on the outcome of negotiations be reported to a future meeting.

FOOD WATCH CAMPAIGN

22. With reference to paragraph 9 of the Minute of the meeting of this Committee held on 19 August 1997 when it was agreed that a further monitoring report on visits by Environmental Health Officers to fast food outlets and other food businesses be submitted to a future meeting, there was submitted a report dated 29 December 1997 by the Director of Environmental Services advising of the outcome of the visits and intimating that the Department would continue to monitor the situation and take preventative and, where necessary, enforcement measures to ensure that satisfactory standards prevailed in all fast food related premises.
- Decided:that the terms of the report be noted.

NATIONAL CONSUMER WEEK 24-28 NOVEMBER - UPDATE

23. With reference to paragraph 9 of the Minute of the meeting of this Committee held on 25 November 1997 when it was agreed that a consumer initiative organised by the Department in conjunction with the Institute of Trading Standards Administration be set up and suggestion boxes placed in all libraries within North Lanarkshire, there was submitted a report dated 5 January 1998 by the Director of Environmental Services detailing the main areas of consumer concern expressed by the people of North Lanarkshire.
- Decided:that the Director of Environmental Services be authorised to forward a resume of the community's response to the Minister for Consumer Affairs.

LOO OF THE YEAR AWARDS 1997

24. There was submitted a report (docketed) dated 7 January 1998 by the Director of Environmental Services (1) advising of a national award scheme entitled "Loo of the Year Awards 1997" sponsored by Cannon Hygiene in association with Scottish, Welsh and English Tourist Boards, and (2) providing details of seven staffed public toilets in North Lanarkshire which had been recognised for their high standards and had gained four awards and three commendations.
- Decided:that the staff of all the toilets involved in gaining the awards be congratulated.

HOME SAFETY 1997

25. There was submitted a report dated 5 January 1998 by the Director of Environmental Services (1) outlining the activities of the Home Safety Section of the Department's Environmental Education and Consumer Advice Unit, and (2) advising of the programmes set up throughout schools, Senior Citizens Clubs and Mother and Toddler Groups which were designed to highlight Home Safety issues.

Decided: that the terms of the report be noted.

CHRISTMAS SAFETY CAMPAIGN

26. There was submitted a report dated 5 January 1998 by the Director of Environmental Services (1) providing details on the outcome of the campaigns organised by the Department to improve Christmas Food Safety and Toy Safety; (2) proposing the implementation of an annual programme of safety campaigns throughout the year, and (3) recommending the production of consumer education packs and trader leaflets.

Decided:

- (1) that an annual event driven programme of safety campaigns in relation to firework, food and toy safety be approved, and
- (2) that consumer and education packs and trader information leaflets be produced.

AUCHINLEA LANDFILL SITE, CLELAND - PHASE 5 - SELECT LIST OF TENDERERS

27. With reference to paragraph 1 of the Minute of the meeting of this Committee held on 3 September 1997 when the Director of Administration was authorised to enter into a contract with I. and H. Brown for the fourth phase of the development of the Auchinlea Landfill Site, Cleland, at a cost of \$326,873.47, there was submitted a report (docketed) dated 15 January 1998 by the Director of Environmental Services (1) advising that the Council's Consultants Messrs Cuthbertson Environmental, Edinburgh had advertised for interested tenderers in the European Journal to carry out Phase 5 of the Waste Disposal Development at Auchinlea, Cleland, and (2) indicating that the Council's Consultants had recommended that the Contractors listed in the Appendix of the report be invited to tender for the work.

Decided:

- (1) that the action taken on behalf of the Council by the Consultants in advertising for tenders be homologated, and
- (2) that the list of tenderers detailed in the Appendix be approved.