

COMMUNITY RESOURCES COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 3 February 2009

Chair:

Councillor Gerry Convery

Councillors Present:

John Anderson, Eileen Baxendale, Archie Buchanan, Andy Carmichael, Gordon Clark, Russell Clearie, Peter Craig, Hugh Dunsmuir, Allan Falconer, Lynn Filshie, Beith Forrest, Anne Maggs, Brian McCaig, Michael McCann, Clare McColl, Alex McInnes, David Shearer, Graham Simpson, Hamish Stewart (Depute), David Watson

Councillors' Apologies:

Walter Brogan, Joe Lowe, Edward McAvoy

Attending:**Community Resources**

N Anderson, Executive Director; S Clelland, Head of Land and Fleet Services; R Howe, Head of Environmental Services; S Kelly, Head of Facilities and Cultural Services; A McKinnon, Head of Support Services

Corporate Resources

N Docherty, Administration Assistant; P MacRae, Administration Officer

Finance and Information Technology Resources

M Simpson, Accountant

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Community Resources Committee held on 11 November 2008 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Revenue Budget Monitoring 2008/2009 - Community Resources

A joint report dated 9 January 2009 by the Executive Directors (Finance and Information Technology Resources) and (Community Resources) was submitted comparing actual expenditure at 23 December 2008 against budgeted expenditure for 2008/2009 for the various Services within Community Resources.

The Committee decided:

- (1) that the overspend on Community Resources' revenue budget of £0.123 million (0.3%), as detailed in Appendix A to the report, and the forecast to 31 March 2009 of an overspend of £0.132 million which would be offset by an anticipated increased surplus from the Community Resources' Trading Operations be noted; and

(2) that the budget virements, as detailed in the appendices to the report, be approved.

[Reference: Minutes of 11 November 2008 (Paragraph 3)]

4 Capital Budget Monitoring 2008/2009 - Community Resources

A joint report dated 9 January 2009 by the Executive Directors (Finance and Information Technology Resources) and (Community Resources) was submitted advising on Community Resources' capital programme for 2008/2009 and summarising the position at 23 December 2008.

The Committee decided: that the report be noted.

[Reference: Minutes of 11 November 2008 (Paragraph 4)]

5 Community Resources - Workforce Monitoring – October to December 2008

A joint report dated 13 January 2009 by the Executive Directors (Corporate Resources) and (Community Resources) was submitted on the following employee information for Community Resources for the period October to December 2008:-

- ♦ attendance statistics
- ♦ occupational health statistics
- ♦ accident/incident statistics
- ♦ disciplinary hearings, grievances and Dignity at Work cases
- ♦ analysis of leavers
- ♦ Joint Staffing Watch as at 13 September 2008

The Committee decided: that the report be noted.

[Reference: Minutes of 11 November 2008 (Paragraph 5)]

6 South Lanarkshire Leisure Limited Business Plan 2009/2010

A report dated 7 January 2009 by the Executive Director (Community Resources) was submitted on the South Lanarkshire Leisure Limited Business Plan 2009/2010.

The objectives of South Lanarkshire Leisure Limited were to:-

- ♦ be a truly inclusive organisation providing quality sport and recreation opportunities
- ♦ improve continually the services to their customers
- ♦ work with local health, education and other agencies to promote good health through the communities within South Lanarkshire
- ♦ generate an increase in income and reduce the net cost per user

The Committee decided: that the South Lanarkshire Leisure Limited Business Plan 2009/2010 be approved.

[Reference: Minutes of 22 January 2008 (Paragraph 7)]

7 Housing (Scotland) Act 2006 - Home Reports and Consumer, Estate Agents and Redress Act 2007

A report dated 5 January 2009 by the Executive Director (Community Resources) was submitted on:-

- ◆ the enforcement of parts of the Housing (Scotland) Act 2006 in respect of Home Reports
- ◆ additional duties in respect of the Consumer, Estate Agents and Redress Act 2007
- ◆ arrangements in relation to requests for hearings in respect of Fixed Penalty Charge Notices

From 1 December 2008, there was a requirement, in terms of Part 3, etc of the Housing (Scotland) Act 2006 and the (Prescribed Documents) Regulations 2008, for the seller of a house, or their agent, to possess a number of prescribed documents to make a Home Report prior to marketing a property. The Home Report would provide prospective buyers with detailed information on the condition and value of the property and would require to be made available to prospective purchasers within 9 days of a request being made.

In addition, the Consumer, Estate Agents and Redress Act 2007 placed a duty on those who engaged in estate agency work in relation to residential properties to join a redress scheme with effect from 1 October 2008.

Sellers or their agents would be in breach of the legislation and might be subject to a fixed penalty if they failed to:-

- ◆ possess the relevant documents when a house was put on the market
- ◆ provide copies to potential purchasers on request
- ◆ ensure that the documents were authentic

The statutory fixed penalty was £500 and enforcement of the legislation was to be undertaken by Consumer and Trading Standards. Where action was taken against an estate agent, there would be a requirement for Consumer and Trading Standards to notify the Office of Fair Trading. Buyers or potential buyers or sellers of residential properties with complaints against estate agency work would have the right to an estate agents' redress scheme which would have the power to make a range of awards. Estate agents that failed to join an approved redress scheme would be subject to a statutory fixed penalty of £1,000 issued by Consumer and Trading Standards.

A review process required to be established to hear complaints in respect of the issuing of Fixed Penalty Charge Notices. There was a 28 day period beginning the day after service of a Notice to submit a request, in writing, for a review hearing in respect of the breach of legislation. It was proposed that the Executive Director (Community Resources) be the designated person to whom requests for review hearings be submitted. A Review Panel of 3 senior officers of the Council, who were independent of the enforcement process, would be established.

A further report monitoring the costs involved in the provision of this service would be submitted to a future meeting of the Committee.

The Committee decided:

- (1) that the enforcement of Home Reports legislation be noted;
- (2) that the Executive Director (Community Resources) be the designated person to whom any request for a review hearing be made; and
- (3) that a Review Panel of 3 senior officers of the Council, who were independent of the enforcement process, be established.

8 Draft South Lanarkshire Council Core Paths Plan

A report dated 22 December 2008 by the Executive Director (Community Resources) was submitted on the progress of the development of the draft South Lanarkshire Core Paths Plan.

The Land Reform (Scotland) Act 2003 required all councils and National Park authorities to prepare a draft Core Paths Plan which would identify a network of outdoor access routes suitable for use by walkers, cyclists, horse riders and those wishing to take non motorised access to water for the purposes of recreation and passage.

Guidance and information had been given to ensure a consistent approach in the preparation of the Core Paths Plan. This guidance and information was contained within the following documents:-

- ◆ 'The Scottish Outdoor Access Code' which provided information on responsible activity in relation to the access rights on core Paths
- ◆ 'Guidance for Local Authorities and National Park Authorities' from the Scottish Government which included duties and powers over core Paths
- ◆ 'A Good Practice Guide to Core Paths Plans' which included advice on consultation procedures and managing the adoption process
- ◆ 'Code of Practice for Local Enquiries into Core Paths Plans and Other Enquiries under Part 1 of the Land Reform Act' from the Scottish Government

An extensive initial programme of community consultation had been carried out to gather local information and knowledge on access routes to assist in the development of the draft Core Paths Plan. It was proposed that a further consultation process be carried out to request feedback on the draft Plan. Feedback from this further consultation would be used to inform the preparation of the formal draft Core Paths Plan to be submitted to the next meeting of this Committee.

A copy of the draft Core Paths Plan was available on the Council's website.

The Committee decided: that the draft Core Paths Plan and the consultation arrangements be approved.

[Reference: Minutes of Enterprise Resources Committee of 16 November 2005 (Paragraph 6)]

9 South Lanarkshire Lifestyle, Fairhill

A joint report dated 9 January 2009 by the Executive Directors (Community Resources) and (Corporate Resources) was submitted on the establishment of 2.5 full time equivalent Clerical Assistant posts on Grade 1, SCP 1-25 (£10,931 to £15,621) to provide on site support and reception duties at the South Lanarkshire Lifestyle, Fairhill facility, Hamilton.

The costs associated with those posts would be met from existing budgets.

The Committee decided: that 2.5 full time equivalent Clerical Assistant posts on Grade 1, SCP 1-25 (£10,931 to £15,621) be established to provide on site support and reception duties at South Lanarkshire Lifestyle, Fairhill.

10 Vehicle Emissions Testing Initiative

A report dated 14 January 2009 by the Executive Director (Community Resources) was submitted on the Roadside Vehicle Emission Enforcement Initiative to be carried out within South Lanarkshire as part of the Local Air Quality Management Process.

The Environmental Act 1985 required Scottish local authorities to review regularly air quality within their areas under a process known as Local Air Quality Management. As part of the requirement of the Act, ongoing assessments had been made to identify sites where the 2010 National Air Quality Objectives were likely to be exceeded. One of those Objectives was for Particulate Pollution, known as PM10, which was linked to vehicle emissions.

The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003 had enabled local authorities to address engine idling and test vehicles at the roadside to ensure that they were not exceeding prescribed limits. Any breaches would incur a fixed penalty notice.

A bid by South Lanarkshire, North Lanarkshire and East Dunbartonshire Councils to the Scottish Government for grant funding to establish and deliver a Roadside Vehicle Emission Initiative had been successful. It was, therefore, proposed that awareness raising events be undertaken throughout South Lanarkshire to make the public aware of potential breaches of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003. The initiative would also raise the profile and awareness of the link between road traffic emissions and local air quality.

The Committee decided: that the report be noted.

[Reference: Minutes of 11 November 2008 (Paragraph 8)]

11 Association for Public Services Excellence (APSE) Performance Report 2007/2008

A report dated 23 December 2008 by the Executive Director (Community Resources) was submitted on the key issues from the Association of Public Services Excellence (APSE) Performance Network Reports 2007/2008 for the following areas:-

- ◆ parks, open spaces and horticultural services
- ◆ street cleansing services
- ◆ refuse collection services

The key performance indicators for those services were detailed in the appendices to the report.

The Committee decided: that the report be noted.

12 Housing (Scotland) Act 1987 - 9 to 13 Lamb Street, Hamilton

A joint report dated 23 December 2008 by the Executive Directors (Community Resources), (Finance and Information Technology Resources) and (Housing and Technical Resources) was submitted on action taken, in terms of Standing Order No 36(c) because of the timescales involved, by the Executive Director (Community Resources), in consultation with the Chair and an ex officio member, to instruct repairs to the building forming 9 to 13 Lamb Street, Hamilton.

The building forming 9 to 13 Lamb Street, Hamilton consisted of 1 commercial premise and 2 residential flats. One of the residential flats, due to extensive disrepair, was presently uninhabitable.

In terms of Part V of the Housing (Scotland) Act 1987, Repair Notices had been served on the 3 owners. As the work required by the Notice had not been undertaken within the timescale provided and the property was below the tolerable standard, it had been necessary for the Council to instruct repairs.

The estimated costs of the repairs were £65,000 and, following the deduction of Repairs Grant, action would be taken to recover the outstanding amounts from all owners.

The Committee decided:

that the action taken, in terms of Standing Order No 36(c), by the Executive Director (Community Resources), in consultation with the Chair and an ex officio member, to instruct repairs to the building forming 9 to 13 Lamb Street, Hamilton, be noted.

13 Notification of Contracts Awarded

A report dated 14 January 2009 by the Executive Director (Community Resources) was submitted on contracts awarded by Community Resources in the period 11 September 2008 to 14 January 2009.

In terms of Standing Order No 19.6 of the Standing Orders on Contracts, Resources were required to notify the relevant Committee of contracts awarded. Details of the contracts awarded by Community Resources were provided in the appendix to the report.

The Committee decided:

that the report be noted.

14 Urgent Business

There were no items of urgent business.