

Protective Services Committee
4 March 1999

Irvine, 4 March 1999 - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Jack Carson, Thomas Barr, David Gallagher, Elliot Gray, Thomas Morris, George Steven and Richard Wilkinson.

In Attendance

I. MacKay, Assistant Chief Executive, K. McMunn, Senior Environmental Health Officer, and J. Kerr, Principal Licensing and District Court Officer (Legal and Regulatory); and M. McKeown, Administration Officer (Chief Executive).

Chair

Mr Carson in the Chair.

Apologies for Absence

John Donn and Ian Clarkson.

1. Minutes Confirmed

The Minutes of the Meetings of the Committee held on 21st January 1999, copies of which had previously been circulated, were confirmed.

2. Review of the Civic Government (Scotland) Act 1982

Submitted report by the Chief Executive on the Council's response to the recommendations arising from the COSLA review of the Civic Government (Scotland) Act 1982.

The Chair and Vice Chair of the Protective Services Committee met with appropriate Officers from the Council's Legal and Regulatory Service on 8th February 1999 to agree a response to the COSLA consultation on the 45 recommendations made by the Task Group set up to review the Civic Government (Scotland) Act 1982.

Detailed responses to each of the recommendations, and three additional recommendations received from the Convention, were drawn up and these have now been submitted to COSLA.

The Committee homologated the action taken by the Assistant Chief Executive (Legal and Regulatory), in consultation with the Chair and Vice Chair, in submitting a detailed response to COSLA.

3. Civic Government (Scotland) Act 1982: Taxi Fare Review

Submitted reports by (a) the Assistant Chief Executive (Legal and Regulatory) on the outcome of the review of taxi fares in North Ayrshire; and (b) of the Taxi Fare Review Sub Committee, being the minutes of the meeting held on 14th January 1999.

Following a meeting with Taxi Operators held on 14th January 1999, a revised scale for taxi

fares in North Ayrshire was advertised in the local press. The statutory consultation period ended on 23rd February 1999 and no adverse observations were received.

The Committee agreed (a) to approve the proposed increase to taxi fares in North Ayrshire as set out in the report; (b) that Taxi Operators be advised of the proposed fare scale and of their right to appeal to the Traffic Commissioner for the Scottish Traffic Area; and (c) in the absence of any appeal to the Traffic Commissioner within the period allowed, to issue all operators with amended taxi fare cards, so that the new fares can take effect from 1st April 1999.

4. Food Standards Agency: Consultation

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on a proposed response to the Scottish Office consultation on the Food Standards Agency.

The proposed Bill sets out the Agency's general functions and gives it the right to make public any advice it offers Ministers, Government Departments or other persons. The Bill also provides the Agency with new powers to carry out surveillance and to propose Regulations under the Food Safety Act 1990, to cover the full range of activities connected with the production and supply of food, which might cause potential food safety problems. New powers are also provided for the Agency to set standards for, and monitor the performance of, local authority food law enforcement.

It is proposed that the Food Standards Agency should be funded from an annual flat rate levy of £90 on most food retailers and caterers. This levy would be collected by local authorities, who would retain a proportion to cover costs and pass the rest to the Agency. The implications of this levy were discussed and it was suggested that it should be viewed as a registration/licensing fee linked to enforcement of food safety standards. It was also suggested that rather than levying all food retailers or caterers regardless of their size, a sliding scale based on the floor area of premises should be introduced.

After discussion, the Committee agreed to respond to The Scottish Office on the terms set out in the report.

5. Enforcement Concordat

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on an Enforcement Concordat being promoted by COSLA.

The Concordat sets out procedures to be followed by Council services carrying out a regulatory function and is based on the principles that the Council should be customer friendly, whilst at the same time retaining the essential controls established by Statute.

Within North Ayrshire Council the Concordat would principally apply to those functions carried out by the Legal and Regulatory Service, although certain aspects of the work of Social Services and Roads would also be affected. If adopted, detailed documentation will have to be produced by all regulatory services, setting out their procedures and targets.

After discussion the Committee agreed (a) to adopt formally the Enforcement Concordat; and (b) that the Assistant Chief Executive (Legal and Regulatory) establish an Officers Working Group to draw up relevant documentation and procedures.

The meeting ended at 2.25 p.m.