

ANGUS COUNCIL

MINUTE of MEETING of the **ENVIRONMENTAL AND CONSUMER PROTECTION COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 1 October 2002 at 4.00pm.

Present: Councillors SHEENA WELSH, STEWART McGLYNN, IAN ANGUS, BILL CROWE, FRANK ELLIS, ALISTAIR GRAY, JOHN HENDERSON, IAN MACKINTOSH, JOY MOWATT, PETER MURPHY, ROBERT MYLES, PETER NIELD and BILL ROBERTON.

Councillor WELSH, Convener, in the Chair.

1. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, in terms of Standing Order 27(2), that the public and press be excluded from the meeting during consideration of items 2 and 3 below so as to avoid the disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 6, 8, 9 and 10.

2. RESTENNETH LANDFILL SITE - PHASES 2B/3A DEVELOPMENT

With reference to Article 2 of the minute of meeting of this Committee of 28 May 2002, there was submitted [Report No 1122/02](#) by the Director of Environmental and Consumer Protection detailing tenders received for further phases of the landfill development at Restenneth to ensure continuity of landfill availability to Angus Council. The works specified included construction and maintenance, for one year, of the civil engineering works required to effect phases 2B/3A development of the landfill, phase 1 capping and ancillary works. The tender report prepared by the Project Consultant, Carl Bro was attached as Appendix 1 to the Report.

The Committee agreed to approve acceptance of the tender by Moulding Contracts Limited to carry out the works specified in the contract in the sum of £799,999.54, being the lowest tender received.

3. VEHICLE TENDERS

With reference to Article 4 of the minute of meeting of this Committee of 13 August 2002, there was submitted [Report No 1123/02](#) by the Director of Environmental and Consumer Protection detailing tenders received for various vehicles.

The Committee agreed:-

- (i) to approve the supply of one Seddon 8 x 4 chassis cab from Central Motors (Calderbank) Limited, Airdrie at a cost of £49,250; and
- (ii) to approve the supply of one Hooklift Demountable system from Logan Inglis Limited, Cumbernauld at a cost of £33,989.

4. MINUTE OF PREVIOUS MEETING

The [minute of meeting of this Committee of 13 August 2002](#) was approved as a correct record and signed by the Convener.

5. FOOD STANDARDS AGENCY 2002 AUDIT

With reference to Article 6 of the minute of meeting of this Committee of 8 January 2002, there was submitted [Report No 1124/02](#) by the Director of Environmental and Consumer Protection advising the Committee that the Food Standards Agency (Scotland) had carried out a further audit of Angus Council's Food Safety Service in July 2002.

The Report indicated that the Food Standards Agency (Scotland) (FSAS) required the Council to meet its obligations in terms of the Framework Agreement on Local Authority Food Law Enforcement (2000). To assess how successful local authorities were at implementing this Agreement, the Agency intended to carry out an annual audit. One third of the Agreement would be audited each year. After the 2002 audit had been carried out, the Director had received an executive summary from the Lead Auditor, the comments from which were outlined in the Report. A copy of the full Audit Report had been placed in the Members' Lounge for information.

The Committee agreed to note the comments made by the auditors, as outlined in the Report, regarding the enforcement of Food Safety Legislation by the Environmental and Consumer Protection Department.

6. REFUSE COLLECTION AND WASTE MANAGEMENT ETC ARRANGEMENTS - OCTOBER PUBLIC HOLIDAY 2002

There was submitted [Report No 1125/02](#) by the Director of Environmental and Consumer Protection advising the Committee that due to the Council wide staff holiday for the October public holiday to be held on Monday 7 October 2002, it would be necessary to alter refuse collections and other waste and cleansing services during that week. The changes represented the minimum disruption possible to refuse collection etc and other services such as public toilet facilities, recycling centres and street cleaning. Each household and commercial premises affected by changes would receive a handbill advising of the changes and the alteration to services would be announced in the press.

The Committee agreed:-

- (i) to approve the adjustments to days of refuse and wastepaper collections as detailed in Section 2 of the Report; and
- (ii) to approve the arrangements for other cleansing and waste management services outlined in Section 3 of the Report.

7. RECYCLER OF THE YEAR AWARD

There was submitted [Report No 1126/02](#) by the Director of Environmental and Consumer Protection advising the Committee that, given the high priority attached to waste recycling on a national and local level, it was proposed to initiate Recycler of the Year Awards for Angus household waste recyclers.

The Report indicated that Angus Council was one of the best Scottish Councils in terms of the amount of household waste recycled through the Council recycling infrastructure. With the emerging National and Tayside Waste Strategies, it was important to recognise the role that householders played in co-operating with the Council and to note that, without the dedication of the customers, the efforts of the Council would be much less successful. To focus this grass roots recycling lifestyle, it was therefore proposed that two competitions be organised, the first for Recycler of the Year and the second for Young Recycler of the Year.

It was proposed that the Environmental and Consumer Protection Department advertise for submissions from friends or family members to nominate a recycler and to give a resume of the reasons why they thought their nominee was best recycler. Invitations to participate would be publicised through the press, the Council website and by a wheeled bin "drop off note". Judging would be by a group comprising the Convener and Vice-Convener of this Committee and the Council's Recycling Officer. The format of the competition would be varied year on year to promote continued interest and, for this year, the prize winners would be announced at a meeting of this Committee to be held on 12 November 2002. An appropriate recycling themed prize would be on offer to each category of prize winner.

The Committee, having welcomed the initiative, agreed to note the contents of this Report.

8. MONTROSE BASIN - DERELICT SHEDS AND BOATS

There was submitted [Report No 1127/02](#) by the Director of Environmental and Consumer Protection and the Director of Leisure Services outlining a plan to deal with the ongoing problem of derelict sheds, boats and debris in various ownerships at the Montrose Basin.

The Report indicated that, for a number of years, concern had been expressed by elected members, community councillors and members of the public regarding the proliferation of unsightly sheds, semi-derelict boats and other maritime equipment at Montrose Basin adjacent to the railway viaduct at Ferryden. This part of the Montrose Basin also formed part of the Local Nature Reserve which was controlled by Byelaws which had gone largely unheeded by those who occupied the sheds and had allowed the boat hulks to deteriorate. It was important in terms of the Council's duty of care to members of the public that it took action to resolve the problem given that public access to the area was unrestricted.

It was proposed that all traceable proprietors of these sheds and boats be contacted and asked for their co-operation in removing their property from the site. Notices giving 14 days for the removal of their property would be served by recorded delivery and posted on the 11 sheds, 6 boats and 3 trailers on the site. If this did not result in their removal, the Council would take steps in terms of Section 122 of the Civic Government (Scotland) Act 1982 to clean up the area. Following the consent of the owners of the seashore and relevant notifications, the Council could remove any articles and carry out the necessary works. It was proposed that either the Contract Services Department or a private sector contractor would be engaged to remove the articles and carry out the necessary works to ensure public safety was attained at this foreshore locus.

The Committee, for its interest, agreed:-

- (i) to approve the action outlined in the Report; and
- (ii) to empower the appropriate Council officers to serve notices on the owners of the derelict items requiring removal, failing which, the Council would take action in terms of the Civic Government (Scotland) Act 1982 as required.

9. FINALISED TAYSIDE AREA WASTE PLAN

With reference to Article 15 of the minute of meeting of this Committee of 28 May 2002, there was submitted [Joint Report No 1128/02](#) by the Director of Planning and Transport and the Director of Environmental and Consumer Protection advising the Committee that the Tayside Area Waste Plan had been finalised for publication and summarising the potential implications for Angus as a Planning and Waste Management Authority.

The Report concluded that finalising the Tayside Area Waste Plan, a copy of which had been placed in the Members' Lounge, was an important milestone and would assist in establishing a sustainable approach to waste management in Tayside and contribute to achieving the landfill directive targets required by the UK Government by 2020. Implementation of the Action Plan would have implications for Angus Council in both waste management practice and service delivery and for land use planning and these were outlined in the Report.

The Committee agreed:-

- (i) to note that the Tayside Area Waste Plan had been finalised for publication and that the implementation of the Action Plan would have implications for waste management service delivery in Angus; and
- (ii) to proceed with a joint bid (also involving Dundee City Council and Perth and Kinross Council) to the Strategic Waste Fund for a project to increase segregated collection and waste management of green waste.

10. FIREWORK SAFETY

With reference to Article 10 of the minute of meeting of this Committee of 6 November 2001, there was submitted [Report No 1129/02](#) by the Director of Environmental and Consumer Protection highlighting some of the issues, developments and trends surrounding the coming firework season and looking forward to the report from the COSLA Firework Task Group and their attempts to tackle some of these issues.

The Report indicated that, again, this year, prior to 5 November the Department would be working in partnership with the Police, Fire Services and Education Department to promote this year's Safety Awareness Campaign in respect of firework storage and sale. Leaflets, posters and a tool kit for schools provided by the Department of Trade and Industry (DTI) would be deployed in the run up to Guy Fawkes Day. Details of this year's DTI Campaign Theme were detailed in Appendix 2 to the Report. In addition, visits would be made to premises which were registered to store fireworks to drive home the safety and underage sales messages to retailers.

Information on fireworks, their categories and British Standard 7114 was detailed in Appendix 1 to the Report. A further issue causing concern was the time period over which fireworks were sold with New Year and other celebrations extending the "season" beyond October/November.

The Report stressed that the safety of people was paramount and whether it was in the garden, at displays, at bonfires or in the street, people should feel safe. Unfortunately, despite a drop in firework injury statistics in 2000, there had been a significant increase in 2001 despite the DTI claiming their safety campaign appearing to be the most effective ever.

Concerns locally had been expressed by elected members and others with regard to the sale and use of fireworks and concerns expressed throughout Scotland had led to COSLA setting up a Firework Task Group to look at identifying the changes needed to legislation to better control the sale and use of fireworks.

The Report concluded by hoping that local and national safety campaigns would be heeded this year and that the fireworks season would pass without someone being seriously injured. The outcome of the COSLA Task Group deliberations were awaited and it was hoped that their report would contain recommendations to tackle some of the issues identified in the report.

Following a full discussion, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to call on the Scottish Parliament and the Westminster Parliament to:
 - (a) bring forward, at an early date, the legislation necessary to end the retail sale of fireworks to the general public; and
 - (b) extend the Civic Government (Scotland) Act 1982 to regulate and licence bodies organising public displays; and
- (iii) to instruct the Chief Executive to write to the relevant Ministers in the above terms.

11. APPOINTMENT OF AUTHORISED OFFICERS - CONTROL OF DOGS (COLLAR AND TAGS)

There was submitted [Report No 1130/02](#) by the Director of Environmental and Consumer Protection advising the Committee of the need to update authorisations of the Council for certain officers within the Environmental and Consumer Protection Department to enforce provisions in legislation dealing with the control of dogs.

The Report indicated that provision existed under the Control of Dogs Order 1992 to ensure that every dog, while on a highway or in a place of public resort, should wear a dog collar which had the address of the owner inscribed on the collar or on a plate or badge attached to the collar. The powers of such enforcement were placed on officers of the local authority, duly authorised under the Animal Health Act 1981, being the principal Act that established the Order of 1992.

The Report advised that there would be distinct advantages in dog wardens enforcing this legislation, including reuniting lost dogs with owners, identifying stray dogs, identifying owners who failed to clean up fouling and assisting in dealing with "fixed penalty" fines for fouling.

The Committee agreed to authorise, with immediate effect, dog wardens employed by Angus Council within the Environmental and Consumer Protection Department to enforce powers for the control of dogs under Section 149 of the Environmental Protection Act 1990 permitting dog wardens to seize dogs whose owners had contravened the Control of Dogs Order 1992.