

## ABERDEENSHIRE COUNCIL

### BUSINESS SERVICES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 12 SEPTEMBER, 2019

**Present:** Councillors J Gifford (Chair), M Roy (Vice-Chair), L Berry, I Davidson, A Duncan, E Durno, A Forsyth, F Hood, J Hutchison, N Smith, R Thomson, B Topping and L Wilson.

**Apology:** Councillor H Partridge.

**Officers:** Director of Business Services, Head of Property and Facilities Management, Service Manager (Customer Communication and Improvement), Strategic Finance Manager, Principal Solicitor (Governance) and Senior Committee Officer (Allan Bell).

#### 1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare, in terms of the Councillors' Code of Conduct. No interests were declared.

#### 2A. PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

#### 2B. EXEMPT INFORMATION

The Committee **agreed**, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the classes described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No	Paragraph No of Schedule 7A
7	9
8	8
9	8

#### 3. MINUTE OF MEETING OF THE COMMITTEE OF 13 JUNE, 2019

On consideration of the circulated Minute of Meeting of the Committee of 13 June, 2019, members **approved** it as a correct record, after which the Minute was signed by the Chair.

#### 4. **OUTTURN REVIEW OF THE PERFORMANCE OF THE TREASURY MANAGEMENT FUNCTION FOR THE PERIOD 1 APRIL, 2018 TO 31 MARCH, 2019**

With reference to the Minute of Meeting of the Committee of 18 April, 2019 (Item 7A), when approval had been given to the revised Treasury Management Strategy for financial year 2019/20, there was circulated and **noted** a report dated 13 July, 2019, by the Director of Business Services, which (1) explained the background to the operation of the Council's treasury management function, ensuring that appropriate financial resources were secured and available to all Council services when required, (2) detailed performance and compliance in relation to the treasury management function for the period from 1 April, 2018, to 31 March, 2019 and (3) highlighted relevant aspects of the function, including interest rates, the investment portfolio and borrowing.

Thereafter, the Committee **noted** members' comments in respect of interest receivable from counterparties and slippage in the Housing Improvement Programme.

#### 5. **INTERIM EQUALITY IMPACT ASSESSMENT**

Consideration was given to a circulated report dated 14 August, 2019, by the Director of Business Services (1) which explained the background to the Fairer Scotland Duty, requiring public authorities to consider actively how they might reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions, as set out within the Equality Act 2010, (2) which outlined the expectations of the Scottish Government for public bodies to meet the requirements of the Duty, together with steps proposed by Aberdeenshire Council to achieve compliance and (3) to which was appended a copy of the Council's relevant guidance.

Thereafter, the Committee **acknowledged** the update to the Council's Equality Impact Assessment to incorporate the Fairer Scotland Duty placed upon specific public bodies.

#### 6. **BALLATER STATION PROJECT REVIEW ACTION PLAN**

With reference to the Minute of Meeting of Aberdeenshire Council of 25 April, 2019 (Item 8), when it had been agreed (1) that the Business Services Committee should oversee the creation of an action plan based on recommendations contained within a report on the review of the Ballater Station Project and (2) to delegate authority to that Committee to take responsibility for monitoring and scrutiny of future projects, as and when required, there was circulated a report dated 19 August, 2019, by the Director of Business Services, which presented a Project Action Plan, together with the Project Review Executive Summary and a briefing note on fire preventative measures.

Thereafter, the Committee:-

- (1) **agreed** to endorse progress made on the Action Plan appended to the report, and
- (2) **instructed** the Head of Properties and Facilities Management to submit an update report on the Action Plan to a future meeting of the Committee.

#### 7. **ESTATES NON-OPERATIONAL PORTFOLIO DEVELOPMENT**

On consideration of a circulated report dated 19 August, 2019, by the Director of Business Services, which provided an update on the current Estates non-operational portfolio and the proposed portfolio investment in each of the six administrative areas across Aberdeenshire, the Committee:-

- (1). **agreed** to endorse current development proposals for the Estates non-operational portfolio, and **noted** comments received from area committees, as detailed within the report, and
- (2) **noted** the approved Supplementary Work Plan, as contained within an appendix to the report.

## **8. HARD FACILITIES MANAGEMENT (HARD FM) UPDATE**

With reference to the Minutes of Meetings of (1) the Policy and Resources Committee of (a) 11 June, 2015 (Item 27), when approval had been given to the procurement of a single, outsourced provider for the delivery of all reactive and cyclical maintenance (including minor works) for non-housing stock, (b) 14 January, 2016 (Item 22), when it had been agreed to increase the scope of the provision to encompass planned maintenance, health and safety-related works for the Council's property assets and significant elements of cyclical maintenance work for social housing and sheltered housing and (c) 17 November, 2016 (Item 39), when it had been agreed to approve the appointment of FES FM Limited as the preferred bidder for the Hard FM tender and to proceed to contract award and (2) the Committee of (a) 28 February, 2019 (Item 12), when it had been agreed to conduct a Committee Review Process (CRP) in respect of Internal Audit Report 1849 and to request officers to submit a Stage 1 CRP report to the meeting of the Committee on 12 September, 2019 and (b) 13 June, 2019 (Item 11), when members had noted the performance of FES FM Limited in its discharge of the Hard Facilities Management (Hard FM) contract and instructed officers to submit further updaters reports on the performance of the contractor, on a quarterly basis, there was circulated a report dated 6 August, 2019, by the Director of Business Services, which (1) explained the background to consideration of the matter and (2) provided an update on the performance and operation of FES FM Limited.

After consideration, the Committee:-

- (1) **noted** the performance of FES FM Limited under the Hard FM contract,
- (2) **instructed** officers to submit a further update report to every second meeting of the Committee, and
- (3) **noted** that the Stage 1 CRP report would be submitted to the next meeting of the Committee.

## **9. SUPPLEMENTARY DIRECTORATE WORK PLAN – PROCUREMENT APPROVAL**

With reference to the Meeting of the Committee of 28 February, 2019 (Item 9), when approval had been given to the Annual Directorate Work Plan for financial year 2019/2020, there was circulated a report dated 20 August, 2019, by the Director of Business Services, which provided details of additional projects proposed for inclusion within the Work Plan.

After consideration, the Committee:-

- (1) **noted** the Business Services Directorate Supplementary Work Plan, as contained within an appendix to the report,
- (2) **approved** the addition of the items on the Supplementary Work Plan to the Directorate Work Plan,
- (3) **agreed** not to reserve approval of the business case for the Quantity Surveying Resource item,

- (4) **approved** the business case for the provision of Construction Professional Design Services for 2019/20, as appended to the report,
- (5) **approved** the business case for the provision of Construction Design Professional Services for 2020/24, as appended to the report,
- (6) **approved** the business case for the provision of Internal Catering, as appended to the report,
- (7) **agreed** to reserve the award of the Internal Catering contract, and
- (8) **instructed** officers to establish a review group of staff and members in order to consider what customers would be seeking from the internal catering provision.

## **10. SUB-COMMITTEE MINUTES**

The Committee **noted** the Minutes of the following Meetings, copies of which form Appendices A and B to this Minute:-

- (1) the Licensing Sub-Committee of 26 April, 2019, and
- (2) the Licensing Sub-Committee of 7 June, 2019.

## APPENDIX A

### BUSINESS SERVICES COMMITTEE

#### LICENSING SUB-COMMITTEE

**GORDON HOUSE, INVERURIE, 26 APRIL, 2019**

- Present:** Councillors F Hood (Chair), R Bruce, M Ewenson (as substitute for Councillor A Stirling), A Forsyth, V Harper, D Lonchay, D Robertson and M Roy.
- Apology:** Councillor A Stirling.
- Officers:** Senior Committee Officer (Allan Bell), Senior Solicitor (Fiona Stewart), Solicitor (Iain Meredith) and Abdul Elghedafi (Trainee Solicitor), all Legal and Governance; and Shirley Duthie (HMO Officer), Infrastructure Services.
- In attendance:** Sergeant G Flett and Sergeant G Donald (Police Scotland).

#### **ADDITIONAL ITEM TAKEN AS A MATTER OF URGENCY**

The Chair indicated that he had directed, in terms of Standing Order 4.1(2)(c) and Section 50 B(4)(b) of the Local Government (Scotland) Act 1973, that an additional item be taken as a matter of urgency at Item 6B below, in order to facilitate a taxi firm continuing to trade viably, after the death of the company owner

#### **1. DECLARATION OF MEMBERS' INTERESTS**

The Chair asked members if they had any interests to declare, in terms of the Councillors' Code of Conduct. Councillor Forsyth declared an interest in respect of item 5, on the grounds that he was a member of Formartine Area Committee and had been involved in the application for a taxi booking office licence when it had first been considered. He advised that he would leave the meeting and take no part in the item.

#### **2A. PUBLIC SECTOR EQUALITY DUTY**

In taking decisions on the undernoted items of business, the Sub-Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

## **2B. CONFIDENTIAL AND EXEMPT INFORMATION**

The Sub-Committee **agreed**, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of Items 4 and 6 below, on account of the likely disclosure of confidential information in breach of the obligation of confidence, and in terms of Section 50A (4) and (5) of the 1973 Act, to exclude the public during consideration of Item 5 below, so as to avoid disclosure of exempt information of the class described in paragraph 6 of Part 1 of Schedule 7A of the Act.

### **3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 1 FEBRUARY, 2019**

On consideration of the circulated Minute of Meeting of the Sub-Committee of 1 February, 2019, members **approved** the Minute as a correct record. It was thereafter signed by the Chair.

### **4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATIONS FOR DETERMINATION**

#### **(a) Application for a Taxi Driver's Licence (Case No. 967)**

There had been circulated a report dated 28 March, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 967), in respect of which the Chief Constable had lodged an objection and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be refused, on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence, due to his serious offending history, including convictions for road traffic offences and crimes of violence.

#### **(b) Application for a Taxi Driver's Licence (Case No. 968)**

There had been circulated a report dated 28 March, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 968), in respect of which the Chief Constable had lodged an objection and (2) detailed information relevant to the application.

In the absence of the applicant and having heard from the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be refused, on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence, due to the serious nature of his previous convictions, including those for crimes of violence and road traffic offences.

#### **(c) Application for a Taxi Driver's Licence (Case No. 969)**

There had been circulated a report dated 28 March, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 969), in respect of which the Chief Constable had lodged an objection and (2) detailed information relevant to the application.

In the absence of the applicant and having heard from the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be refused, on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence, due to the serious nature of his previous convictions.

**(d) Application for a Taxi Driver's Licence (Case No. 970)**

There had been circulated a report dated 20 March, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 970), in respect of which the Chief Constable had lodged an objection and (2) detailed information relevant to the application.

Having heard from the representatives of both the applicant and the Chief Constable, the Sub-Committee **agreed** unanimously that the application be refused, on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence, as he had not demonstrated a suitable understanding of the responsibilities associated with being a taxi driver.

**(e) Application for a Taxi Driver's Licence (Case No. 971)**

There had been circulated a report dated 20 March, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 971), in respect of which the Chief Constable had made representations and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, Councillor Hood, seconded by Councillor Forsyth, **moved** that the application be refused, on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence, due to his previous conviction and having come to the attention of the police on another occasion.

As an amendment, Councillor Lonchay, seconded by Councillor Ewenson, **moved** that the Sub-Committee grant the application for a period of one year.

Members of the Sub-Committee voted as follows:-

for the motion	(4)	Councillors Hood, Bruce, Forsyth and Roy.
for the amendment	(4)	Councillors Ewenson, Harper, Lonchay and Robertson.

There being an equality of votes, the Chair cast his in vote in favour of the motion.

**The motion was carried** in the following terms:-

that the application be refused, on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence, due to his previous conviction and having come to the attention of the police on one other occasion.

**(f) Application for a Taxi Driver's Licence (Case No. 972)**

There had been a circulated a report dated 26 March, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 972), in respect of which the Chief Constable had made representations and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the licence be granted for a period of one year.

### **(g) Application for a Private Hire Car Driver's Licence (Case No. 973)**

There had been circulated a report dated 12 February, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a private hire car driver's licence (identified as Case No. 973), in respect of which the Chief Constable had made representations and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be refused, on the grounds that the applicant was not a fit and proper person to hold a private hire car driver's licence, by virtue of having had a number of speeding convictions.

### **5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI BOOKING OFFICE LICENCE (CASE NO. 974)**

With reference to the Minutes of Meetings of (1) Formartine Area Committee of 5 June, 2018 (Item 13), when it had been agreed unanimously to refuse an application for a taxi booking office licence and (2) the Business Services Committee of 28 February, 2019 (Item 6), when it had been noted that the decision had been appealed to the Sheriff, who had ruled that the application be referred back to the Council for re-determination by a differently-constituted committee, there was circulated a report dated 14 March, 2019, by the Director of Business Services, which (1) explained the background to the application for the grant of a taxi booking office licence (identified as Case No. 974), in respect of which a number of objections had been received and (2) detailed information relevant to the application.

Having heard from the representative of the applicant in support of the substantive application, and thereafter from a number of the objectors regarding matters of concern which had been raised by them, the Sub-Committee, after detailed discussion, concluded that the legal tests had not been met to refuse the application and **agreed**, by a majority, to grant the taxi booking office licence, subject to the condition that no more than three vehicles would be kept at the premises in question at any given time.

### **6. HOUSING (SCOTLAND) ACT 2006 – APPLICATIONS FOR RENEWAL OF LICENCES FOR HOUSES IN MULTIPLE OCCUPATION (CASE NO. 975)**

There had been circulated reports dated 14 March, 2019, by the Director of Business Services, which (1) requested that consideration be given to applications for the renewal of licences for houses in multiple occupation (identified as Case No. 975), in respect of which representations had been made by the statutory consultees and (2) detailed information relevant to the applications.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously to grant the licences for each of the properties for a period of three years.

### **6A. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – REQUEST TO EXTEND EXISTING TAXI VEHICLE LICENCES**

On consideration of an oral report by the Senior Solicitor (Democratic Services), the Sub-Committee **agreed** to extend the existing vehicle licences which had previously been issued to a local taxi firm from three months to six months, in order to assist transition to a new company after the death of the previous owner and to enable the deceased's successors to continue trading prior to applying for new vehicle licences in their own names.

## **7. UPDATE OF GUIDANCE IN RESPECT OF THE LICENSING OF TAXIS/PRIVATE HIRE CARS**

With reference to the Minute of Meeting of the Sub-Committee of 20 April, 2018 (Item 6), when approval had been given to the authority's guidance document on taxi and private hire cars, there was circulated and **noted** a report dated 5 April, 2019, by the Director of Business Services, which (1) advised that the document had been reviewed and (2) highlighted amendments which required to be made, in respect of vehicles registered in one area and tested in another, and body panels not matching the original colour of a vehicle.

After consideration, the Sub-Committee **approved** the changes to the taxi/private hire car guidance booklet, as detailed within the appendices to the report.

## **8. STREET TRADER LICENCES – STANDARD CONDITIONS**

Consideration was given to a circulated report dated 15 January, 2019, by the Director of Business Services, which (1) explained the background to the setting of standard conditions, subject to which licences might be granted to street trader businesses, (2) proposed that separate sets of standard conditions be devised for the owners of businesses and those who were employed by those businesses and (3) provided details of the review process and the comments received.

After consideration, the Sub-Committee **noted** and **approved** the standard conditions for both principal street traders and employee street traders, as appended to the report.

## APPENDIX B

### BUSINESS SERVICES COMMITTEE

#### LICENSING SUB-COMMITTEE

**GORDON HOUSE, INVERURIE, 7 JUNE, 2019**

- Present:** Councillors F Hood (Chair), R Bruce, M Ewenson (as substitute for Councillor M Roy), A Forsyth, V Harper, D Lonchay, A Stirling and L Wilson (as substitute for Councillor D Robertson).
- Apologies:** Councillors D Robertson and M Roy.
- Officers:** Senior Committee Officer (Allan Bell), Senior Solicitor (Iain Meredith), and Trainee Solicitor (Abdul Elghedafi), all Legal and Governance.
- In attendance:** Sergeant G Flett (Police Scotland).

#### VALEDICTORY

On the occasion of his final meeting before taking up a new position at another authority, the Chair and members thanked Iain Meredith for his contribution to the work of the Sub-Committee.

#### 1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare, in terms of the Councillors' Code of Conduct. No interests were declared.

#### 2A. PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the Sub-Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

#### 2B. CONFIDENTIAL INFORMATION

The Sub-Committee **agreed**, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of Items 4 and 5 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

### 3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 26 APRIL, 2019

On consideration of the circulated Minute of Meeting of the Sub-Committee of 26 April, 2019, members **approved** the Minute as a correct record. It was thereafter signed by the Chair.

### 4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATIONS FOR DETERMINATION

#### (a) Application for a Taxi Driver's Licence (Case No. 976)

There had been circulated a report dated 25 April, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 976) and (2) detailed information relevant to the application.

In the absence of the applicant, the Sub-Committee **agreed**, by a majority, that the application be refused, on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence, due to the serious nature of his convictions and the number of penalty points currently on his licence.

#### (b) Application for a Taxi Driver's Licence (Case No. 977)

There had been circulated a report dated 10 May, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 977), in respect of which the Chief Constable had made representations and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be granted for a period of one year.

#### (c) Application for a Taxi Driver's Licence (Case No. 978)

There had been circulated a report dated 22 May, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 978), in respect of which the Chief Constable had made representations and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, Councillor Harper, second by Councillor Lonchay, **moved** that the Sub-Committee grant the application for a period of one year.

As an amendment, Councillor Wilson, seconded by Councillor Ewenson, **moved** that the application be refused, on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence, due to his previous convictions and having come to the attention of the police on another occasion.

Members of the Sub-Committee voted as follows:-

for the motion (4) Councillors Forsyth, Harper, Lonchay and Stirling

for the amendment (4) Councillors Hood, Bruce, Ewenson and Wilson.

There being an equality of votes, the Chair cast his vote in favour of the amendment.

**The amendment was carried** in the following terms:-

that the application be refused, on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence, due to his previous convictions and having come to the attention of the police on another occasion.

**5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – CONSIDERATION OF SUSPENSION OF A TEMPORARY PRIVATE HIRE CAR LICENCE (CASE NO. 979)**

There had been circulated a report dated 29 May, 2019, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the temporary suspension of a private hire car driver's licence (identified as Case No. 979) and (2) detailed information relevant to the licence holder and the complaint.

Having heard from the representative of the Chief Constable, the Sub-Committee:-

- (1) **agreed**, by a majority, that the allegations contained within the complaint were justified,
- (2) **agreed**, by a majority, that the activity to which the licence related was causing, or was likely to cause, a serious threat to public order or public safety, and
- (3) **agreed**, by a majority, to suspend the private hire car driver's licence immediately, in terms of the prevailing legislation, and to fix a date for the suspension hearing.