

**ABERDEENSHIRE COUNCIL****POLICY AND RESOURCES COMMITTEE****WOODHILL HOUSE, ABERDEEN, 17 NOVEMBER, 2016**

**Present:** Councillors R G Thomson (Chair), A A Bews, K L Clark, R Cowling, I Davidson (substitute for Councillor Gifford), A C Duncan, A Hendry, F C P Hood, P K Johnston, S W Pratt, N J Smith, S W Smith, H W Vernal (substitute for Councillor Topping) and J Webster.

**Apologies:** Councillors J N Gifford and B A Topping.

**Officers:** Chief Executive, Director of Business Services, Director of Education and Children's Services, Director of Infrastructure Services, Head of Finance, Head of Legal and Governance, Head of Property and Facilities Management, Tackling Poverty and Inequalities Co-ordinator, Sustainability and Climate Change Co-ordinator and Chief Internal Auditor.

**In attendance:** David Rout, Local Senior Officer, and Graeme Laird, Station Manager, (Scottish Fire and Rescue Service).

**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 Cowling declared an interest in Item 15 as the Council representative on Garioch Sports Trust but did not consider the interest to be substantial and remained in the room during discussion of the item.

Councillor Davidson declared an interest in Item 10 as a member of Grampian Credit Union but did not consider the interest to be substantial and remained in the room during discussion of the item.

Councillor Thomson declared an interest (a) in Item 10 as a member of North East Scotland Credit Union, and (b) in Item 45 as a Council representative on the Aberdeen City Region Deal Joint Committee and ONE but did not consider the interests to be substantial and remained in the room during discussion of the items.

Cllr Webster declared an interest in Item 34 as a friend of a director of one of the providers and stated that she would leave the room during discussion of the item.

**2. RESOLUTIONS****A. 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 and 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.

### B. CONFIDENTIAL AND EXEMPT INFORMATION

The Committee **noted** that the press and public were excluded from the meeting during consideration of Item 45 below in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, as the information was deemed to be confidential in terms of Section 50A (3) of the Local Government (Scotland) Act 1973, having been furnished by a government department upon terms which forbade disclosure.

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
25	1, 12 and 14
26	6, 8, 10 and 12
27	8
28	9
29	8, 9 and 10
30	9 and 10
31	8
32	8 and 9
33	8
34	8 and 10
35	8
36	9
37	6, 8 and 9
38	8
39	8
40	9
41	6 and 8
42	6, 8 and 9
43	8
44	9
46	6, 8 and 9

### 3. SCOTTISH FIRE AND RESCUE SERVICE - PERFORMANCE REPORT FOR 1 APRIL 2016 TO 30 SEPTEMBER, 2016

With reference to the Minute of Meeting of 3 April, 2014 (Item 2, Page 1696), a report dated 25 October, 2016, by the Director of Business Services had been circulated advising on how the Scottish Fire and Rescue Service was performing against key performance measures and associated targets as set out in the Aberdeenshire Fire and Rescue Plan 2014-2017. The report contained a detailed summary of performance for the reporting period from 1 April to 30 September, 2016, and a narrative of key areas of improvement or best practice, as provided by the Local Senior Officer, on his deployment of resources required to support fire and rescue activities.

During discussion, members commented on a number of issues, including a rise in deliberate fires in the Fraserburgh area, whether there was a risk register of derelict properties, whether there was anything the Council could do to publicise the shortage of retained firefighters, and whether there were any staff in Aberdeenshire off work with Post Traumatic Stress Disorder.

Thereafter, the Committee **agreed**:-

- (1) to note the performance report relating to year to date performance from 1 April to 30 September, 2016, for the Aberdeenshire area of the Scottish Fire and Rescue Service, and
- (2) to note the national and operational matters arising, together with key resource issues, as detailed in the appendices to the report.

#### **4. SCOTTISH FIRE AND RESCUE SERVICE STATISTICS 2015-16 (INCIDENT, FIRE SAFETY AND ORGANISATIONAL DATA)**

A report dated 25 October, 2016, by the Director of Business Services had been circulated advising of the recently published Scottish Fire and Rescue Service Statistics 2015/16. This presented fire and rescue statistics for Scotland, including information on fires, special service incidents, casualties and false alarms, fire safety enforcement and organisational data, as well as statistics on incidents, casualties and fatalities attended in Scotland from April 2015 to March 2016.

The Committee **agreed** to note the report relating to the annual statistics of the Scottish Fire and Rescue Service.

#### **5. SCOTTISH FIRE AND RESCUE SERVICE STRATEGIC PLAN 2016-2019**

A report dated 25 October, 2016, by the Director of Business Services had been circulated, together with the recently published Scottish Fire and Rescue Service Strategic Plan 2016-2019 which set out the future strategic direction of the service and their aims for the next three years. The report stated that the plan would inform the impending development of the Aberdeenshire Local Fire and Rescue Plan 2017-2020. Commencing November 2016, the existing Local Plan would be reviewed and members would be provided with a further opportunity to engage in the shaping of the plan at a local level.

The Committee **agreed**:-

- (1) to note the report relating to the publication of the Scottish Fire and Rescue Service Strategic Plan 2016-2019, and
- (2) to acknowledge the consultation and engagement by the Local Senior Officer at Area Committees and the Community Planning Board.

#### **6. BUSINESS SERVICES' 2016-2019 SERVICE PLAN - MID YEAR PROGRESS REPORT APRIL-SEPTEMBER 2016 (ABERDEENSHIRE PERFORMS)**

With reference to the Minute of Meeting of 15 September, 2016 (Item 7, Page 500), a report dated 1 November, 2016, by the Director of Business Services had been circulated providing a six monthly update on delivery of the Business Services 2016-2019 Service Plan. The report listed the key actions associated with each of the nine priority projects and three core service projects and showed the current state of progress on each action.

The Committee **agreed**:-

- (1) to acknowledge the progress made delivering priority projects identified in the Business Services 2016-2019 Service Plan and as detailed in the Appendix to the report, and
- (2) that the Director of Business Services continue to report six monthly on progress in delivering the priority projects.

#### **7. REVENUE BUDGET MONITORING AS AT 30 SEPTEMBER, 2016**

A report dated 18 October, 2016, by the Director of Business Services had been circulated explaining the current financial position of the Council and highlighting significant variances currently identified from agreed budgets. The report stated that the forecast to the end of the financial year was expected to be in excess of budget, and the emerging theme which related to a number of the major variances was in connection with adverse pressures in the local economy. At this point in the financial year it was possible that the pressures being forecast could create pressures next year and they would therefore be considered as part of the Medium Term Financial Strategy discussions.

During discussion, members asked questions about new management positions relating to the Integration Joint Board, the budgets for waste collection and waste disposal, out of authority placements and the shortfall in Council tax income due to a rise in empty properties, which were answered by officers.

Thereafter, the Committee **agreed**:-

- (1) to note the revenue budget monitoring to 30 September, 2016,
- (2) to approve the budget virements as set out in Appendix 4 of the report.

#### **8. NON-HRA CAPITAL BUDGET 2016/17 MONITORING REPORT AND CAPITAL PLAN 2016-2031 UPDATE**

A report dated 26 September, 2016, by the Director of Business Services had been circulated detailing expected expenditure and income on projects contained within the Council's non-Housing Revenue Account (HRA) Capital Budget, updating the position in respect of projects reporting directly to the Policy and Resources Committee and highlighting projects which showed variations requiring amendments to be made to the Capital Plan.

During discussion, members asked questions about design fees for Inverurie Academy, the optimism bias figure and which public transport projects could not be progressed, which were answered by officers.

Thereafter, the Committee **agreed**:-

- (1) ***to recommend approval of revisions to the capital budget for 2016/17, as detailed in Appendices 2 and 4 of the report, giving new totals for expenditure and receipts and revenue financing of £102,033,000 and £52,388,000 respectively,***
- (2) ***to recommend approval of revisions to the capital budget for future years, as detailed in Appendices 1 and 4 of the report, and***
- (3) to approve the revenue financing costs set out in section 3 of the report.

## 9. FOLLOWING THE PUBLIC POUND - UPDATE TO PROCEDURES

With reference to the Minute of Meeting of 28 June, 2007 (Item 9, Page 480), a report dated 25 October, 2016, by the Director of Business Services had been circulated requesting the Committee to approve revised procedures for Following the Public Pound. The report stated that the procedures had been updated to take account of recommendations from a Scrutiny and Audit Committee workshop on the Grants Register and several Internal Audit reports.

During discussion, members requested that the wording of paragraph 3.1.4 should read "Copies of minutes of the board of directors or trustee' meetings should be sought and reported" and asked whether the procedures should include an automatic annual update of the figures for Accounting Thresholds on Accrued Accounts.

Thereafter, the Committee **agreed** to approve the revised procedures for Following the Public Pound detailed in the Appendix to the report.

## 10. FINANCIAL SUPPORT TO CREDIT UNIONS

With reference to the Minute of Meeting of Aberdeenshire Council of 30 June, 2016 (Item 8, Page 10), a report dated 3 October, 2016, by the Director of Business Services had been circulated requesting approval of a mechanism to provide financial support to local credit unions. The report stated that discussions had been held with the two main credit unions to establish their funding requirements. North East Scotland Credit Union had requested funding in two forms - a grant to help create financial capacity and either a subordinated loan or deferred shares - while Grampian Credit Union had requested funding by way of either a subordinated loan or deferred shares.

During discussion, members welcomed the proposed support, which would help many people in the area, and expressed interest in seeing accounts and reports back from the credit unions.

Thereafter, the Committee **agreed** to approve the proposed financial support to local credit unions as detailed in the report on the basis of grant funding and a subordinated loan being provided to North East Scotland Credit Union and a subordinated loan being provided to Grampian Credit Union.

## 11. EQUALITIES MAINSTREAMING AND OUTCOMES SIX MONTHLY REPORT

With reference to the Minute of Meeting of 21 April, 2016 (Item 9, Page 1678), a report dated 26 September, 2016, by the Director of Business Services had been circulated providing an update on the progress made from March to September 2016 towards the integration of equalities into the Council's activities. The report highlighted the key equality aspects which had been the main focus of activity during the reporting period and provided case studies which showed how the Council was delivering on the equality outcomes to make a tangible difference to service users and employees.

During discussion, members welcomed the housing development for people with physical disabilities at Martin Brae, Inverurie, and expressed concern that many houses in multiple occupation remained unlicensed.

Thereafter, the Committee **agreed** to endorse the progress made to date in respect of the Equalities Action Plan from 10 March to 16 September, 2016, towards meeting the Public Sector Equality Duty.

## 12. TACKLING POVERTY AND INEQUALITIES - FAIRER SCOTLAND FUND

With reference to the Minute of Meeting of 17 September, 2015 (Item 20, Page 571), a report dated 31 October, 2016, by the Director of Business Services had been circulated providing an update on the progress made during 2015/16 in implementing the Tackling Poverty and Inequalities agenda. The report stated that this was a complex agenda which affected areas across Aberdeenshire, particularly in terms of the difficulty in accessing services for vulnerable people in rural areas. It had been presented to Area Committees and the comments received would be considered positively with a view to updating practices.

During discussion, members asked how much of the funding was for premises costs including electricity and commented that access to affordable transport continued to be a big concern.

Thereafter, the Committee **agreed**:-

- (1) to support the progress made during 2015/16 in implementing the Tackling Poverty and Inequalities agenda,
- (2) that rural concerns to be tackled in a holistic sense was an issue which the Tackling Poverty and Inequalities Group should consider in 2017 /18, and
- (3) to confirm the funding support for 2017/18 and 2018/19 previously agreed as "indicative" to the Independent Information and Advice services, which would include the existing funding allocations, management and monitoring arrangements for the Information and Advice Services.

## 13. IMPROVING THE CUSTOMER EXPERIENCE - BUDGET AUTHORITY

With reference to the Minutes of Meetings of (a) 10 January, 2013 (Item 9, Page 1558), and (b) 17 September, 2015 (Item 30, Page 574), a report dated 30 September, 2016, by the Director of Business Services had been circulated commenting on changes to the governance arrangements for the Improving the Customer Experience (iCE) project, given that there was significant cross-over with ongoing and planned work as outlined in the 'Innovate Aberdeenshire' Digital Strategy action plan. As a result, the iCE project would no longer be a stand-alone project, and the project team and financial resources would be used to support the delivery of the Digital Strategy overseen by the Digital Aberdeenshire Group.

During discussion, members commented that it would be useful to receive information on what savings had been achieved through the iCE project.

Thereafter, the Committee **agreed**:-

- (1) to align the former 'Improving the Customer Experience' (iCE) budget to the 'Innovate Aberdeenshire' Digital Strategy, with a proportion of the resources used to deliver priority elements of the Digital Strategy action plan, and any remaining budget offered up as a 2016/17 budget saving, and
- (2) to delegate authority for allocating spend against the budget to the Head of Information and Communication Technology, following consultation with the Digital Aberdeenshire Group.

## 14. APPROVAL OF EXPENSES FOR MEMBERS ATTENDING COSLA WORKING GROUPS

With reference to the Minute of Meeting of Aberdeenshire Council of 21 January, 2016 (Item 4, Page 995), a report dated 26 October, 2016, by the Director of Business Services had been

circulated requesting approval to pay the travel and other expenses of members attending three work-streams established by the Convention of Scottish Local Authorities (COSLA).

The Committee **agreed**:-

- (1) to acknowledge the requirement for members of Aberdeenshire Council to be represented on three work-streams established by COSLA, and
- (2) to approve travel and other expenses for members attending the following COSLA work-streams on behalf of Aberdeenshire Council:

The Brexit Working Group  
 Quarterly Meetings with Police Scotland, and  
 The Budget Settlement Negotiating Group.

## **15. WORKSPACE STRATEGY - HEADQUARTERS ASSESSMENT STUDY**

With reference to the Minute of Meeting of 15 September, 2011 (Item 16), a report dated 29 September, 2016, by the Director of Business Services had been circulated referring to the Council's workSPACE strategy which provided for the rationalisation of office accommodation across Aberdeenshire, reducing from 98 to 53 offices. The report stated that a key project contained within the strategy was the phased refurbishment of Gordon House, Inverurie. However, having regard to the cost of refurbishing or replacing Gordon House, together with the ongoing cost of running the existing headquarters at Woodhill House, the decision had been taken to consider provision of a larger building in Inverurie which could also serve as the Council's headquarters. A number of options had been assessed at a high level, with the result that four main options were identified on which more detailed work was undertaken, two at Harlaw in Inverurie, including an extended presence at Ellon, one consolidating staff at Woodhill House and one retaining Woodhill House and Gordon House.

The report provided detailed information on the four main options, commented on the potential to develop a Public Sector Hub in Inverurie, the economic benefits, the potential for other settlements such as Ellon and Stonehaven, the effect on employees, the scope of the project and the risks associated with it, and listed the key dates for an overall delivery programme.

After a full discussion, Councillor Vernal, seconded by Councillor Thomson, moved that the Committee:-

- (1) approve the Business Case for Option 2, namely:
  - (a) a new headquarters in Harlaw, Inverurie,
  - (b) consolidate existing offices in Ellon into a new office in Ellon,
  - (c) refurbish and expand Viewmount/Carlton House, Stonehaven,
  - (d) instruct officers to acquire Harlaw Park (Locos Ground), Inverurie, to facilitate a Public Sector Hub, and
  - (e) relocate Colony Park as part of the proposals.
- (2) instruct officers to progress to Gateway Stage 2 to develop the proposed option, and
- (3) instruct officers as part of the Gateway Stage 2 process to collaborate with public sector partners for potential re-location opportunities for the proposed Inverurie headquarters, to consider opportunities for an increased dispersal to further

settlements in Aberdeenshire and to report on the preferred option for the future use of Woodhill House.

The Committee unanimously **agreed** to suspend Standing Order 20(8)(c) in order to allow the meeting to continue beyond 12.45 pm.

As an amendment, Councillor K L Clark, seconded by Councillor Webster, moved that the Committee note the report and the work done to date but:-

- (1a) agree to take no action until such time as the intentions of the Scottish Government with regard to the future of local government in Scotland are known,
- (1b) thereafter if appropriate, bring forward a robust options appraisal, and a business case in accordance with Gateway Stage 0 to include current financial information and associated risks,
- (2) request that separate reports on the consolidation of offices in Ellon and the refurbishment and expansion of Stonehaven and the refurbishment of the Town Hall in Inverurie be brought forward to Area Committees and a future meeting of the Policy and Resources Committee, and
- (3) agree that throughout all of these projects, elected members are kept informed of developments through Area Committees and the appropriate Policy Committees.

The members of the Committee voted:-

- |                   |     |   |
|-------------------|-----|---|
| for the motion    | (8) | Councillors Bews, Duncan, Hendry, Johnston, Pratt, S W Smith, Thomson and Vernal. |
| for the amendment | (6) | Councillors K L Clark, Cowling, Davidson, Hood, N J Smith and Webster.            |

The **motion was carried** and the Committee **agreed**:-

- (1) to approve the Business Case for Option 2, namely:
  - (a) a new headquarters in Harlaw, Inverurie,
  - (b) consolidation of existing offices in Ellon into a new office in Ellon,
  - (c) refurbishment and expansion of Viewmount/Carlton House, Stonehaven,
  - (d) to instruct officers to acquire Harlaw Park (Locos Ground), Inverurie, to facilitate a Public Sector Hub, and
  - (e) relocation of Colony Park as part of the proposals.
- (2) to instruct officers to progress to Gateway Stage 2 to develop the proposed option, and
- (3) to instruct officers as part of the Gateway Stage 2 process to collaborate with public sector partners for potential re-location opportunities for the proposed Inverurie headquarters, to consider opportunities for an increased dispersal to further settlements in Aberdeenshire and to report on the preferred option for the future use of Woodhill House.

***In terms of the Scheme of Delegation, and at the request of one third of the members of the Committee present and voting, this decision was referred to Full Council.***

#### **16. ENVIRONMENTAL AND CLIMATE CHANGE POLICY AND CLIMATE CHANGE ACTION PLAN 2020**

With reference to the Minute of Meeting of the Sustainability Sub-Committee of 31 August, 2016 (Item 4), a report dated 26 October, 2016, by the Director of Infrastructure Services had been circulated, together with a new Aberdeenshire Council Environmental and Climate Change Policy. The report explained that, by embedding Climate Change into the previous Environmental Policy, Aberdeenshire Council had further demonstrated its commitment to exercise its functions in a way best calculated to deliver Part 4 of the Climate Change (Scotland) Act 2009.

The Committee agreed:-

- (1) to approve the draft of the Aberdeenshire Council Environmental and Climate Change Policy set out in Appendix 1 of the report and the Climate Change Action Plan set out in Appendix 2 of the report,
- (2) to seek that the Aberdeenshire Council Environmental and Climate Change Policy be signed by the Chief Executive and Council Co-Leaders and distributed and displayed within the Council, and
- (3) to approve the use of the Renewable Energy Reserve for actions within the Climate Change Action Plan 2020 further identified in Appendix 3 of the report.

#### **17. ABERDEENSHIRE QUARRIES - SUPPLY AND INSTALLATION OF DUAL FUEL BURNERS**

A report dated 31 October, 2016, by the Director of Infrastructure Services had been circulated requesting the award of a contract for the supply and installation of new dual fuel burners in each of Aberdeenshire Council's three quarries following a competitive tendering exercise.

The Committee **agreed** to approve the award of a contract to Asphalt Burner Services Ltd for the supply and installation of new dual fuel burners in each of Aberdeenshire Council's three quarries, at a cost of £239,790.

#### **18. BALMEDIE QUARRY - SUPPLY AND INSTALLATION OF FEED CONVEYOR**

A report dated 31 October, 2016, by the Director of Infrastructure Services had been circulated requesting the award of a contract for the supply and installation of a new feed conveyor at Balmedie Quarry following a competitive tendering exercise.

The Committee **agreed** to approve the award of a contract to Bruce Engineering Services Ltd for the supply and installation of a new feed conveyor at Balmedie Quarry, at a cost of £80,870.

#### **19. BALMEDIE AND PITCAPLE QUARRIES - SUPPLY AND INSTALLATION OF FOUR WAY SCREENS**

A report dated 31 October, 2016, by the Director of Infrastructure Services had been circulated requesting delegation of authority to award a contract for the supply and installation of four way screens at Balmedie and Pitcaple Quarries following a competitive tendering exercise.

The Committee **agreed:-**

- (1) to approve the supply and installation of 2 no. four way screens at Balmedie and Pitcaple Quarries, at an estimated cost of £270,000, and
- (2) to delegate authority to the Head of Roads and Landscape Services, following consultation with the Head of Finance and Head of Commercial and Procurement Services, to award the contract for the supply and installation of 2 no. four way screens on the premise that the costs were within those detailed in the report.

## **20. STREET LIGHTING MATERIALS FRAMEWORK CONTRACT**

A joint report dated 1 November, 2016, by the Directors of Infrastructure Services and Business Services had been circulated advising that the Scotland Excel framework contract for the supply of street lighting materials had been extended until 30 June, 2018, and requesting delegation of authority to award call off contracts under this framework.

The Committee **agreed:-**

- (1) to note that the Head of Commercial and Procurement Services had approved the use of the Scotland Excel Street Lighting Materials Framework from which it was proposed to award contracts up to a total value of £3,000,000 during the extension period up to 30 June, 2018, and
- (2) to delegate authority to the Director of Infrastructure Services to grant the award of call off contracts under this framework agreement up to the total value of £3,000,000, and to sub-delegate this authority at the Director of Infrastructure Services' discretion.

## **21. KINTORE RAIL STATION - SCOTTISH STATIONS FUND BID UPDATE**

With reference to the Minute of Meeting of 9 June, 2016 (Item 13, Page 81), a report dated 28 October, 2016, by the Director of Infrastructure Services had been circulated providing an update on the outcome of the Scottish Stations Fund bid submission for a new railway station, car park, and access arrangements at Kintore and seeking approval for the allocation of capital funding in the period through to March 2019 to allow for the delivery of the project.

The Committee **agreed:-**

- (1) to welcome the successful outcome of the Scottish Stations Fund bid, in partnership with Nestrans, which had secured £6,100,000 towards the new Kintore Station,
- (2) to support the allocation of £3,050,000 as Aberdeenshire Council's contribution to the project in the period to 2018/19, and
- (3) to support ongoing liaison between officers of Aberdeenshire Council and Nestrans with Network Rail, ScotRail and Transport Scotland with respect to the formal arrangements required to ensure the delivery of the new station.

## **22. PROCUREMENT OF FRAMEWORK AGREEMENT FOR PROVISION OF MAINSTREAM SCHOOL TRANSPORT, LOCAL BUS AND A2B DIAL-A-BUS SERVICES**

This item was withdrawn from the agenda.

### 23. APPROVAL TO AWARD A FRAMEWORK AGREEMENT - E-BOOKS, E-AUDIOBOOKS, E-MAGAZINES AND E-MUSIC

A report dated 10 August, 2016, by the Director of Education and Children's Services had been circulated requesting approval for the establishment of a multi supplier framework agreement for the provision of E-Audiobooks, E-Books, E-Magazines and E-Music.

The Committee **agreed**:-

- (1) to approve the establishment of a multi supplier framework agreement for the provision of E-Audiobooks, E-Books, E-Magazines and E-Music for Aberdeenshire Council and other participating Scottish local authorities and Library Trusts,
- (2) to approve the award onto the framework agreement for a period of 3 years (from 1 November, 2016, to 31 October, 2019), with an optional extension period of 12 months, to the successful bidders as detailed in the report, and
- (3) to approve the estimated expenditure for Aberdeenshire Council as detailed in the report, including delegated authority to the Director of Education and Children's Services for any call off above £50,000, as long as the overall spend under the framework was within the reported estimated spend.

### 24. INTERNAL AUDIT REPORTS

A report dated 1 November, 2016, by the Chief Internal Auditor had been circulated on recent internal audit reports outlining audits into Recruitment Procedures, Data Protection, Revenues and Benefits System and Public Records (Scotland) Act, together with appendices setting out the progress made by services in implementing recommendations made in previous internal audit reports which should have been implemented by 30 September, 2016.

During discussion, members asked questions about the number of staff vacancies filled without the recruiting service seeing evidence of qualifications and the need for all staff and councillors to be reminded to look after ICT equipment, which were answered by officers.

Thereafter, the Committee **agreed** to note the contents of the report and the attached appendices.

### 25. INTERNAL AUDIT REPORTS

A report dated 1 November, 2016, by the Chief Internal Auditor had been circulated on a recent internal audit report outlining an audit into Creditors Payments, together with appendices setting out the progress made by services in implementing recommendations made in previous internal audit reports which should have been implemented by 30 September, 2016.

During discussion, members expressed concern about breaches of EU Procurement Regulations and the Council's Financial Regulations in relation to creditors payments and the apparent lack of progress in resolving these issues, and stated that there required to be evidence of improvement..

Thereafter, the Committee **agreed**:-

- (1) to note the contents of the report and the attached appendices, and
- (2) to request that a report be submitted to the next meeting of the Committee on progress with resolving issues related to creditors payments.

## **26. CONTRACT FOR EMPLOYEE ASSISTANCE SERVICE - DELEGATED AUTHORITY TO AWARD**

A report by the Director of Business Services had been circulated requesting approval of delegated authority to award a contract for the Employee Assistance Service. The report stated that the existing contract expired on 31 December, 2016, and that a competitive tendering exercise was being undertaken.

The Committee **agreed**, in accordance with Financial Regulation 5.3.19 (vi), to delegate authority jointly to the Head of Finance and the Head of Commercial and Procurement Services to award the Employee Assistance Service Contract for a period of 3 years, with an option to extend for up to a further 24 months, and an anticipated commencement date of 1 January, 2017.

## **27. ICT NETWORK SERVICE AND SUPPORT EXPENDITURE**

This item was withdrawn from the agenda.

## **28. BUSINESS SYSTEMS REVIEW (BSR) - CONTRACT EXTENSIONS**

With reference to the Minute of Meeting of 14 November, 2013 (Item 23, Page 913), a report dated 19 September, 2016, by the Director of Business Services had been circulated requesting approval for the extension of existing ICT systems support and maintenance contracts through direct negotiation for systems currently under review or being replaced as part of the Business Systems Review. The report stated that the review was being carried out to establish if core ICT systems still met the needs of the business and meanwhile there was a need to extend existing contracts.

The Committee **agreed**:-

- (1) to approve the extension of existing ICT systems support and maintenance contracts through direct negotiation for systems currently under review or being replaced as part of the Business Systems Review, as set out in Appendix A of the report, and
- (2) to approve the annual costs of £686,300, and total costs of £1,916,600 over the life of the proposed contract extensions, for the ICT systems listed in Appendix A of the report.

## **29. DATA CENTRE SERVICES**

With reference to the Minute of Meeting of 12 November, 2015 (Item 22, Page 857), a report dated 10 October, 2016, by the Director of Business Services had been circulated referring to progress on the collaborative procurement with Aberdeen City Council for data centre facilities and services, using the Scottish Government's new Hosting Services Framework, and requesting authorisation for the Head of ICT to continue to call off services up to £500,000 on the data centre services framework.

The Committee **agreed** to authorise the Head of ICT to continue to call off items and services from the data centre services framework up to a total value of £3,000,000 over the duration of the contract, in order to allow the completion of the move from existing on-site data centres to external data centres.

### **30. INVERURIE COMMUNITY CAMPUS FUNDING AND PROJECT PROGRESS UPDATE - CONTRACT 18051**

With reference to the Minute of Meeting of 5 March, 2015 (Item 26, Page 1692), a joint report dated 29 September, 2016, by the Directors of Business Services and Education and Children's Services had been circulated providing an update on the funding and progress with the project to deliver a replacement Inverurie Community Campus. The report set out the key programme dates leading to completion of the development and listed the actions which were being undertaken to optimise the delivery programme.

The Committee **agreed**:-

- (1) to approve the updated project scope, financial structure and profile, and that officers continue to collaborate with the Scottish Government via the Scottish Futures Trust and hub North Scotland to determine the funding levels available, and the resultant impact on the capital and revenue plans,
- (2) to approve the delivery of this project through hub North Scotland,
- (3) that officers prepare, negotiate and agree a New Project Request (NPR) with hub North Scotland to formalise their engagement to deliver the project,
- (4) to grant permission for officers to appoint and instruct the external design team to commence the Gateway Stage 3 design in advance of providing a Gateway Stage 2 report to this Committee, and
- (5) to instruct officers to report back to the Committee with a Gateway Stage 2 Report, including details of the project programme and the legal and financial implications.

### **31. REPLACEMENT KINELLAR PRIMARY GATEWAY 3 - CONTRACT 16387**

With reference to the Minute of Meeting of 9 June, 2016 (Item 10, Page 80), a report by the Director of Business Services had been circulated providing an update on progress to deliver a replacement Kinellar Primary School and requesting approval of delegated authority to accept a tender for the second phase of the works.

The Committee **agreed**:-

- (1) to endorse the tender process undertaken to deliver Phase 1 of the project and the appointment of Morrison Construction to carry out the works,
- (2) to note the update to the budget within the agreed sum of £12,193,150, and
- (3) notwithstanding Finance Regulation 5.3.19 vi, to approve the delegation of authority to the Head of Finance, following consultation with the Head of Commercial and Procurement Services, the Chair, Vice Chair and Opposition Spokesperson of this Committee, to accept the most economically advantageous tender for the second phase of the works to demolish the existing school, with a follow-up report confirming the appointment to be submitted to the Committee.

### **32. AFFORDABLE HOUSING REMODELLING - CONTRACT 17971**

A joint report dated 10 March, 2016, by the Directors of Business Services and Infrastructure Services had been circulated advising that officers had identified two existing buildings for possible conversion to provide affordable housing and requesting approval of delegated authority to accept a tender for the works.

The Committee **agreed:-**

- (1) to approve the proposal to convert existing properties to provide one or two bedroom accommodation units for affordable housing at a target overall cost of £530,137.05,
- (2) to authorise officers to negotiate with the tenderer to provide a full design and build solution as submitted by Chap Construction (Aberdeen) Ltd in the target construction cost of £494,907.56, and
- (3) notwithstanding Financial Regulations 5.3.19 vi, to delegate authority to the Head of Finance, following consultation with the Head of Commercial and Procurement Services, the Chair, Vice Chair and Opposition Spokesperson of this Committee, to authorise acceptance of the negotiated tender, with a follow-up report confirming the appointment to be submitted to the Committee.

### **33. HOUSING REVENUE ACCOUNT (HRA) CAPITAL STOCK IMPROVEMENT DELIVERY**

With reference to the Minute of Meeting of the Social Work and Housing Committee of 2 June, 2016 (Item 8, Page 53), a joint report dated 11 August, 2016, by the Directors of Business Services and Infrastructure Services had been circulated providing an update on the progress being made on the delivery of the Housing Capital Programme for 2017-2021 and requesting approval of cost estimates and tendering arrangements for additional programmes of works.

The Committee **agreed:-**

- (1) to endorse the current position with regard to the progress being made on the delivery of the Housing Capital Programme for 2017-2021, and
- (2) to approve the cost estimates, inclusive of property costs, amounting to £160,543,300 as detailed in Appendix A of the report, and tendering of works for the period 2017-2021, batched into the five programmes of work namely: Externals, Internals, Internal Wall Insulation (ESSH), Mechanical and Electrical Services (where not included in Internals) and Sheltered Housing Common Areas, with four contractors being appointed through a framework mechanism.

### **34. INDEPENDENT PROFESSIONAL SUPPORT**

With reference to the Minute of Meeting of 23 April, 2015 (Item 28, Page 1955), a report dated 26 September, 2016, by the Director of Business Services had been circulated referring to the use of independent professional support to supplement the in-house professional team and ensure delivery of the capital programme and detailing appointments which had been made to projects.

The Committee **agreed:-**

- (1) to approve the appointments of the design team professional support as identified in Table 1 of the report totalling £391,170 in respect of the projects identified, and
- (2) the exemption from Financial Regulation 5.3.26 d) which requires that for all new call-offs for goods or services made under the frameworks which are above £50,000, and where there are multiple call-offs from the same framework when the total is in excess of £50,000, they must be reported to the Policy and Resources Committee for approval in each and every instance unless the Committee has been advised in advance, and subsequently approved.

### **35. MUIRFIELD NEW BUILD HOUSING PROJECTS UPDATE**

With reference to the Minute of Meeting of 11 June, 2015 (Item 28, Page 203), a report dated 30 September, 2016, by the Director of Business Services had been circulated providing an update on progress on all projects which the Council had with Muirfield Contracts Ltd prior to the company going into administration and requesting approval of an estimated overspend.

The Committee **agreed**:-

- (1) to note the estimated final outturn costs associated with the completion of the Barrasgate, Fraserburgh, new build housing development,
- (2) to note the estimated final outturn costs associated with the completion of the Martin Brae, Inverurie, new build housing development, and
- (3) to approve the estimated overspend in respect of the contracts detailed in paragraphs 3.3 and 3.4 of the report in respect of Financial Regulation 3.6.5.

### **36. BUCHAN HOUSE - POLICE OFFICE EXTENSION AND LEASE**

With reference to the Minute of Meeting of the Buchan Area Committee of 4 October, 2016 (Item 11, Page 595), a report by the Director of Business Services had been circulated advising that Police Scotland had approached the Council with a proposal to locate a new Police office on land owned by the Council adjacent to Buchan House. The report set out the background to the project, stated that the design of the extension would match Buchan House and advised that the Council would construct the extension at its cost and then lease it to the Scottish Police Authority.

The Committee **agreed**:-

- (1) to the construction of an extension to Buchan House, Peterhead, and for the design process to proceed with a target date for completion of December 2017,
- (2) to approve the estimated cost of £1,517,300 plus fees of £19,634 and to proceed to tender,
- (3) notwithstanding Financial Regulations 5.3.15, that Robertson Construction would be the preferred bidder and to delegate authority to the Head of Finance, following consultation with the Head of Commercial and Procurement Services, the Chair, Vice Chair and Opposition Spokesperson of this Committee, to authorise acceptance of the negotiated tender, with a follow-up report confirming the appointment to be submitted to the Committee,
- (4) to a lease of the proposed extension to The Scottish Police Authority on the terms set out in the report, noting that this would be subject to Scottish Police Authority Full Board approval, and
- (5) to note the Buchan Area Committee feedback on the proposal.

### **37. NON DOMESTIC (BUSINESS) RATES REVALUATION 2017**

A report dated 22 September, 2016, by the Director of Business Services had been circulated requesting approval for the award of the Non Domestic (Business) Rates Revaluation 2017 tender. The report explained that a revaluation of non domestic properties was scheduled for

2017 and it was proposed to tender the contract jointly with Aberdeen City Council to mitigate business rate costs.

The Committee **agreed**:-

- (1) to note and endorse the action taken on the procurement of the Non Domestic (Business) Rates Revaluation 2017 joint tender, and
- (2) to approve the delegation of authority to the Head of Finance, following consultation with the Head of Commercial and Procurement Services, the Chair, Vice Chair and Opposition Spokesperson of this Committee, to accept the most economically advantageous tender in terms of the evaluation criteria.

### **38. NEW BUILD HOUSING PROJECTS (PHASE 6)**

With reference to the Minute of Meeting of the Social Work and Housing Committee of 2 June, 2016 (Item 11, Page 54), a joint report dated 30 September, 2016, by the Directors of Business Services and Infrastructure Services had been circulated setting out proposals for Phase 6 of the programme to deliver affordable housing and requesting approval of estimated costs.

The Committee **agreed**:-

- (1) to approve the estimated costs in respect of the following projects and allow the progression to Gateway 3 (Tender issue):
  - (a) Turriff - Errol Court/Hatton Road Development amounting to £1,895,000,
  - (b) Peterhead - Clerkhill New Housing Development amounting to £6,736,000,
  - (c) Oldmeldrum - Millburn Road New Housing Development amounting to £3,894,000,
  - (d) Strachan - Bowbutts New Housing Development amounting to £587,000,
  - (e) Huntly - George Street/Deveron Street New Flats amounting to £1,608,000,
  - (f) Fraserburgh - Castle Street New Flats amounting to £780,000, and
- (2) to instruct officers to progress with a new Housing Main Contractors Framework Agreement procurement for the delivery of New Build Housing projects.

### **39. PROPERTY MAINTENANCE REVIEW - HARD FM TENDER APPOINTMENT**

With reference to the Minute of Meeting of 14 January, 2016 (Item 22, Page 1165), a report by the Director of Business Services had been circulated setting out progress made in respect of the procurement of a single outsourced provider for the delivery of all response and cyclical property maintenance, including minor works, to deliver a Hard Facilities Management service for the Council's property assets, and requesting approval to proceed to contract award.

During discussion, members asked questions about what arrangements would be in place to monitor whether repairs were satisfactory, whether the contract would allow for support of local businesses and what oversight the Council had to identify unexpected costs, which were answered by officers. There was also a request that consideration be given to having a presentation to Area Committees.

Thereafter, the Committee **agreed** to approve the appointment of FES FM Ltd as the Preferred Bidder for the Hard FM tender and to proceed to contract award.

#### 40. FURNITURE LODGE COMMUNITY ASSET TRANSFER - STAGE 2

With reference to the Minute of Meeting of the Kincardine and Mearns Area Committee of 20 September, 2016 (Item 10, Page 542), a report dated 28 September, 2016, by the Director of Infrastructure Services had been circulated advising of a Community Asset Transfer application from The Furniture Lodge for a property in Cowie Lane, Stonehaven. The report stated that the Kincardine and Mearns Area Committee had agreed not to proceed with this Community Asset Transfer because, while welcoming the initiative, the premises were considered to be unsuitable due to constraints with access and considered that a business unit on a site at a recycling centre coupled with a suitable retail outlet would be more appropriate. As this decision was contrary to the officer recommendation, it required to be referred to the Policy and Resources Committee.

The Chair advised that a request to address the Committee had been received from The Furniture Lodge, and the Committee agreed to hear the deputation.

Mr D Wood and Mr L Lawrence addressed the Committee in support of the application and stated that, because the report to the Area Committee had been discussed in private, they had been unable to attend the meeting and answer any questions or points raised during the discussion. In order to be even handed, they wanted an opportunity to answer any questions which members might have in order to allay any doubts.

Following questions from members about the robustness of their business case, the sustainability of the business, the extent of their work with other charities and their commitment to meet the requisite furniture safety standards, Mr Wood and Mr Lawrence left the room before the Committee discussed the item.

After discussion, Councillor Bews, seconded by Councillor Hendry, moved that the Committee defer consideration of the application and ask that officers continue to work with The Furniture Lodge on the sustainability of their business plan and explore alternative accommodation and report back to the Area Committee.

As an amendment, Councillor Johnston, seconded by Councillor K L Clark, moved that, subject to The Furniture Lodge agreeing to achieve within a reasonable timeframe the Revolve re-use quality standard accreditation for shops who sell second hand goods in Scotland, the Committee agree:-

- (1) to proceed to Stage 3 of the Community Asset Transfer,
- (2) to discount the commercial rent to a nominal rent of £100.00 per annum, and
- (3) to a fifteen year lease under the terms outlined in the report, subject to the approval of LEADER funding and on the basis that the property was let in its current condition with no commitment on the Council to carry out any improvements, but an agreed programme of improvements to be carried out by the tenant.

The members of the Committee voted:-

for the motion	(7)	Councillors Bews, Duncan, Hendry, Pratt, S W Smith, Thomson and Vernal.
for the amendment	(7)	Councillors K L Clark, Cowling, Davidson, Hood, Johnston, N J Smith and Webster.

There being an equality of votes, the Chair exercised his casting vote and **declared the amendment carried**, subject to the proviso that officers continue to work with The Furniture Lodge on the sustainability of their business plan and explore alternative accommodation

The Committee therefore **agreed**, subject to (a) The Furniture Lodge agreeing to achieve within a reasonable timeframe the Revolve re-use quality standard accreditation for shops who sell second hand goods in Scotland, and (b) the proviso that officers continue to work with The Furniture Lodge on the sustainability of their business plan and explore alternative accommodation:-

- (1) to proceed to Stage 3 of the Community Asset Transfer,
- (2) to discount the commercial rent to a nominal rent of £100.00 per annum, and
- (3) to a fifteen year lease under the terms outlined in the report, subject to the approval of LEADER funding and on the basis that the property was let in its current condition with no commitment on the Council to carry out any improvements, but an agreed programme of improvements to be carried out by the tenant.

#### **41. REGENERATION PROJECT, 1-3 SALTOUN SQUARE, FRASERBURGH**

With reference to the Minute of Meeting of the Banff and Buchan Area Committee of 27 September, 2016 (Item 17, Page 562), a report dated 26 September, 2016, by the Director of Infrastructure Services had been circulated requesting approval of a cost estimate and to proceed to tender for the proposed restoration and reconfiguration of 1-3 Saltoun Square Fraserburgh, and the adjacent former Police Station. The report explained that the project was one of the priority projects within the Fraserburgh 2021 Townscape Heritage and Conservation Area Regeneration Scheme, which aimed to restore and reuse historic properties which would help to regenerate the town centre of Fraserburgh. The proposal was for the restoration and reconfiguration of the existing 1-3 Saltoun Square and the adjacent former Police Station, such that the two buildings would function together as an effective and welcoming building central to the civic life of Fraserburgh.

The Committee **agreed** to approve the cost estimate detailed in paragraph 3.3 of the report for the regeneration project at 1-3 Saltoun Square and the former Police Station, Fraserburgh, and to give approval to proceed to tender (Gateway Stage 3).

#### **42. CONTRACT EXTENSION - TREATMENT OF CO-MINGLED RECYCLATE**

With reference to the Minute of Meeting of 15 January, 2015 (Item 32, Page 1381), a report dated 31 October, 2016, by the Director of Infrastructure Services had been circulated requesting approval of delegated authority to extend the contract for treatment of co-mingled recyclate. The report explained that there was a degree of volatility in the market conditions, including price, availability, and capacity, and that the experience in other Councils in relation to the continuation of services for the processing of comingled recyclable waste suggested that there would be risks associated with a retender exercise at this time.

The Committee **agreed** to delegate authority to the Head of Roads, Landscape Services and Waste Management to approve the extension to the contract with the William Tracey Group for the haulage and treatment of co-mingled recyclate for one year until 28 February, 2018.

#### **43. ACCEPTANCE OF TENDER - VEHICLE AND PLANT REPLACEMENTS**

A report dated 3 October, 2016, by the Director of Infrastructure Services had been circulated requesting the Committee to authorise acceptance of tenders for the provision of replacement vehicles and plant in accordance with the vehicle and plant replacement strategy.

The Committee **agreed** to authorise acceptance of the tenders by those providers detailed in Appendix 1 of the report for the provision of vehicles and plant, totalling £115,000 for financial year 2016/17 and £635,884.95 for financial year 2017/18.

**44. COMMUNITY ASSET TRANSFER - FORMER COUNCIL DAY CARE CENTRE, THE SQUARE, PORTSOY, BANFF - PORTSOY COMMUNITY CHURCH (OSCR REGISTERED CHARITY NUMBER SC046193)**

With reference to the Minute of Meeting of the Banff and Buchan Area Committee of 6 September, 2016 (Item 13, Page 463), a report dated 6 September, 2016, by the Director of Education and Children's Services had been circulated advising of a Community Asset Transfer application from Portsoy Community Church for the former Council Day Care Centre, The Square, Portsoy. The report stated that the Banff and Buchan Area Committee had agreed to recommend that the application be approved on the grounds that the application did provide a sound basis on which to enter into a Community Asset Transfer agreement. As this decision was contrary to officers' recommendations, it was referred to the Policy and Resources Committee for determination.

After discussion, the Committee **agreed**:-

- (1) to note the decision of the Banff and Buchan Area Committee on 6 September, 2016, as outlined in paragraph 2.2 of the report,
- (2) to note the Stage 2 application for a Community Asset Transfer from Portsoy Community Church and additional information provided but to agree, in light of the concerns raised by the Banff and Buchan Community Asset Transfer Steering Group detailed in Appendix I Paragraph 2.16 of the report, to refuse the application on the grounds that the application does not provide a sound basis on which to enter into a Community Asset Transfer agreement,
- (3) to instruct officers to initiate discussions with the applicants regarding a possible lease arrangement and to explore potential funding options to allow a purchase at a price closer to market value,
- (4) to further instruct officers to have a specialist timber survey carried out, and
- (5) to delegate the final decision on the Community Asset Transfer application, sale or lease to officers, following consultation with the Chair, Vice Chair, Opposition Spokesperson and local members, with a report to return to the appropriate committee in no later than two cycles time in the event that there was no agreement with the group on how to proceed.

**45. MEMORANDUM OF UNDERSTANDING FOR ADDITIONAL INVESTMENT AND THE FINANCIAL AGREEMENT BETWEEN SCOTTISH AND UK GOVERNMENTS AND OTHERS REGARDING THE CITY REGION DEAL**

A report dated 8 November, 2016, by the Director of Infrastructure Services had been circulated requesting (a) approval of the Memorandum of Understanding (MOU) for the Aberdeen City Region Deal Additional Investment and the Financial Agreement between the Scottish Government and UK Government and others, and (b) delegation of authority to officers to carry out various actions in relation to finalising and implementing the Aberdeen City Region Deal.

The Committee **agreed**:-

- (1) to approve the Memorandum of Understanding (MOU) for the Aberdeen City Region Deal Additional Investment set out in Appendix 1 of the report, subject to:
  - (a) approval of the MOU by Aberdeen City Council,
  - (b) approval of the MOU by the Scottish Government,
- (2) to approve the Financial Agreement between Scottish Government and UK Government and others (Appendix 2A) subject to:
  - (a) approval of the Financial Agreement by Aberdeen City Council,
  - (b) approval of the Financial Agreement by the Scottish Government,
  - (c) approval of the Financial Agreement by the UK Government,

and to note the use by officers of delegated powers (as provided in the List of Powers Delegated to Officers, paragraph A18), by reason of special urgency, to approve the Financial Agreement between the Scottish Government and UK Government and others set out in Appendix 2B of the report, as summarised in paragraph 2.9 of the report and as fully provided for in Appendix 2A of the report,

- (3) to delegate authority to the Chief Executive, following consultation with the Head of Legal and Governance and the Head of Finance, to agree non-material amendments to the MOU and Financial Agreement as required, due to any changes or any amendments made by the other parties, all prior to its signature by a proper officer,
- (4) to delegate authority to the Director of Business Services, following consultation with the Head of Legal and Governance and the Head of Finance, to accept on behalf of the Council, as the Accountable Body, the detailed terms of grant from the Scottish Government for projects which have been recommended for approval by the Aberdeen City Region Deal Joint Committee,
- (5) subject to (6) below, to delegate authority to the Director of Business Services, following consultation with the Head of Legal and Governance and the Head of Finance, to approve the issue of offers of grant funding, and to agree the terms of such funding in respect of projects which had been recommended for approval by the Aberdeen City Region Deal Joint Committee and approved by the relevant funders, and
- (6) to note that the Director of Business Services did not have authority to issue offers of grant funding for Aberdeen City Region Deal projects which were funded from the Council's own resources, unless such funding has been approved by the relevant Committee of the Council.

#### **46. AWARD OF CONTRACT - ELECTRONIC COUNTING FOR THE 2017 LOCAL GOVERNMENT ELECTIONS**

A report dated 9 November, 2016, by the Director of Business services had been circulated requesting authorisation of a payment for the provision to Aberdeenshire Council of e-counting and other services in connection with the Local Government Elections in May 2017. The report explained that a framework agreement had been negotiated nationally on behalf of Scottish local authorities by the Scottish Government with the sole successful tenderer being CGI IT UK Ltd, and that the provider had indicated its intention to have call-off contracts for each Scottish local authority signed by 18 November, so that it could proceed to order the equipment required.

The Committee **agreed** to authorise the payment of £208,993 to CGI Ltd for the provision to Aberdeenshire Council of e-counting and other services in connection with the Local Government Elections in May, 2017, as part of the national framework agreement between CGI and the Scottish Government.

#### **46. SUB-COMMITTEES**

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

- (1) the Sustainability Sub-Committee of 31 August, 2016, and
- (2) the Licensing Sub-Committee of 7 October, 2016.

## APPENDIX A

### POLICY AND RESOURCES COMMITTEE

#### SUSTAINABILITY SUB-COMMITTEE

WOODHILL HOUSE, ABERDEEN, 31 AUGUST, 2016

**Present:** Councillors I S Davidson (Chair), C C Buchan, G J Clark, L Clark, K Farquhar and P K Johnston (as substitute for Councillor M A Ford).

**Apologies:** Councillors A S Buchan and P Oddie, and H W Vernal and A S Grant (ex officio).

**Officers:** Head of Economic Development; Engineering Services Manager; Infrastructure Services; Senior Committee Officer (Allan Bell), Business Services; Sustainability and Climate Change Co-ordinator, Infrastructure Services; and Sustainable Development Officer (Climate Change), Infrastructure Services.

#### 1. DECLARATION OF MEMBERS' INTERESTS

No interests were declared by any member of the Sub-Committee, in terms of the Councillors' Code of Conduct.

#### 2. PUBLIC SECTOR EQUALITY DUTY

In making decisions on the following items of business, the Sub-Committee **agreed**, in terms of Section 148 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 had been provided, its contents and to take those into consideration when reaching a decision.

#### 3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 25 MAY, 2016

There was circulated and **noted** the Minute of Meeting of the Sub-Committee of 25 May, 2016.

#### 4. ENVIRONMENTAL AND CLIMATE CHANGE POLICY DRAFT FOR CONSIDERATION

There was circulated and **noted** a report dated 25 July, 2016, by the Director of Infrastructure Services (1) which explained that a new, draft Environmental and Climate Change Policy for Aberdeenshire Council had been produced to replace the previous Environmental Policy, specifying the Council's commitment to mitigate and adapt to climate change and (2) to which was appended a copy of the draft Policy.

Having made some amendments to the text of the draft Policy, including the need to incorporate the phrase "the circular economy", the Sub-Committee **agreed** that the revised draft Policy should be submitted to the Policy and Resources Committee for final approval.

## 5. CLIMATE CHANGE ACTION PLAN 2020 DRAFT FOR CONSIDERATION

With reference to the Minute of Meeting of the Sub-Committee of 26 August, 2015 (Item 5), when approval had been given to the actions contained within the Council's Carbon Management Plan to 2020, there was circulated a report dated 25 July, 2016, by the Director of Infrastructure Services (1) which explained the background to the Council's Climate Change actions and (2) to which was appended a copy of a draft Climate Change Action Plan to 2020.

After detailed consideration, including discussion on the Council's school estate, woodland and open space, landfill gas utilisation, air quality, electric vehicles and food waste, the Sub-Committee:-

- (1) **Noted** the draft Climate Change Action Plan 2020,
- (2) **Agreed** to recommend the draft Action Plan to the Policy and Resources Committee for approval, and
- (3) **Instructed** officers to seek responses on the Plan from the directors of Council Services prior to its submission to the Policy and Resources Committee.

## 6. CLIMATE CHANGE SERVICE ACTION REPORTING TIMELINE

With reference to the Minutes of Meetings of (1) the Sub-Committee of 26 August, 2015 (Item 5), when it had been noted that Council Services intended to report on their own projects and sections of the Council's Climate Change Action Plan 2015-2020 at future meetings of the Sub-Committee and (2) the Scrutiny and Audit Committee of 1 July, 2016 (Item 4, Page 226), there was circulated and **noted** a report dated 25 July, 2016 by the Director of Infrastructure Services, which detailed the schedule and responsible officers for submitting reports to future meetings of the Sustainability Sub-Committee, in respect of the Council's compliance with actions contained within the Climate Change Action Plan 2020.

Thereafter, members **noted** that the updates received would be made verbally to members.

## 7. NORTH-EAST SCOTLAND SUSTAINABLE ENERGY ACTION PLAN

Members **noted** an oral report by the Sustainable Development Officer (Climate Change) on the North-East Scotland Sustainable Energy Action Plan.

## 8. FUTURE SUB-COMMITTEE DATES FOR 2017

On consideration of a circulated report dated 16 August, 2016, by the Director of Business Services, the Sub-Committee **agreed**, that future meetings should be held on:-

8<sup>th</sup> February, 2017 (2pm),  
28<sup>th</sup> June, 2017 (2pm),  
30<sup>th</sup> August, 2017 (2pm), and  
8<sup>th</sup> November, 2017 (2pm).

**APPENDIX B****POLICY AND RESOURCES COMMITTEE****LICENSING SUB-COMMITTEE****COUNCIL CHAMBER, GORDON HOUSE, INVERURIE, 3 JUNE 2016**

**Present:** Councillors R Cowling (Chair), E H Chapman, A Hendry, F C P Hood, S W Pratt, W A C Shand and I S Tait.

**Officers:** Solicitor (S Munro), Administration Assistant (J MacDonald) and Area Committee Officer (Alison Cumming).

**In Attendance:** Sergeant Gill Flett (Police Scotland).

**Apologies:** Councillors A Evison, A S Grant (ex officio) and H W Vernal (ex officio).

**1. DECLARATION OF MEMBERS' INTERESTS**

No declarations were made.

**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 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 ITEMS**

The Sub-Committee **agreed**, in terms of Section 50(A) (4) and (5) of the Local Government (Scotland) Act 1973, as amended, to exclude the public from the meeting during consideration of Items 4b, 4c, 4d, 4e and 4f 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. MINUTES OF MEETING**

The Sub-Committee **agreed** to note the Minutes of Meeting of the Sub-Committee of 19 August 2016.

## ITEM OF URGENT BUSINESS

### CONSIDERATION OF IMMEDIATE SUSPENSION OF A TAXI DRIVER'S LICENCE

The Chair confirmed that a request had been received from the Police for the suspension of a taxi driver's licence and that given the circumstances of the case this had been accepted on to the agenda as an urgent item of business.

The Chief Constable had submitted a letter dated 29 September 2016 requesting the immediate suspension of the licence for Case No 865.

The Sub-Committee heard from the representative of the Chief Constable.

The Sub-Committee **agreed** to:-

1. immediately suspend the Taxi Driver's Licence for Case No. 865; and
2. request that officers to arrange for the licence holder to undergo a psychiatric medical examination in advance of the date of the suspension hearing.

#### 4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - Applications for determination

##### (a) Application for a Taxi Driver's Licence (Case No. 851)

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 851 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of objection dated 5 July 2016 in relation to the application. The Solicitor explained that a new system had been implemented within the Licensing Section which had led to the delay of the applications being referred to the Police for comment and as a result the Police objection had technically been submitted outwith the required timescale. He explained that the letter had not been circulated with the agenda papers and asked the Sub-Committee to consider whether it wished to accept the Police letter given the specific circumstances of the case. He also indicated further applications on the agenda had been affected in a similar way.

The Sub-Committee agreed to consider the letter and it was duly circulated.

The applicant, although invited to attend, was not in attendance so the Sub-Committee heard only from the representative of the Chief Constable.

Thereafter the Sub-Committee unanimously **agreed** to refuse the application from Case No. 851 on the grounds that the applicant was not a fit and proper person to hold such a licence.

##### (b) Application for a Taxi Driver's Licence (Case No. 860)

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 860 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of representation dated 15 August 2016 in relation to the application.

The Committee heard from the applicant and the representative of the Chief Constable.

The Sub-Committee **agreed** by a majority that consideration of the application be deferred until the next meeting in order that clarification of the visa status of Case No. 860 can be investigated.

**c) Application for a Taxi Driver's Licence (Case No. 861)**

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 861 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Committee **agreed** to note that this application had been withdrawn.

**d) Application for a Taxi Driver's Licence (Case No. 862)**

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 846 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

Councillor Pratt, seconded by Councillor Shand, moved that consideration of the application be deferred until the next meeting in order to allow the applicant the opportunity to attend.

As an amendment, Councillor Hood, seconded by Councillor Hendry, moved that the application should be considered at the current meeting.

The Sub-Committee voted:-

For the motion (3) Councillors Pratt, Shand and Tait

For the amendment (4) Councillors Cowling, Chapman, Hendry and Hood

Therefore the amendment was carried and the Sub-Committee **agreed** to continue to determine the application.

The Chief Constable had been consulted and had lodged a letter of representation dated 29 August 2016 in relation to the application. The Solicitor confirmed that as previously stated the letter from the Police had been received outwith the required timescale as a result of a change of process and asked the Sub-Committee to consider whether it wished to consider the contents of the letter from the Police.

The Sub-Committee **agreed** to consider the contents of the letter from the Chief Constable.

The applicant, although invited to attend, was not in attendance, so the Sub-Committee heard only from the representative of the Chief Constable

Thereafter, the Sub-Committee **agreed** by a majority that the application from Case No. 862 be refused on the grounds that the applicant is not a fit and proper person to hold such a licence.

**e) Application for renewal of a Taxi Driver's Licence (Case No. 863)**

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 863 in terms of Civic Government (Scotland) Act 1982 for renewal of a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of representation dated 2 September 2016 in relation to the application. The Solicitor confirmed that as previously stated the letter from the Police had been received outwith the required timescale as a result of a change of process and asked the Sub-Committee to consider whether it wished to consider the contents of the letter from the Police.

The Sub-Committee **agreed** to consider the contents of the letter from the Chief Constable.

The Committee heard from the applicant and the representative of the Chief Constable.

Thereafter the Sub-Committee unanimously **agreed** to grant the application from Case No. 863 for a Taxi Driver's Licence for a period of three years.

#### **f) Application for a Private Hire Car Driver's Licence (Case No. 864)**

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 864 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of objection dated 16 September 2016 in relation to the application.

The Committee heard from the applicant and the representative of the Chief Constable.

Thereafter the Sub-Committee unanimously **agreed** to grant the application from Case No. 864 for a Private Hire Car Driver's Licence for a period of three years.

#### **g) Application for a Taxi Driver's Licence (Case No. 853)**

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 853 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged letters of objection dated 31 May and 1 June 2016 in relation to the application.

The applicant, although invited to attend, was not in attendance and so the Sub-Committee heard only from the representative of the Chief Constable.

Thereafter the Sub-Committee unanimously **agreed** that the application from Case No. 853 be refused on the grounds that the applicant is not a fit and proper person to hold such a licence.

#### **h) Application for a Taxi Driver's Licence (Case No. 855)**

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 855 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of objection dated 30 May 2016 in relation to the application.

The applicant, although invited to attend, was not in attendance and so the Sub-Committee heard only from the representative of the Chief Constable.

Thereafter the Sub-Committee unanimously **agreed** that the application from Case No. 855 be refused on the grounds that the applicant is not a fit and proper person to hold such a licence.

#### **5. IMMIGRATION ACT 2016 – GUIDANCE FOR LICENSING AUTHORITIES TO PREVENT ILLEGAL WORKING IN THE TAXI AND PRIVATE HIRE CAR SECTOR**

A report by the Director of Business Services had been circulated detailing the checks to be undertaken by staff as a result of the implementation of the Immigration Act 2016.

Members suggested that officers look to amend the application form to include a question regarding immigration status.

The Sub-Committee unanimously **agreed** to:-

1. note the requirement for licensing authorities to be satisfied as to the immigration status of all applicants for taxi and private hire driver licences, once the relevant provisions of the Immigration Act 2016 come in to effect; and
2. note that due to time constraints officers have responded to the consultation form the Home Office on draft guidance for licensing authorities in Scotland to prevent illegal working in the taxi and private hire car sector

#### **6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 LICENSING OF TAXI AND PRIVATE HIRE CAR DRIVERS MEDICAL ASSESSMENT**

A report by the Director of Business Services had been circulated asking the Sub-Committee to consider the proposals for the inclusion of medical assessments into the licensing process.

Members accepted the necessity to ensure the safety of passengers, but expressed concerns of the impact on the industry if the requirements are too onerous.

The Committee agreed:-

1. that all taxi drivers and private hire car drivers should meet DVLA Group 2 medical standards;
2. in principle, that all applicants for grant and renewal of taxi driver and private hire car driver licences will require to satisfy the licensing authority that they meet Group 2 standards as part of the application process; and
3. that the Head of Legal and Governance, in consultation with partner agencies, develops a procedure whereby assessment of whether an applicant for grant and renewal of a taxi and private hire car driver licence meets Group 2 standards be incorporated into the procedures for applying for a licence.

#### **7. LICENSING SUB-COMMITTEE DATES FOR 2017**

A report by the Director of Business Services had been circulated proposing dates for meetings in 2017.

Members pointed out that they had previously asked for deferred items to be separated and numbered differently from the new applications on the agenda. They also expressed disappointment that normal arrangements for the meeting, including the provision of catering, had not been done and asked for this to be remedied for future meetings.

The Sub-Committee **agreed** to:-

1. approve the following dates for meetings of the Sub-Committee in 2017:-
  - Friday, 10 February at 10.15 a.m. (Gordon House, Inverurie)
  - Friday, 21 April at 10.15 a.m. (Gordon House, Inverurie)
  - Friday, 2 June at 10.15 a.m. (Gordon House, Inverurie)
  - Friday, 18 August at 10.15 a.m. (Gordon House, Inverurie)
  - Friday, 6 October at 10.15 a.m. (Gordon House, Inverurie)
  - Friday, 1 December at 10.15 a.m. (Gordon House, Inverurie)
2. request that the agenda for future meetings show the deferred applications separately from the new applications; and
3. request that Officers ensure that all necessary arrangements for the meetings are made in advance including the provision of refreshments.