

ABERDEENSHIRE COUNCIL

POLICY AND RESOURCES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 19 JANUARY, 2017

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

Apology: Councillor B A Topping.

Officers: Chief Executive, 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, Team Manager - European Policy & Programmes and Senior Auditor (Mr Harvey).

In attendance: Divisional Commander Campbell Thomson and Superintendent Innes Walker (Police Scotland).

WELCOME

The Chair welcomed all members to the last meeting of the Policy and Resources Committee which would not be continuing after implementation of the new Scheme of Governance.

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 Johnston declared an interest in Item 9 as a Director of third sector organisations but did not consider the interest to be substantial and remained in 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. 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
14	1, 12 and 14
15	1, 12 and 14
16	8
17	6
18	8
19	8 and 10
20	6
21	8
22	9
23	10
24	10
25	10
26	8
27	6

3. POLICE SCOTLAND - PERFORMANCE MONITORING AND OPERATIONAL UPDATE

With reference to the Minute of Meeting of 3 April, 2014 (Item 3, Page 1696), a report dated 4 January, 2017, by the Director of Business Services had been circulated advising on how the police service was performing against key performance measures and associated targets as set out in the Aberdeenshire Police Plan. The report was intended to provide a regular opportunity for elected members to maintain scrutiny of significant police activities, in order to achieve good outcomes for the residents of Aberdeenshire.

During discussion, members commented on a number of issues, including the desirability of the format of performance monitoring reports being amended to include short and long term trends, the welcome reduction in motor vehicle crime, the proactive approach to targeting the supply and possession of controlled drugs and retention of older officers. There was also a request that Police Scotland consider providing members with a confidential briefing on protocols to be implemented in future relating to the Trump International golf course.

Thereafter, the Committee **agreed**:-

- (1) to note the performance monitoring information relating to the Aberdeenshire component of the North East Division of Police Scotland, and
- (2) to request the Divisional Commander to continue to report to the appropriate policy committee quarterly on performance measures against service objectives.

4. POLICE SCOTLAND - POLICE PERFORMANCE REPORT 2017/18 (INCLUDING THEMATICS AND LOCAL COMMUNITY ENGAGEMENT)

With reference to the Minute of Meeting of 15 September, 2016 (Item 5, Page 498), a report dated 4 January, 2017, by the Director of Business Services had been circulated advising members of a review which had been undertaken regarding the structure, frequency and content of performance information submitted to the Committee by the Police Service of Scotland. The report set out proposals for reporting information during the financial year 2017/18 to the Communities Committee, and invited members to make a decision on future reporting processes and frequency.

During discussion, members welcomed the proposal to provide thematic reports which would allow more meaningful discussion and suggested cyber crime as one theme to be discussed. Given that future monitoring reports would be submitted to the Communities Committee, the Committee considered that the reporting schedule should be endorsed by that Committee.

Thereafter, the Committee **agreed**:-

- (1) to note the proposed schedule of Police performance reporting for 2017/18, and
- (2) to establish a short life working group of 8 (4 Partnership, 3 Alliance, 1 Other) to review the proposed schedule of Police performance reporting for 2017/18 and report back to the Communities Committee on 23 February, 2017.

5. REVENUE BUDGET MONITORING AS AT 30 NOVEMBER, 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 that officers had put in place a number of measures designed to bring the budget back to a breakeven position, which had resulted in a reduction in the forecast. 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 the risks associated with a reduction in the Council's working balance, the difficulty in recruiting to the Special Education sector, the reduction in income from Building Standards and Development Management, and the implications for the Council of an overspend by the Integration Joint Board, which were answered by officers. There was also a request for a briefing note providing more detailed figures for some of the demand-led services and a link to the more detailed figures behind the summary information in Appendices 1 and 2 of the report.

The Director of Infrastructure Services then referred to the recent decision of the Supreme Court to grant the Strategic Development Planning Authority (SDPA) leave to appeal the decision of the Court of Session in relation to the SDPA's Supplementary Guidance regarding the Strategic Transport Fund. He advised that a special meeting of the SDPA would take place on 25 January, 2017, to decide whether to appeal and that the SDPA sought assurances from Aberdeen City and Aberdeenshire Councils that they would underwrite the potential liability for legal costs. The cost to Aberdeenshire Council was likely to be in the region of £110,000, and this could be met from the existing allocation identified as Planning in Appendix 5 of the report which was no longer required.

Thereafter, the Committee **agreed**:-

- (1) to note the revenue budget monitoring to 30 November, 2016,
- (2) to approve the budget virements as set out in Appendix 4 of the report, and
- (3) to use the Planning allocation in Appendix 5 of the report to support the Strategic Transport Fund appeal process.

6. NON-HRA CAPITAL BUDGET 2016/17 MONITORING REPORT AND CAPITAL PLAN 2016-2031 UPDATE

A joint report dated 22 November, 2016, by the Directors of Business Services and Infrastructure 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 the likely timescale for the new Peterhead Community Campus, the developer obligations funding recovered in respect of the new Uryside Primary School and the progress of spending on Aberdeen City Region Deal projects, which were answered by officers. There was also a request for a briefing note on spending on the Aberdeen Western Peripheral Route which would explain why some spending had been brought forward into this financial year although parts of the project were being delayed by as much as a year.

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 £102,246,000 and £49,154,000 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.

7. EXTERNAL AUDITOR'S AUDIT REPORT 2015/16 - PROGRESS ON ACTION PLAN

With reference to the Minute of Meeting of Aberdeenshire Council of 29 September, 2016 (Item 6, Page 406), a report dated 22 December, 2016, by the Director of Business Services had been circulated setting out the progress which had been made towards addressing the issues raised in the External Auditor's Report to Councillors 2015/16. The report stated that, of the 11 recommendations to be completed, 1 of the actions had been completed, 9 were progressing and were partially completed or were not yet due for completion, and 1 had passed the initial deadline for completion and was taking longer to resolve than had been anticipated. This showed that good progress was being made.

The Committee **agreed** to note the progress which had been made towards addressing the issues raised in the External Auditor's Audit Report 2015/16.

8. 2015/16 END YEAR FLEXIBILITY REQUESTS

With reference to the Minute of Meeting of Aberdeenshire Council of 30 June, 2016 (Item 8, Page 10), a report dated 5 January, 2017, by the Director of Business Services had been circulated setting out the position regarding 2015/16 end year flexibility requests. The report stated that the scheme of end year flexibility allowed services to carry forward budgets from one financial year to another and aimed to improve integration of service planning and multiple-year budgeting, allowing services the ability to retain some degree of budgets not utilised to ensure continuity of service delivery.

The Committee **agreed**:-

- (1) to note the position as at 30 September, 2016, regarding the 2015/16 end year flexibility requests set out in the report and in Appendices 1 to 3 of the report,
- (2) that 2015/16 end year flexibility funding of £21,000 relating to Adult Social Work - Home Care be returned to reserves, and

- (3) that 2015/16 end year flexibility funding of £23,000 relating to Adult Social Work for a stock control system be transferred to an earmarked reserve.

9. ABERDEENSHIRE THIRD SECTOR CHARTER

A report dated 5 January, 2017, by the Director of Business Services had been circulated proposing the development of an Aberdeenshire Third Sector Charter. The report stated that the Third Sector had made a significant and growing contribution to the delivery of public services in Scotland in recent years. This description was used to define a range of organisations that were neither part of the public sector nor part of the profit making sector. They included voluntary, charities, social enterprise, mutuals and co-operatives and ranged from small local voluntary groups to semi-commercial organisations who behaved in a very similar way to profit making companies. The development of a Third Sector Charter could play a crucial part in strengthening and building on the existing relationship between Aberdeenshire Council and the voluntary and community sector organisations.

During discussion, members asked questions about the role of the Community Planning Partnership in this arrangement, how the delivery of the Charter would be monitored and evaluated to see if it was working and whether there were financial and staffing implications, which were answered by officers.

Thereafter, the Committee **agreed:-**

- (1) to approve the development of an Aberdeenshire Third Sector Charter along with a Scheme to develop a common measure of financial and social impact, and
- (2) to instruct Officers to develop a draft Third Sector Charter and Scheme that would be subject to consultation before coming back to the Communities Committee for approval by June 2017.

10. EU REFERENDUM POSITION

With reference to the Minute of Meeting of 15 September, 2016 (Item 15, Page 503), a report dated 30 November, 2016, by the Director of Infrastructure Services had been circulated setting out progress in the implementation of the action plan to enable the Council to monitor and influence developments related to the United Kingdom leaving the European Union. The report stated that the Council was being invited regularly to submit evidence to organisations such as the Convention of Scottish Local Authorities and Scottish Parliament, UK Parliament and House of Lords Committees. It was therefore important to obtain political agreement for a position to allow the Council to engage formally with these bodies, and a draft position statement was therefore provided in Appendix 2 of the report.

During discussion, members commented that the Prime Minister's announcement earlier in the week setting out her plans for the process of withdrawal from the EU had to some extent rendered the report out of date. Some members considered that the tone and content of the report was not what they had expected and that it should be purely factual information.

Thereafter, the Committee **agreed:-**

- (1) to note the progress made in the implementation of the action plan set out in Appendix 1 of the report,
- (2) to approve the 17 recommendations listed on page 19 of the report, and
- (3) to delegate to the Director of Infrastructure Services to finalise the wording of the report, following consultation with the Chair, Vice Chair and opposition Spokesperson.

11. ABERDEENSHIRE COMMUNITY TRANSPORT INITIATIVE GRANTS

A report dated 21 December, 2016, by the Director of Infrastructure Services had been circulated requesting approval of funding for Aberdeenshire Community Transport Initiative grants in financial year 2017/18 and in principle funding for the next two financial years. The report stated that, under this scheme, grants of up to 75% of project costs were awarded for the provision of community based rural passenger transport such as community buses, dial-a-trip services and voluntary car schemes. The report also proposed the introduction of a Small Grants Initiative aimed at new groups and/or new services.

The Committee **agreed**:-

- (1) to approve the award of Aberdeenshire Community Transport Initiative grants amounting to £341,079 in financial year 2017/18 as set out in section 2.3 of the report, subject to the approval of the revenue budget for 2017/18,
- (2) to approve in principle funding for the subsequent two financial years, to give the organisations an indication of the funding that might be received for 2018/19 and 2019/20, based on the 2017/18 grant awards which might be reviewed based on transport inflation, all subject to budget provision being available, and
- (3) to approve the establishment of a development grant fund for small one-off awards of up to £3,000 per annum.

12. INTERNAL WALL INSULATION AT VOID COUNCIL HOUSES

With reference to the Minute of Meeting of 17 November, 2016 (Item 33, Page 814). a report dated 9 December, 2016, by the Director of Infrastructure Services had been circulated proposing the formation of specialist in-house teams within Housing Repairs to carry out Internal Wall Insulation (IWI) at void housing properties along with any other improvements required. The report stated that Aberdeenshire Council had a statutory duty to bring Council housing properties up to an Energy Efficient Standard for Social Housing (ESSH) by December 2020 and that some of the properties listed as requiring IWI had become void. As the work required was disruptive to tenants, any opportunity to carry out the works when the property was empty was advantageous in terms of disruption and cost. Because the location of void properties was not predictable, the ability to carry out works required a flexible approach to be able to react to locations across Aberdeenshire.

The Committee **agreed**:-

- (1) to approve the formation of specialist in-house teams within Housing Repairs to carry out Internal Wall Insulation (IWI) at void housing properties along with any other improvements required,
- (2) to approve the suspension of the requirement under Financial Regulation 5.3.15 to use the PCS website and instead use the quick quote procedure to procure contractors to work on IWI at void properties until the in-house teams were in place, and
- (3) notwithstanding Financial Regulations, to delegate authority to the Head of Commercial and Procurement Services, following consultation with officers, to accept the tender for the works.

13. INTERNAL AUDIT REPORTS

A report dated 4 January, 2017, by the Chief Internal Auditor had been circulated on recent internal audit reports outlining audits into External Legal Advice, Electronic Document Management System and Registrars, 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 31 October, 2016.

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

14. INTERNAL AUDIT REPORTS

A report dated 4 January, 2017, by the Chief Internal Auditor had been circulated, 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 31 October, 2016.

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

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

15. BUDGET REVIEW GROUP TASK FORCE - INTERNAL AUDIT REPORT 1720 ON CREDITORS PAYMENTS

A report dated 4 January, 2017, by the Director of Business Services had been circulated advising that Internal Audit Report 1720 on Creditors Payments had been considered by Strategic Leadership Team in October 2016 and that a short life Budget Review Task Group, with each service represented, had been established to develop a solutions focused action plan to address the recommendations in the Internal Audit report. Appended to the report was the action plan which would be monitored regularly by the task group, with four monthly progress updates being reported to Strategic Leadership Team.

During discussion, members asked questions about whether the Contracts Register was up to date, whether update reports could be submitted to the appropriate committees and whether the Contracts Register could be broken down on an Area basis, which were answered by officers.

Thereafter, the Committee **agreed** to acknowledge the Budget Review Task Group Action Plan set out in Appendix 1 of the report.

16. TENDER FOR ADVOCACY SERVICE

A joint report dated 5 December, 2016, by the Director of Business Services and the Chief Officer, Aberdeenshire Health and Social Care Partnership, had been circulated requesting approval to award a contract for advocacy services across Aberdeenshire. The report stated that the Council required the provision of a Representation and Advocacy Service for adults resident, or ordinarily resident, in Aberdeenshire to support its statutory requirements outlined in the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adult Support and Protection (Scotland) Act 2007.

The Committee **agreed** to approve the award of a services contract to Advocacy North East for a period of four years with the option to extend for up to one year, with a maximum value of £1,216,215 for the five contract years.

17. BAD DEBTS WRITE OFF

A report dated 23 November, 2016, by the Director of Business Services had been circulated providing details of thirteen irrecoverable debts owed to the Council.

The Committee **agreed** to write off the debts, as detailed in the appendices to the report.

18. FRAMEWORK APPROVAL - THE SUPPLY OF FLOOR CLEANING EQUIPMENT

A report dated 1 December, 2016, by the Director of Business Services had been circulated requesting approval to conduct Call-Offs under the Aberdeen City Council Framework Agreement for the Supply of Floor Cleaning Equipment. The report stated that the Framework Agreement had been tendered by Aberdeen City Council on behalf of itself and Aberdeenshire Council and was designed to maximise a collaborative opportunity in delivering quality services and best commercial outcomes.

The Committee **agreed**:-

- (1) to grant approval to conduct Call-Offs under the Aberdeen City Council Framework Agreement for the Supply of Floor Cleaning Equipment, and
- (2) to approve the estimated expenditure as detailed in the report, including approval for any call off above £50,000 as long as the overall spend under this framework was within the reported estimated spend.

19. INDEPENDENT PROFESSIONAL SUPPORT

With reference to the Minute of Meeting of 17 November, 2016 (Item 30, Page 813), a report dated 1 December, 2016, by the Director of Business Services had been circulated referring to the Inverurie Community Campus project, which was part of a collaborative programme by Hub North Scotland (hns) including two further schools in Lossiemouth, Moray and Alness, Highland, and recommending the appointment of a Programme Director to provide leadership to implement the programme goals and ensure that the maximum benefit was derived from the collaborative programme.

The Committee **agreed** to the appointment of Turner Townsend via Hubco Strategic Services as identified in Table 1 of the report, totalling £161,000 in respect of the Programme Director role for the North Schools Programme.

20. NEW BUILD HOUSING PROJECTS - INTERIM PROCUREMENT ARRANGEMENTS

With reference to the Minute of Meeting of 17 November, 2016 (Item 38, Page 816), a joint report dated 1 December, 2016, by the Directors of Business Services and Infrastructure Services had been circulated referring to the approved estimated costs in respect of six housing projects. The report stated that officers considered that the offers which had come back in respect of the Turriff - Errol Court/Hatton Road Development did not provide value for money and therefore it was recommended that, in advance of the new Housing Main Contractors Framework being completed, approval be given to tender through Public Contracts Scotland in respect of the six housing projects listed in Table 1 of the report.

During discussion, members expressed disappointment at the delay in proceeding with the projects although they understood the reasons for it and requested that local members be kept up to date on progress of the projects.

Thereafter, the Committee **agreed**:-

- (1) that officers do not accept the tenders in respect of the Turriff - Errol Court/Hatton Road Development, and
- (2) that in advance of a new Housing Main Contractors Framework Agreement being procured, tenders be issued via Public Contracts Scotland in lieu of the existing new build housing framework.

21. BIOMASS FUEL

A report dated 25 November, 2016, by the Director of Business Services had been circulated referring to the existing contract for the supply of pellets for biomass installations, which had already been extended and was due to terminate on 31 December, 2016. The report stated that a number of options for the replacement of the contract were being considered, including the use of a Scottish Procurement Framework contract, joint procurement with other local authorities or single re-tendering by Aberdeenshire. There had been recent changes to the Scottish Procurement Framework contract for biomass and time was required to fully consider these changes and ensure that the best option was secured.

During discussion, members requested that a briefing note be provided on the outcomes since the Council had started to use biomass boilers.

Thereafter, the Committee **agreed** to approve the further extension of the existing biomass pellet contract for up to 12 months to allow time to consider recent changes to the Scottish Procurement Framework and amend the scope of the contract to include wood chips.

22. CIVICA ICON INCOME MANAGEMENT SYSTEM - PROCUREMENT OF ENHANCED PAYMENT MODULE AND CONTRACT EXTENSION

With reference to the Minute of Meeting of 23 April, 2015 (Item 6, Page 1947), a report dated 17 November, 2016, by the Director of Business Services had been circulated referring to the Council's current income management system, which was provided by Civica Icon and had the functionality to take cash, cheque and card payments for the various streams of income generated by the Council. The report stated that current payment facilities available through the Aberdeenshire Council website were outdated and that the Civica Icon eStore module provided an enhanced payments solution. Linked to the MyAberdeenshire single sign, it would allow citizens to register themselves and their card details to enable a more convenient and personalised payment option for local authority products and services.

The Committee **agreed**:-

- (1) to approve the procurement of the Civica Icon eStore module at a cost of £101 300, with year one costs to be funded from the Digital Strategy Budget, and
- (2) to delegate authority to the Head of ICT, following consultation with the Head of Finance and the Head of Commercial and Procurement Services, to award a four year contract, with the option of two further one year contract extensions, to Civica, for the provision of the Civica Icon Income Management System, at a total estimated contract value for the six year period of £599,700, to be funded from Finance and ICT service budgets, with the contract due to commence in March 2017.

23. ABERDEENSHIRE AND ABERDEEN CITY COUNCILS - MATERIALS TESTING SERVICES 2017 TO 2021

A report dated 22 December, 2016, by the Director of Business Services had been circulated requesting approval to award a contract to provide testing services for construction materials for Aberdeenshire Council and Aberdeen City Council from 2017 to 2021. This related to both laboratory and on site testing of materials used for road construction and maintenance and included testing of materials produced by Aberdeenshire Council at their quarries (Balmedie, Craiglash and Pitcaple) to ensure that materials supplied met the required specification.

The Committee **agreed** to approve the award of contract to Stanger Testing Services Ltd for materials testing services for an initial period of three years, with provision to extend for a period of 12 months thereafter.

24. CRAIGLASH QUARRY - SUPPLY AND INSTALLATION OF 4 NO. COLD FEED BINS

A report dated 5 January, 2017, by the Director of Infrastructure Services had been circulated requesting approval to award of contract for the supply and installation of cold feed bins at Craiglash Quarry. The report stated that the cold feed bins were essential for supplying the correct amount of materials to the coating plant to ensure compliance with specifications.

The Committee **agreed** to approve the award of a contract to NSM Logistics for the supply and installation of 4 No. cold feed bins at Craiglash Quarry, at a cost of £123,500.00.

25. CRAIGLASH QUARRY - SUPPLY OF MOBILE WASH SCREEN

A report dated 5 January, 2017, by the Director of Infrastructure Services had been circulated requesting approval for the supply and installation of a mobile wash screen at Craiglash Quarry. The report stated that surface dressing accounted for around £8 million worth of road maintenance spend annually, and the screen was essential for effectively washing surface dressing chips, making them suitable for use in roads maintenance.

The Committee **agreed**:-

- (1) to approve the supply and installation of a mobile wash screen at Craiglash Quarry following a competitive tendering exercise, at an estimated cost of £100,000, and
- (2) to delegate authority to the Head of Roads, Landscape Services and Waste Management, following consultation with the Head of Finance and Head of Commercial and Procurement Services, to award the contract for the supply of a mobile wash screen, subject to the costs being within those detailed in the report.

26. ACCEPTANCE OF TENDER - VEHICLE AND PLANT REPLACEMENTS

A report dated 19 December, 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 £124,528.12 for financial year 2016/17.

27. WRITE OFF DEBT INCURRED TO ABERDEENSHIRE COUNCIL AS A RESULT OF THE PARTIAL DEMOLITION OF THE FORMER HIGHLAND HAVEN HOTEL, MACDUFF

A report dated 9 December, 2016, by the Director of Infrastructure Services had been circulated providing details of an irrecoverable debt owed to the Council incurred by Aberdeenshire Council as a result of the partial demolition of the former Highland Haven Hotel, Macduff.

The Committee **agreed** to write off the irrecoverable debt of £203,000 in terms of paragraphs 5.1.9 to 5.1.11 of Aberdeenshire Council's Financial Regulations (April 2016).

28. SUB-COMMITTEES

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

- (1) the Sustainability Sub-Committee of 9 November, 2016,
- (2) the Gypsy/Traveller Sub-Committee of 23 November, 2016,
- (3) the Licensing Sub-Committee of 2 December, 2016, and
- (4) the Licensing Sub-Committee (Special) of 14 December, 2016.

APPENDIX A

POLICY AND RESOURCES COMMITTEE

SUSTAINABILITY SUB-COMMITTEE

WOODHILL HOUSE, ABERDEEN, 9 NOVEMBER, 2016

- Present:** Councillors I S Davidson (Chair), C C Buchan, G J Clark, L Clark, M Findlater, (as substitute for Councillor A S Buchan), M A Ford, and F Hood (as substitute for Councillor K Farquhar).
- Apologies:** Councillors A S Buchan, K Farquhar, and P Oddie, and H W Vernal and A S Grant (ex officio).
- Officers:** Head of Economic Development, Infrastructure Services; Committee Officer (Jan McRobbie), Business Services; Fleet Manager, Infrastructure Services; ICT Support Manager, Business Services; Procurement Adviser (Stuart Calderwood), Business Services; Roads Policy and Asset Manager, Infrastructure Services; Strategy Manager (Transportation), Infrastructure 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 31 AUGUST, 2016

There was circulated and **noted** the Minute of Meeting of the Sub-Committee of 31 August, 2016.

In respect of item 4, the Chair of the Committee reported that a letter, seeking support on the climate change aware budget plans, had been sent to the Co-Leaders of the Council. The approach had been welcomed, with a commitment expressed to ensure that the Council consider climate change implications in all it does, and in addition, that they would contact the Minister to brief him on Aberdeenshire's innovative approach to budgeting. No response had, as yet, been received from the Chief Executive.

The Sub-Committee **noted** and **welcomed** the updates provided.

4. CLIMATE CHANGE SERVICE ACTION REPORTING

With reference to the Minute of Meeting of 31 August, 2016, Item 6, (page ,) the Sub-Committee heard from Fleet Manager, Infrastructure Services; ICT Support Manager, Business Services; Procurement Adviser (Stuart Calderwood), Business Services; Roads Policy and Asset Manager, Infrastructure Services and Strategy Manager (Transportation), Infrastructure Services on the draft Climate Change Action Plan, to be considered by the Policy & Resources Committee.

The Strategy Manager, Transportation, provided updates on service by service review of business mileage with transfer of target to services; the replacement of existing pool vehicles with extended-range electric vehicles; the Requirement for all drivers including contractors be trained in ECODRIVING techniques; the Corporate hierarchy of permissible business travel; future evaluation of travel saving accrued through the role of out WorkSmart across services, linked to a staff travel survey to be held in 2017; developing, implementing and monitoring of travel plans for new offices; the continuing development of campaigns and promotions to change individual travel to work patterns; the introduction, and assessment of the performance of electric vehicles (EV) to car park operatives as a pilot, to support Council's commitment to install electric charging points in car parks in all main settlements in Aberdeenshire; and the rolling out of electric vehicle (EV) charging infrastructure for larger office and depot locations.

The Sub-Committee heard from the Fleet Manager, Infrastructure, of progress on reviewing vehicle efficiency in terms of usage, future usage, and fleet makeup, in the context of the 44% target; the planned 2017 evaluation of the fleet to consider additional new infrastructure to support new technology/fuels; the ongoing assessments of the Revised Vehicle Utilisation and Replacement Strategy; the annual review, by all services, of operational routes and use of existing vehicle stock; and the continuing introduction of new technologies such as electric vehicles and alternatives fuels (including bio-methane, hydrogen, and LNG) where appropriate and practicable.

The Roads Policy and Asset Manager spoke of progress with replacing existing SON/T lanterns of 150w or over, SOX lanterns of 90w or over, and all mercury lanterns with modern white light units incorporating part night dimming; trimming of modern streetlight circuits which do not need warming up periods; and implementation of the changed specification for new developments to modern white light units, including partial night dimming.

The Procurement Advisor updated Members on progress with the development and establishment of a climate change aware procurement strategy, to be complete by 31st December 2016 and of works to include in contract consideration a Sustainable Procurement Duty, which cannot be mandatory, as part of an ongoing continuous improvement agenda.

The Sub-Committee was updated by the ICT Support Manager of the pilot phase of the Unified Communications project, including a roll out of Skype enabled meeting rooms and Skype telephony replacing traditional land lines – it was expected that these initiatives, together with WorkSmart, would transform business models of staff travel; of the migration of previously Council owned data centres to a joint provision, with Aberdeen City Council, located at BrightSolid in the Lang Stracht, being progressed with a review of business systems, looking at cloud provision; and of the continued exploration, despite no business case being made following consideration of a pilot scheme, of energy management systems for networked devices.

Members also heard updates from the Sustainability and Climate Change Co-ordinator on behalf of the Public Transportation Manager, Principal Accountant (Chris Smith), the Head of Resources and Performance (Education & Children's Services), and Education Support Officer, (Christine McLennan) in respect of action points under their remit.

In respect of the Introduce CO₂ emissions target based approach to selecting bus contractors, this would, following tender awards in 2015, require a phased approach, with the next major tenders due in 2019/20 but with revised procurement assessments in terms of quality and price; and of the monitoring of school transport being used as a model for the monitoring of other passenger services, from November 2016.

The identification and communication of most appropriate and suitable funding streams or source of finance to fund carbon reduction and renewable energy actions/projects had now been allied to carbon reduction policy, strategic objectives, and specific projects, such as Energy from Waste and the purchase of street lighting lanterns.

A team had been established to progress school estate rationalisation, with energy, CO₂, and sustainable development issues explicit; the work included revising school catchment areas to encourage greater walking to school, and the adoption of a new metric (SFT) for new build which would reduce floor space. The disposal of properties potentially identified as surplus would be discussed as part of this process.

The Sub-Committee heard of progress in refreshing the Eco-Schools initiative, incorporating work with Keep Scotland Beautiful, as part of the How Good is Our Schools quality improvement approach to education.

After detailed discussion of Eco-driving courses, and their availability to Members; the merits of electric/ hydrogen vehicles as opposed to using bigger electric batteries; the developing efficiencies, in terms of range, of EV cars; the merits of the various sizes of electric vehicle recharging points; the piloting of electric bicycles to augment motor vehicles in the Council transport pool; the barriers to effective travel surveying, or route optimisation, of limited telematics in some vehicles; the possible merits of reviving previous consideration of the establishment of a council wind energy source in the context of the current project looking at low carbon travel hubs; the increase in number of vehicles require to support various services across the Council; the increased awareness of sustainability issues which will be generated by the carbon accounting approach to budgeting; the consideration of particulate reductions as a CO₂ equivalent saving; and the possible links between Fairtrade and eco-schools.

The Sub-Committee **agreed:-**

- (a) that officers consider, in looking at low carbon travel hubs, the location and availability of existing wind turbines; and
- (b) in all other respects, to note and commend the updates provided.

5. PUBLIC SECTOR CLIMATE CHANGE DUTIES REPORTING SUBMISSION 2015/16

There had been circulated a report dated 27 October, 2016 by the Director of Infrastructure Services, requesting Members' consideration of the Council's completed submission on Public Sector Climate Change Duties, to the Sustainable Scotland Network, on behalf of the Scottish Government, for 2015/16 reporting year.

Members heard from the Climate Change Coordinator of the revision of the previous Excel spread sheet to more accessible word document, there was discussion of the benefits of being able to compare year to year reports; the declining trend, masked by constantly increasing scope; the ordering of the priorities listed; and the increased ownership by services of the

duties in the report; the inability to contrast year on year in property new build (such as the former and the current Ellon Academies) due to the increasing emphasis on multi-use space, which extended usage hours and therefore costs, even in more energy efficient buildings.

The Sub-Committee **agreed:-**

- (a) to commend the Climate Change Co-ordinator and the Sustainable Development Officer (Climate Change) for their work in collating the submission across services; and
- (b) to welcome the updates provided.

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APPENDIX B

POLICY AND RESOURCES COMMITTEE

GYPSY/TRAVELLER SUB-COMMITTEE

WOODHILL HOUSE, ABERDEEN, 23 NOVEMBER, 2016

Present: Councillors A Hendry (Chair), G W Carr, G J Clark, J Ingram, J J Latham, P Oddie and E A Robertson.

Apologies: Councillor D Stewart.

Officers: Head of Housing, Housing Manager (Strategy), Minority Ethnic Communities Officer, Gypsy/Traveller Liaison Officer, Senior Solicitor (I Meredith), Policy Planner (W Myslowiecka), and Committee Officer (K Macleod).

In Attendance: Inspector C Taylor, Police Scotland.

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and no declarations were intimated.

2. STATEMENT ON EQUALITIES

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.

3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 15 JUNE, 2016

There had been circulated and was **noted** the Minute of Meeting of the Sub-Committee of 15 June, 2016.

4. MULTI-AGENCY EMERGENCY MANAGEMENT APPROACH FOR DEALING WITH UNAUTHORISED ENCAMPMENTS

There had been circulated a report dated 28 October, 2016, by the Director of Infrastructure Services, which (1) provided the Committee with the revised policy on Management of Unauthorised Gypsy/Traveller Encampments and the revised Gypsy/Traveller Code of Conduct and explained that these had been updated to reflect changes in service responsibilities for unauthorised encampments and the employment of a full time Gypsy/Traveller Liaison Officer; and (2) provided information and a memorandum of

understanding in relation to a new Multi-Agency Emergency Management Procedure for dealing with unauthorised encampments where the Code of Conduct had been persistently breached.

During discussion, members commented and asked questions in relation to possible changes to relevant legislation following withdrawal from the European Union; policing issues at unauthorised encampments and ensuring the Code of Conduct was followed; mapping of encampments; dealing with waste; draft Scottish Government guidance; involvement of trading standards; community-operated caravan sites and whether any guidance was given to the groups running these; officer safety when visiting encampments; and dealing with dogs. It was further suggested that more could be done to seek payment from Gypsies/Travellers for provision of refuse and toilet facilities and remedial work on vacation of sites.

The Sub-Committee **agreed**:-

- (1) the revised policy on the Management of Unauthorised Gypsy/Traveller Encampments;
- (2) the revised Gypsy/Traveller Code of Conduct;
- (3) the new Multi-Agency Emergency Management Approach for dealing with encampments that persistently breached the Code of Conduct as detailed in the Memorandum of Understanding;
- (4) to request that the Gypsy/Traveller Officers Group give further consideration to the interpretation of what constituted an overcrowded site in terms of the Code of Conduct;
- (5) to request that members of the Sub-Committee be notified of unauthorised encampments; and
- (6) that the policy be reviewed in twelve months' time.

5. MANAGEMENT PROPOSAL FOR THE AIKEY BRAE GYPSY/TRAVELLER SITE

With reference to the Minute of Meeting of Aberdeenshire Council of 29 September, 2016, (Item 15), when the Council had agreed to the submission of a planning application for a Gypsy/Traveller stopover site at Aikey Brae and instructed officers to submit a report to the Sub-Committee on options for the future management of the site, there had been circulated a report dated 4 November, 2016, by the Director of Infrastructure Services, which detailed three options for managing a Gypsy/Traveller site at Aikey Brae.

The Housing Manager (Strategy) advised that there were challenges and opportunities associated with each option and that, informed by engagement with the Gypsy/Traveller community and consideration of practice in other areas, the preferred option was a site owned by Aberdeenshire Council and managed by the Gypsy/Traveller Liaison Officer.

Following discussion, the Sub-Committee **agreed**:-

- (1) to note the three options for the management of the Aikey Brae site, Old Deer, as detailed in the report, should it gain planning permission for a Gypsy/Traveller site;
- (2) to support option 1: site owned by Aberdeenshire Council and managed by the Gypsy/Traveller Liaison Officer based on site; and
- (3) that the management arrangements of the Gypsy/Traveller site at Aikey Brae should be kept under review.

6. GYPSY/TRAVELLER SUB-COMMITTEE DATES FOR 2017

There had been circulated a report by the Director of Business Services which sought consideration of proposed Sub-Committee meeting dates for 2017.

The Sub-Committee **agreed** to meet on the following dates:-

Wednesday, 1 March, 2017;
Wednesday, 21 June, 2017;
Wednesday, 13 September, 2017; and
Wednesday 22 November, 2017.

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APPENDIX C

POLICY AND RESOURCES COMMITTEE

LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 2 DECEMBER, 2016

- Present:** Councillors R Cowling, A Evison, A Hendry, F C P Hood, S W Pratt, C Shand and I S Tait.
- Apology:** Councillor E Chapman.
- Officers:** Legal Service Manager (Governance), Senior Solicitor (P Robertson), Trainee Solicitor (R Banfro), and Committee Officers (K Macleod and S Rawlins).
- In attendance:** Sergeant G Flett (Police Scotland).

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. RESOLUTIONS

(A) 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
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching a decision.

(B) EXEMPT INFORMATION

The Sub-Committee **agreed**, in terms of Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for Items 4 and 5 of the business on account of the likely 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 7 OCTOBER, 2016

There had been circulated and was **noted** the Minute of Meeting of the Sub-Committee of 7 October, 2016.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - DEFERRED APPLICATIONS FOR DETERMINATION

(a) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 847)

There had been circulated a report dated 15 November, 2016, 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, 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 such a licence.

(b) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 852)

There had been circulated a report dated 15 November, 2016, 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, 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 licence be granted for a period of one year.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - NEW APPLICATIONS FOR DETERMINATION

(a) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 865)

There had been circulated a report dated 15 November, 2016, 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, in respect of which the Chief Constable had made a representation; and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, Councillor Pratt, seconded by Councillor Shand, moved that the licence be granted for a period of three years.

As an amendment, Councillor Hendry, seconded by Councillor Hood, moved that the licence be granted for a period of one year.

Members of the Sub-Committee voted:-

for the motion (2) Councillors Cowling and Pratt

for the amendment (5) Councillors Evison, Hendry, Hood, Shand and Tait

The amendment was carried and the Sub-Committee **agreed** that the licence be granted for a period of one year.

(b) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO 866)

There had been circulated a report dated 14 November, 2016, 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, 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, the Sub-Committee **agreed** that consideration of the application be deferred to the next meeting of the Sub-Committee to allow the applicant an opportunity to attend.

(c) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO 867)

There had been circulated a report 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, 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, the Sub-Committee **agreed** that consideration of the application be deferred to the next meeting of the Sub-Committee to seek clarification on the status of the applicant's driver's licence and to allow the applicant an opportunity to attend.

(d) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 868)

There had been circulated a report dated 15 November, 2016, 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, in respect of which the Chief Constable had made a representation; and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, Councillor Pratt, seconded by Councillor Evison, moved that the licence be granted for a period of three years.

As an amendment, Councillor Hendry, seconded by Councillor Shand, moved that the licence be granted for a period of one year.

Members of the Sub-Committee voted:-

for the motion (2) Councillors Evison and Pratt

for the amendment (5) Councillors Cowling, Hendry, Hood, Shand and Tait

The amendment was carried and the Sub-Committee **agreed** that the licence be granted for a period of one year.

(e) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 869)

There had been circulated a report dated 15 November, 2016, 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; (2) detailed information relevant to the applicant; and (3) advised that a representation from the Chief Constable had been received more than 28 days after the date of application.

Having heard from the representative of the Chief Constable on the reason the representation had not been made within the time required, the Sub-Committee **agreed** to consider the representation, which was then circulated.

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

Thereafter, the Sub-Committee **agreed**, by a majority, to grant the licence for a period of three years.

(f) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 870)

There had been circulated a report dated 15 November, 2016, 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, 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, the Sub-Committee **agreed** that consideration of the application be deferred to the next meeting of the Sub-Committee to seek clarification in relation to the applicant's driver's licence and penalty points held and to allow the applicant an opportunity to attend.

(g) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO 871)

There had been circulated a report dated 14 November, 2016, 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, in respect of which the Chief Constable had lodged an objection; and (2) detailed information relevant to the application.

The Senior Solicitor advised that the applicant had not held a driver's licence for a continuous period of one year and as such the application was ineligible.

The Sub-Committee **noted** the withdrawal of the item and **agreed**:-

- (1) that officers write to the applicant to apologise that the issue had not been identified prior to the meeting; and
- (2) that officers seek clarification from the DVLA regarding licence validity dates.

(h) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO 872)

There had been circulated a report dated 15 November, 2016, 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, 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, Councillor Pratt, seconded by Councillor Evison, moved that the application be deferred to the next meeting of the Sub-Committee to allow the applicant an opportunity to attend.

As an amendment, Councillor Hendry, seconded by Councillor Tait, moved that the Sub-Committee proceed with determination of the application.

Members of the Sub-Committee voted:-

- for the motion (4) Councillors Cowling, Evison, Pratt and Shand
- for the amendment (3) Councillors Hendry, Hood and Tait

The motion was carried and the Sub-Committee **agreed** that the application be deferred to the next meeting of the Sub-Committee to allow the applicant an opportunity to attend.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SECOND SUCCESSIVE APPLICATION FOR PRIVATE HIRE DRIVER'S LICENCE WITHIN ONE YEAR (CASE NO 831)

There had been circulated a report dated 15 November, 2016, by the Director of Business Services, which (1) advised that an application for a private hire driver's licence had been made within one year of that applicant having had a previous application for a private hire driver's licence refused; (2) requested consideration of whether there had been a material change of circumstances since that earlier refusal such that the second application could be entertained; and (3) detailed other information relevant to the request.

Having noted that the applicant had made a second application for a licence within one year of having had a previous application refused, Councillor Pratt, seconded by Councillor Evison, moved that there had been a material change of circumstances since the earlier refusal such that the second application could be entertained.

As an amendment, Councillor Hendry, seconded by Councillor Tait, moved that there had not been a material change of circumstances since the earlier refusal such that the second application could be entertained.

Members of the Sub-Committee voted:-

for the motion (3) Councillors Evison, Pratt and Shand

for the amendment (4) Councillors Cowling, Hendry, Hood and Tait

The amendment was carried and the Sub-Committee **agreed** that there had not been a material change of circumstances since the earlier refusal such that the second application could be entertained.

Councillor Pratt entered his dissent from the resolution adopted.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE (CASE NO 873)

There had been circulated a report dated 15 November, 2016, by the Director of Business Services, which (1) requested that consideration be given to a written complaint lodged by the Chief Constable against the holder of a taxi driver's licence, and (2) detailed other information relevant to the request.

In the absence of the applicant and having heard from the representative of the Chief Constable, the Sub-Committee **agreed**:-

- (1) unanimously, that a condition of the licence had not been breached;
- (2) by a majority, that the actions of the licence holder had caused, were causing, or were likely to cause undue public nuisance or a threat to public order or safety;
- (3) by a majority, that the licence holder was no longer a fit and proper person to be the holder of a taxi driver's licence; and
- (4) by a majority, that the taxi driver's licence be suspended.

Councillor Hendry, seconded by Councillor Hood, moved that the period of suspension be the unexpired portion of the duration of the licence.

As an amendment, Councillor Pratt, seconded by Councillor Shand, moved that the period of suspension be one year.

Members of the Sub-Committee voted:-

for the motion (3) Councillors Evison, Hendry and Hood

for the amendment (3) Councillors Cowling, Pratt and Shand

declined to vote (1) Councillor Tait

There being an equality of votes, the Chair exercised his casting vote for the motion, therefore the motion was carried and the Sub-Committee **agreed** that the period of suspension be the unexpired portion of the duration of the licence.

The Sub-Committee **agreed**, by a majority, that the circumstances of the case justified an immediate suspension of the licence.

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CHANGE TO STANDARD CONDITIONS FOR PUBLIC ENTERTAINMENT LICENCES - EVENTS, FAIRS & CIRCUSES - CHANGE TO STANDARD CONDITIONS FOR MARKET OPERATORS LICENCES

There had been circulated a report dated 18 November, 2016, by the Director of Infrastructure Services, which sought approval of revised Environmental Health Standard Conditions for Public Entertainment Licences and Market Operators Licences.

The Senior Solicitor explained that the proposed revisions related to food safety requirements and would incorporate conditions which were routinely requested by the Environmental Health Service into the standard conditions.

During discussion, Members highlighted that the numbering of the document needed to be corrected and requested that the revised conditions be appropriately communicated and that officers investigate whether the conditions in relation to storage of LPG cylinders should be tightened.

Thereafter, the Sub-Committee **agreed** the revised Environmental Health Standard Conditions for Public Entertainment Licences and Market Operators Licences as provided in Appendix 1 to the report.

9. TAXI FARES REVIEW

With reference to the Minute of Meeting of the Sub-Committee of 3 June, 2016 (Item 8), when the Sub-Committee had agreed to initiate the process for reviewing the taxi fare scale, there had been circulated a report dated 18 November, 2016, by the Director of Business Services, which advised the Sub-Committee of the results of the consultation and recommended that the existing fare scale remained in place, but that the booking fee for journeys involving Aberdeen Airport be raised to £2 to cover the pick-up fee.

The Sub-Committee **agreed**:-

- (1) to approve the proposed fare scale in Appendix 4 to the report, which represented no change in the fare scale but an increase in the booking fee for Aberdeen Airport; and

- (2) to authorise officers, in the absence of adverse comment, objection or observation, or an appeal to the Traffic Commissioners, to implement the revised fare scale, with effect from 1 February, 2017.

10. REVIEW OF LICENSING FEES

There had been circulated a report dated 28 September, 2016, by the Director of Business Services, which (1) explained that the Civic Government (Scotland) Act 1982 placed a requirement on local authorities to meet all costs associated with providing a licensing service through licensing income; (2) provided background information on a review of licensing fees and advised that licensing income was not currently covering the cost of delivering the service; and (3) sought approval to consult on proposed changes to civic licensing fees, as detailed in an appendix to the report.

During discussion, Members requested that consideration be given to implementing the fee increases incrementally and that, when the results of the consultation were reported back to the Sub-Committee, further detail and transparency be provided on how the proposed fees had been arrived at.

Members further requested that the proposed fees to be consulted on be amended as follows:-

Taxi/Private Hire Vehicle	£200
Public Entertainment Licence (1 Year and Small Event)	£190

Following discussion, the Sub-Committee **agreed**:-

- (1) to note that legislation required that the licensing service was to be financially self-sustaining;
- (2) to note that licensing income did not presently cover the cost of delivering the licensing service;
- (3) to a formal consultation on proposed increases to civic licensing fees; and
- (4) that the results of the consultation exercise be reported back to the Sub-Committee with a view to introducing any changes to the fees from April, 2017.

APPENDIX D
POLICY AND RESOURCES COMMITTEE
LICENSING SUB-COMMITTEE
SPECIAL MEETING
GORDON HOUSE, INVERURIE, 14 DECEMBER, 2016

- Present:** Councillors R Cowling, F C P Hood and C Shand.
- Apologies:** Councillors A Evison, E Chapman, A Hendry, S W Pratt and I S Tait.
- Officers:** Senior Solicitors (P Robertson and J Joss) and Committee Officer (K Macleod).
- In attendance:** Sergeant G Flett (Police Scotland).

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. RESOLUTIONS

(A) 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
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching a decision.

(B) EXEMPT INFORMATION

The Sub-Committee **agreed**, in terms of Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for Items 3 and 4 of the business on account of the likely disclosure of exempt information of the class described in paragraphs 6 and 14 of Part 1 of Schedule 7A of the Act.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE (CASE NO. 874)

There had been circulated a report, dated 9 December, 2016, which (1) requested that consideration be given to a written representation by the Chief Constable against the holder of a taxi driver's licence and (2) detailed other information relevant to the request.

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

- (1) that the allegations were justified;
- (2) to immediately suspend the taxi driver's licence in terms of paragraph 12 of Schedule 1 to the Act; and
- (3) that a suspension hearing in terms of paragraph 11 of Schedule 1 to the Act be held on 13 January, 2017.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE (CASE NO. 875)

There had been circulated a report, dated 9 December, 2016, which (1) requested that consideration be given to a written representation by the Chief Constable against the holder of a taxi driver's licence and (2) detailed other information relevant to the request.

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

- (1) that the allegations were justified;
- (2) to immediately suspend the taxi driver's licence in terms of paragraph 12 of Schedule 1 to the Act; and
- (3) that a suspension hearing in terms of paragraph 11 of Schedule 1 to the Act be held on 13 January, 2017.

