

ABERDEENSHIRE COUNCIL

BUSINESS SERVICES COMMITTEE

WOODHILL HOUSE, ABERDEEN, THURSDAY, 2 MARCH, 2017

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

Apologies: Councillors S W Pratt and J Webster.

Officers: Head of Finance, Head of Legal and Governance and Principal Committee Services Officer (Mrs A Riddell).

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 Stephen Smith advised in terms of Item 5 that, having sought advice from the Head of Legal and Governance in relation to shares held in the Clydesdale Bank, the interest was so remote and insignificant that it could not reasonably be taken to fall within the objective test and continued to participate in the meeting.

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 Item 8 so as to avoid disclosure of exempt information of the class described in paragraph 8 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF POLICY & RESOURCES COMMITTEE OF 19 JANUARY 2017

The Scheme of Governance, implemented from 27 January, 2017, introduced new arrangements for the approval of Minutes of Meetings of Committees which had previously

being presented for approval as a correct record to Full Council and would now be presented to the next ordinary meeting of the Committee for approval. Given that membership of the Business Services Committee was identical to that of the former Policy and Resources Committee, the Minute of the last meeting of the Policy and Resources Committee on 19 January, 2017 was presented for approval as a correct record.

The Committee **approved** as a correct record the Minute of Meeting of the Policy and Resources Committee of 19 January, 2017 and the Minute was duly signed by the Chair.

4. BUSINESS SERVICES FINANCIAL MONITORING AS AT 31 DECEMBER 2016

A report dated 7 February, 2017 by the Director of Business Services had been circulated advising that the new Scheme of Governance had introduced changes to financial management arrangements across the Council including the alignment of service budget responsibility with Policy Committees. The report contained revenue and capital budget financial monitoring information in respect of those functions under the remit of the Business Services Committee as at 31 December 2016 including proposals for a number of budget virements as detailed in Appendix 3 to the report.

The Head of Finance advised that measures were being taken to reduce spend across the revenue budget to assist in rebalancing the current forecast position for the Service and across the Council as a whole and that expenditure under the Capital budget was expected to come in under the total available as a result of re-phasing of projects. He then responded to Members questions on the forecast expenditure for Procurement, which was estimated to be over budget by £208,000 and whether this might impact on the Council's ability to achieve the savings identified, and on the impact of the delayed works under the repairs and maintenance programme on the new Hard FM contract.

Thereafter, the Committee **agreed**:-

- (1) to note the revenue and capital budget monitoring report for Business Services as at 31 December, 2016,
- (2) to approve the revenue budget virements set out in Appendix 3 to the report,
- (3) that future financial monitoring reports to Policy Committees contain a summary of the overall budget position for the Council, and
- (4) that the Head of Finance provide a briefing note to Members' on all non-essential work being cancelled/delayed to achieve the savings identified under the Repairs and Maintenance budget.

5. TREASURY MANAGEMENT STRATEGY STATEMENT AND PRUDENTIAL INDICATORS 2017/18

A report dated 7 February, 2017 by the Director of Business Services had been circulated requesting approval of the Treasury Management Strategy Statement and Prudential Indicators for 2017/18 which had been set in line with the Prudential Code and highlighting a number of areas of financial risk.

The Committee heard from the Head of Finance that in previous years the former Scrutiny and Audit Committee would have received the Treasury Management Strategy Statement and Prudential Indicators first but, in view of the changes introduced through the new Scheme of Governance, approval of the Strategy would now sit with the Business Services Committee and that the information proposed to be logged on Ward Pages was now included in the report. He then outlined the Borrowing and Investment Strategies making reference to areas of risk.

During discussion, Members questioned the use of Ward Pages for publishing Committee information which should be publically available, requested the provision of Treasury Management training for Members, including a session on borrowing and repayment, and sought a report back on options available to include community interest and charitable companies in the Investment Strategy in future years in terms of loans made to third parties.

Thereafter, the Committee **agreed**:-

- (1) to approve the revised Treasury Management Strategy Statement for 2017/18 as detailed in the report,
- (2) to approve the Prudential Indicators for 2017-2020 as detailed in the report,
- (3) that the Head of Finance:-
 - (a) make arrangements for Treasury Management training to be offered to all Members post Election in May, 2017,
 - (b) report back on options available to include community interest and charitable companies in the Investment Strategy in future in terms of loans made to third parties,
- (4) that the current practice of logging information relating to Committee reports for Members on Ward Pages be reviewed to ensure transparency in the decision-making process.

6. DATA PROTECTION POLICY STATEMENT

A report dated 23 January, 2017 by the Director of Business Services had been circulated containing a revised Data Protection Policy Statement following a general review including a new provision requiring staff who process personal data to undertake mandatory data protection awareness training and refresher training, as agreed by the Chief Executive in an undertaking to the Information Commissioner's Office following a previous contravention of the Data Protection Act.

The Committee **approved** the revised Data Protection Policy Statement as contained in Appendix A to the report.

7. REVIEW OF REGISTRATION CIVIL CEREMONY FEES

A report dated 9 February, 2017 by the Director of Business Services had been circulated proposing a review of registration civil ceremony fees.

Discussion took place on the proposed timeline for public consultation, benchmarking work undertaken and the proposed fees for Saturdays, Sundays and Public Holidays.

Thereafter, the Committee **agreed**:-

- (1) that the planned review of registration civil ceremony fees be brought forward;
- (2) to note that initial benchmarking indicated that fees currently charged for Aberdeenshire's registration of civil ceremonies were less than those applied by other Local Authorities and other non-religious groups;
- (3) to note that fees applied were discretionary and would be subject to the triennial review schedule stipulated in the Council's Charging Policy following this review;

- (4) that the Head of Legal and Governance consider the need to apply differential fees on Saturdays, Sundays and public holidays in line with other providers;
- (5) to a formal public consultation exercise being undertaken on the proposed increases to registration civil ceremony fees; and
- (6) that the results of the consultation exercise be reported back to the Committee with a view to introducing any changes to the fees from May 2017.

8. COMMUNITY ASSET TRANSFER: OLD COASTGUARD STATION, BATTERY GREEN, BANFF – BANFF CASTLE COMMUNITY ASSOCIATION

With reference to the Minute of Meeting of the Banff and Buchan Area Committee of 1 November 2016 (Item 12), the Committee had before them a report by the Director of Business Services on an application for Community Asset Transfer of the Old Coastguard Station at Battery Green, Banff to the Banff Castle Community Association.

Having been advised by the Head of Legal and Governance that the application for Community Asset Transfer had now been withdrawn by the community group, the Committee **agreed** that the building be disposed of in accordance with the Surplus Property Policy.

(a) LICENSING SUB-COMMITTEE - MINUTE OF SPECIAL MEETING OF 13 JANUARY 2017

The Committee **noted** the Minute of Special Meeting of the Licensing Sub-Committee of 13 January 2017 as contained in Appendix A to this minute.

APPENDIX A

POLICY AND RESOURCES COMMITTEE

LICENSING SUB-COMMITTEE

SPECIAL MEETING

GORDON HOUSE, INVERURIE, 13 JANUARY, 2017

Present: Councillors R Cowling (Chair), A Hendry, F C P Hood, S W Pratt and C Shand.

Apologies: Councillors E Chapman, A Evison and I S Tait.

Officers: Senior Solicitor (P Robertson) 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 TAXI DRIVER'S LICENCE (CASE NO. 874)

There had been circulated a report dated 21 December, 2016, by the Director of Business Services, 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.

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

The Sub-Committee **agreed** unanimously that the carrying on of the activity to which the licence related had caused and was likely to cause a threat to public order or safety.

Councillor Pratt, seconded by Councillor Shand, moved that the licence holder remained a fit and proper person to be the holder of a taxi driver's licence.

As an amendment, Councillor Hendy, seconded by Councillor Hood, moved that the licence holder was no longer a fit and proper person to be the holder of a taxi driver's licence.

Members of the Sub-Committee voted as follows:-

for the motion (2) Councillors Pratt and Shand

for the amendment (3) Councillors Cowling, Hendry and Hood

The amendment was carried and the Sub-Committee **agreed** that the licence holder was no longer a fit and proper person to be the holder of a taxi driver's licence.

Thereafter, the Sub-Committee **agreed** by a majority:-

- (1) that the taxi driver's licence be suspended;
- (2) that the period of suspension be the unexpired portion of the duration of the licence; and
- (3) that the circumstances of the case justified an immediate suspension of the licence.

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

There had been circulated a report dated 20 December, 2016, by the Director of Business Services, 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.

In the absence of the licence holder, the Sub-Committee heard from the representative of the Chief Constable and **agreed** unanimously:-

- (1) that the carrying on of the activity to which the licence related had caused and was likely to cause a threat to public order or safety;
- (2) that the licence holder was no longer a fit and proper person to be the holder of a taxi driver's licence;
- (3) that the taxi driver's licence be suspended;
- (4) that the period of suspension be the unexpired portion of the duration of the licence; and
- (5) that the circumstances of the case justified an immediate suspension of the licence.