

**ABERDEENSHIRE COUNCIL**

**BUSINESS SERVICES COMMITTEE**

**WOODHILL HOUSE, ABERDEEN, THURSDAY, 14 SEPTEMBER, 2017**

**Present:** Councillors J N Gifford (Chair), K Adam, I Davidson, A Forsyth, F C P Hood, J Hutchinson, J Ingram (as substitute for G Reid), G Petrie, M Roy, N Smith, I Sutherland (as substitute for H Partridge) and R G Thomson.

**Apology:** Councillors H Partridge and G Reid.

**Officers:** Director of Business Services, Head of Finance, Head of Service (Property & Facilities Management), Principal Solicitor (Democratic Services) (R O'Hare) and Senior Committee Officer (F Brown).

**1. DECLARATION OF MEMBERS' INTERESTS**

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

**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.

<b>Item No</b>	<b>Paragraph No of Schedule 7A</b>
7	8 and 9
8	8

### 3. MINUTE OF MEETING OF BUSINESS SERVICES COMMITTEE OF 22 JUNE, 2017

There was circulated, **noted** and **approved** as a correct record, the Minute of Meeting of the Business Services Committee of 22 June, 2017.

### 4. FINANCIAL MONITORING AS AT 30 JUNE 2017

There had been circulated a report dated 4 August, 2017 by the Director of Business Services, which advised the Committee that the Council's Scheme of Governance aligns service budget responsibility with Policy Committee responsibility. 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 30 June 2017 as detailed in Appendix 1 to the report. The report also provided accompanying narrative which detailed budget variances as presented in Appendix 2 to the report and proposals for a number of budget virements as detailed in Appendix 3 to the report.

The report detailed the Business Services Revenue Budget for monitoring purposes in 2017/18 for net revenue expenditure of £40,246,000 and it was reported that the forecasted position to end June 2017 was £41,546,000 or £1,300,000 higher than budget, which would contribute to the overall position of the Council, which was £3,026,000 over budget.

The Head of Finance introduced the report and advised the Committee that there were a number of assumptions, and the risks attached to those assumptions which had been built into the budget setting as reported to Full Council in February, 2017 and one of the risks was identified as through property and rental income through the estates team and as such the budget forecast position was below budget but this would form part of future budget discussions. A range of actions which were being pursued across the Service as presented in Section 2.5 of the report to address the unanticipated pressure in terms of income of £400,000, however, the Committee would be briefed on any action which may have a significant impact on the delivery of services before any such action were implemented.

With regards to Capital Budget monitoring, it was reported that the revised Capital Budget for Year 2017/18 was £26,677,000 and that the capital budget figure would alter during the year, as and when changes to the profile of capital expenditure from one year to another was agreed and adjusted. Appendix 4 to the report detailed the revised capital budget for 2017/18 which would be updated to reflect the latest alterations and the forecasted position to end June 2017 was £21,069,000 which was £5,608,000 less than the revised budget which would need to be carried forward to future years.

Thereafter, the Committee **agreed**:-

- (1) to note the revenue and capital budget monitoring as at 30 June, 2017; and
- (2) to approve the revenue budget virements as set out in Appendix 3 to the report.

## **5. OVERVIEW REVIEW OF THE PERFORMANCE OF THE TREASURY MANAGEMENT FUNCTION FOR THE PERIOD 1 APRIL 2016 TO 31 MARCH 2017**

There had been circulated and was **noted** a report dated 13 July 2017 by the Head of Finance detailing performance and compliance in relation to the Treasury Management Function for the period 1 April, 2016 to 31 March, 2017.

## **6. REVIEW OF PUBLIC TOILET PROVISION IN TURRIFF**

There had been circulated a report dated 24 August, 2017 by the Director of Business Services which detailed the requirement for the Business Services Committee, as the appropriate Committee, to consider any issues arising from the Public Convenience Strategy, and in doing so, consider the Formartine Area Committee decision of 22 August, 2017 which recommended that the public convenience at Turriff High Street public car park, be replaced with the site at Haughs, as the permanent public convenience site for Turriff.

The report detailed that the strategy sought to promote the focus of facilities on major transportation and tourist routes and included the closure of 9 low use and/or poor condition conveniences which included the site at Turriff Haughs, however, there was a local desire to develop and enhance the wider Haughs area and following public consultation with the Turriff Community Council, it was proposed to retain the Haughs site as the preferred permanent public convenience site for Turriff and the closure of the public convenience site at Turriff High Street public car park.

During discussion, the Committee made reference to section 2.4 of the report which detailed that Aberdeenshire Council continued to operate 50 public conveniences (which was under review) along with a further 19 sites operated as comfort partnership arrangements with local businesses and 9 community run sites. As there were a number of public convenience sites operating under different management, the Committee sought assurances from Officers that regular monitoring reports on the review of the Public Convenience Strategy would be presented to Area Committees to ensure that elected members could monitor the success of the strategy.

Thereafter, the Committee **agreed**:-

- (1) to the replacement of the public convenience in the Turriff High Street public car park with the site at the Haughs as the permanent public convenience for Turriff;
- (2) to declare that the High Street Turriff public convenience site as surplus to requirements and available for disposal; and
- (3) to request that regular monitoring reports on the Review of the Public Convenience Strategy would be presented to each Area Committee.

## **7. INDEPENDENT PROFESSIONAL SUPPORT**

There had been circulated a report dated 1 August, 2017 by the Director of Business Services which detailed the requirement to procure a number of design consultancy services to supplement the Council's internal Construction Professional resources to ensure the delivery of the capital programmes on property related projects and the Housing Capital Programme.

The report explained that the Council's new Financial Regulations require each Director to report to Committee prior to the beginning of the financial year with a proposed Work Plan for all procurements falling within the jurisdiction of the Committee with a contract value of £50,000 or more. The Directorate's work plan was approved by the Business Services Committee at its meeting on 20 April, 2017 (Item 8) and included the expenditure for

Professional Services for Engineering and Professional Consultancy services frameworks and the Head of Property and Facilities had the authority to award contracts under the framework agreements subject to the submission of a satisfactory Award Report where the total spend under the framework agreement does not exceed the Committee threshold of £1million.

Appendix A to the report detailed the appointment of consultants for Construction and Professional Services from April 2016 to March 2017 to a delegated amount of £537,977 and the Head of Property and Facilities Management would provide details of appointments of Consultants for Construction Professional Services for the financial year 2017/18 to a future Committee meeting.

Thereafter, the Committee **agreed**:-

- (1) to note the appointment of Consultants for Construction Professional Services to the delegated amount of £537,977 for financial year 2016/17, as detailed in Appendix A to the report;
- (2) to instruct the Head of Property and Facilities Management to provide details of appointments of Consultants for Construction Professional Services for the financial year 2017/18 to a future meeting of the Committee;
- (3) to note that the Head of Property and Facilities Management had authority in terms of the Financial Regulations to award contracts under the framework agreements subject to the provisions narrated in the report; and
- (4) to request that officers present a report to the Business Services Committee after post project evaluations had been undertaken with the consultants.

## **8. SUPPLEMENTARY WORK PLAN 2017/18**

There had been circulated a report dated 29 August, 2017 by the Director of Business Services on the Supplementary Work Plan for 2017/18.

The report explained that the Directorates Annual Work Plan 2017/18 had been presented to, and approved by the Business Services Committee on 20 April, 2017 (Item 8), and the Committee was now being asked to agree, the additional items, as detailed in the Supplementary Work Plan, which had been identified as falling within the remit of the Business Services Committee, and added to the Directorate's Work Plan 2017/18. The proposed procurements identified within the Supplementary Work Plan related exclusively to the Business Services Committee. In this regard, a Supplementary Work Plan for Business Services Directorate was presented as Appendix 1 to the report and each entry contained contract name, description of work, good or services to be procured, estimated start and end dates, estimated total value, proposed extension period, relevant to service and Committee.

The Director of Business Services introduced the report and explained that Committee had approved the Annual Work Plan in April 2017 which had provided officers with the necessary authority to proceed with procurements with a value of up to £1million and that those exceeding that value would be reported back to Committee in the form of a Business Case. Appendix 1 to the report presented the additional items including the procurement business case for the Biomass Fuel Supply Contract.

The Principal Solicitor (Democratic Services) advised the Committee that in terms of the Financial Regulations once Committee have approved items on the Supplementary Work

Plan, the procurement and award of contracts of up to £1 million would be dealt with by Chief Officers. If, however, the Committee considered there was good reason to do so, they could reserve any business case within the supplementary work plan which would then require a further report to come back to the Committee for final approval.

Having considered the items on the Supplementary Work Plan the Committee approved the additional items on the Supplementary Work Plan. However the Committee requested the future Business Case for the new HR/Payroll system be reserved to it for approval and that updates be provided on progress towards procurement of the new system.

Thereafter, the Committee **agreed**:-

- (1) to approve the items on the Supplementary Work Plan as identified as falling within the remit of the Committee as detailed in Appendix 1 to the report;
- (2) to approve the addition of the items Supplementary Work Plan to the Director's Annual Work Plan 2017/18 as approved by the Committee on 20 April, 2017;
- (3) to approve the Business Case attached as Appendix 3 to the report, for the item on the Supplementary Work Plan relating to the Biomass Fuel Supply Contract as the value was over £1,000,000 and requested that a report be presented to Committee seeking approval for the award of the contract;
- (4) to reserve approval of the Business Case for the new HR/Payroll System with work streams being reported back to Committee; and
- (5) to note, that if the Business Case for any item was not reserved in accordance with (4) above, the Committee would only receive the Business Case for approval for any item on the Supplementary Work Plan which was within the Committee's remit and the value of the matter was over £1,000,000 and for all other items the Business Case may be approved by the relevant Chief Officer and notified to the Head of Commercial and Procurement Services without the requirement for Committee approval.

**(a) MINUTE OF MEETING OF LICENSING SUB-COMMITTEE OF  
21 APRIL 2017**

The Committee **noted** the Minute of Meeting of the Licensing Sub-Committee of 21 April 2017 as contained in Appendix A to this minute.

**(b) MINUTE OF MEETING OF SPECIAL LICENSING SUB-COMMITTEE OF  
21 APRIL 2017**

The Committee **noted** the Minute of Meeting of the Special Licensing Sub-Committee of 21 April 2017 as contained in Appendix B to this minute.



## APPENDIX A

### BUSINESS SERVICES COMMITTEE

#### LICENSING SUB-COMMITTEE

**GORDON HOUSE, INVERURIE, 21 APRIL, 2017**

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

**Apologies:** Councillors E Chapman, and I Tait.

**Officers:** Principal Solicitor (Governance), Senior Solicitor (F Stewart), Trainee Solicitor (A Toye), and Committee Officer (J McRobbie).

**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 to 18 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.

#### A. MINUTES

The Minute of Meeting of the Sub-Committee of 10 February 2017 had been circulated and was **approved**.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CONSIDERATION OF  
SUSPENSION OF TAXI DRIVER'S LICENCE (CASE NO. 881)**

There had been circulated a report dated 10 February, 2017, by the Director of Business Services, which (1) requested that consideration be given to the suspension of a taxi driver's licence, in respect of which the Chief Constable had lodged a complaint; and (2) detailed information relevant to the application.

Having heard from an interpreter on behalf of the applicant, and from the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application not be suspended on the grounds that the applicant was a fit and proper person to hold such a licence.

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF  
PRIVATE HIRE CAR DRIVER'S LICENCE (CASE NO. 882)**

There had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a private hire car driver's licence, in respect of which the Chief Constable had lodged a representation; and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the representative of the Chief Constable, Councillor Pratt moved, seconded by Councillor Shand, that the application be **granted** for the period of a year, on the basis the applicant had not been proved not to be a fit and proper person.

Councillor Hendry moved as an amendment, seconded by Councillor Hood, that the application be **refused** on the basis that the applicant, having been untruthful on his application, having shown a disregard for the Road Traffic Acts, and having a recent conviction for Road Traffic offences, was not a fit and proper person to hold a private hire car driver's licence.

On a division, there voted:

For the Motion (4) Councillors Cowling, Evison, Pratt, and Shand.

For the Amendment (2) Councillors Hendry and Hood.

The Motion was therefore carried and the Sub-Committee **agreed** that the application be granted for the period of a year, on the grounds that the applicant had not been proved not to be a fit and proper person to hold such a licence.

**5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF  
PRIVATE HIRE CAR DRIVER'S LICENCE (CASE NO. 883)**

There had been circulated a report dated 10 February, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a private hire car driver's licence, in respect of which the Chief Constable had made a representation; and (2) detailed information relevant to the application.



The Sub-Committee heard from the applicant and the Chief Constable's representative and **agreed** unanimously that a private hire car licence be granted for the period of three years.

**6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 884)**

There had been circulated a report dated 8 March, 2017, 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 Chief Constable's representative, the Sub-Committee agreed, by a majority, to **grant** a licence for the period of three years, as the applicant had not been proven to be not a fit and proper person.

**7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 885)**

There had been circulated a report dated 6 April, 2017, 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 Chief Constable's representative, the Sub-Committee agreed, unanimously, to **refuse** a taxi driver's licence as the applicant had been demonstrated not to be a fit and proper person.

**8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 886)**

There had been circulated a report dated 6 April, 2017, 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 noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

**9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 887)**

There had been circulated a report dated 6 April, 2017, 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 Chief Constable's representative, Cllr Shand moved, seconded by Councillor Hendry, that the application be refused as the applicant had been demonstrated not to be a fit and proper person.

Councillor Pratt moved as an amendment, that the application be granted for the period of a year, as the applicant had not come to police attention since his relocation to north east Scotland. There being no seconder, the amendment fell.

The Sub-Committee thereafter **agreed**, by a majority, to **refuse** a taxi driver's licence as the applicant had been demonstrated not to be a fit and proper person.

**10. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 888)**

There had been circulated a report dated 6 April, 2017, 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 noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

**11. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 889)**

There had been circulated a report dated 6 April, 2017, 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 representation; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

**12. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 890)**

There had been circulated a report dated 6 March, 2017, 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 representation; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

**13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 891)**

There had been circulated a report dated 6 April, 2017, 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 noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

**14. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 892)**

There had been circulated a report dated 6 April, 2017, 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 representation; and (2) detailed information relevant to the application.

Having noted that, although the applicant was not present, the matter could not be further deferred, the Sub-Committee heard from the Chief Constable's representative.

Councillor Hood moved, seconded by Councillor Hendry, that the Sub-Committee **refuse** the application as the applicant had been demonstrated not to be a fit and proper person.

Councillor Pratt moved as an amendment, seconded by Councillor Evison, that the application be **granted** for the period of a year, given that the DVLA points reported did not make the applicant an unfit person.

On a division, there voted:

For the Motion	(2)	Councillors Hendry and Hood.
For the Amendment	(4)	Councillors Cowling, Evison, Pratt, and Shand.

The amendment was therefore carried and the Sub-Committee **agreed**, by a majority, to **grant** the licence for a period of a year.

**15. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 893)**

There had been circulated a report dated 6 April, 2017, 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 submitted an objection; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

**16. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR RENEWAL OF WINDOW CLEANER'S LICENCE (CASE NO. 894)**

There had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to the renewal of a window cleaner's licence, on which the Chief Constable had made representation; and (2) detailed information relevant to the application.

Having heard from the applicant's representative, and from the representative of the Chief Constable, Councillor Shand moved, seconded by Councillor Pratt, that the Sub-Committee **renew** the window cleaner's licence for a period of three years, on the basis that the submissions had not proved the applicant unfit to hold such a licence.

Councillor Hendry moved as an amendment, seconded by Councillor Hood, that the Sub-Committee **refuse** the application for renewal of window cleaner's licence, as the submissions demonstrated the applicant to be not a fit and proper person to hold a licence.

On a division, there voted:

For the Motion (4) Councillors Cowling, Evison, Pratt, and Shand.  
For the Amendment (2) Councillors Hendry and Hood.

The Motion was therefore carried and the Sub-Committee **agreed** by a majority to **grant** the renewal of licence for a three year period.

**17. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR ITINERANT METAL DEALER’S LICENCE (CASE NO. 895)**

There had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of an itinerant metal dealer’s licence, in respect of which the Chief Constable had submitted an objection; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

**18. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A SKIN PIERCING AND TATTOO LICENCE (CASE NO. 896)**

There had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a skin piercing and tattoo licence, in respect of which an objection had been received; and (2) detailed information relevant to the application.

The Sub-Committee heard from the Senior Solicitor that, as the objection had been withdrawn, the application would be approved. The Sub-Committee **noted** the withdrawal of the application.

## APPENDIX B

### BUSINESS SERVICES COMMITTEE

#### SPECIAL MEETING OF LICENSING SUB-COMMITTEE

##### GORDON HOUSE, INVERURIE, 21 APRIL, 2017

- Present:** Councillors P J Argyle, PW Bellarby, F McRae, C H Nelson, and D Stewart.
- Officers:** Senior Solicitor (F Stewart), Trainee Solicitor (A Toye), and Committee Officer (J McRobbie).
- In attendance:** Chief Inspector Kevin Keogh and Sergeant G Flett (Police Scotland).

Prior to the commencement of the business of the meeting, the Sub-Committee unanimously **agreed** that Councillor Argyle chair the special meeting.

#### 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 to 6 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.

Having heard from the Senior Solicitor regarding the order of business proposed for consideration, the Sub-Committee **agreed** to hear case 859 (Application for renewal of

Housing in Multiple Occupation Licence) before Case No 857 (Request for revocation of existing Housing in Multiple Occupation Licence).

### 3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 847)

With reference to the Minute of Meeting of 19 August, 2016, (Item 4(b)), there had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to 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's representative, and from the representative of the Chief Constable, Councillor Argyle moved, seconded by Councillor McRae, that the Sub-Committee **refuse** the application on the grounds of public safety and that the applicant had been demonstrated not to be a fit and proper person.

Councillor Bellarby moved as an amendment, seconded by Councillor Nelson, that the Sub-Committee **grant** the application for a period of three years, on the basis that it had not been evidenced that the applicant was unfit to hold such licence, or a threat to public safety.

On a division, there voted:

For the Motion	(3)	Councillors Argyle, McRae, and Stewart.
For the Amendment	(2)	Councillors Bellarby and Nelson.

The Motion was therefore carried and the Sub-Committee **agreed**, by a majority, that the application be **refused**, on the grounds of public safety and that the applicant was not a fit and proper person to hold such a licence.

### 4. HOUSING (SCOTLAND) ACT 2006 – REQUEST FOR REVOCATION OF HOUSES IN MULTIPLE OCCUPATION LICENCE (CASE NO. 858)

With reference to the Minute of Meeting of 19 August, 2016, (Item 5(b)), there had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to the revocation of a licence for Houses in Multiple Occupation, in respect of which the Chief Constable had made representation; and (2) detailed information relevant to the application.

The Sub-Committee heard from the Senior Solicitor that the licence having been transferred to another individual, the application for revocation fell.

The Sub-Committee **noted** that the revocation request had been withdrawn.

### 5. HOUSING (SCOTLAND) ACT 2006 –APPLICATION FOR RENEWAL OF HOUSES IN MULTIPLE OCCUPATION LICENCE (CASE NO. 859)

With reference to the Minute of Meeting of 19 August, 2016, (Item 5(c)), there had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to the application for the renewal of a licence for Houses in Multiple Occupation, in respect of which the Chief Constable had made representation; and (2) detailed information relevant to the application.

Having noted that, in terms of the Housing (Scotland) Act, the term "representation" carried the same weight as "objections" lodged in terms of the Civic Government (Scotland) Act for

other licences, the Sub-Committee heard from the applicant's representative, two objectors, and the Chief Constable's representative.

The Sub-Committee **agreed**, unanimously, to **grant** the application for renewal of a Houses in Multiple Occupancy licence on the grounds that it had not been evidenced, in terms of the Housing (Scotland) Act, that the applicant was an unfit person to hold the licence.

**6. HOUSING (SCOTLAND) ACT 2006 – REQUEST FOR REVOCATION OF HOUSES IN MULTIPLE OCCUPATION LICENCE (CASE NO. 857)**

With reference to the Minute of Meeting of 19 August, 2016, (Item 5(a)), there had been circulated a report dated 6 April, 2017 by the Director of Business Services, which (1) requested that consideration be given to the request for the revocation of an existing licence for Houses in Multiple Occupation, in respect of which the Chief Constable had made representation; and (2) detailed information relevant to the application.

The representative of the Chief Constable advised the Sub-Committee that he wished the request for revocation to be withdrawn.

The Sub-Committee **noted** that the application had been withdrawn.

