

ABERDEENSHIRE COUNCIL

BUSINESS SERVICES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 11 JANUARY, 2018

Present: Councillors J N Gifford (Chair), M J Roy (Vice-Chair), K I Adam, P J Argyle (as substitute for Councillor I Davidson), L Berry, A C Duncan, A C Forsyth, F C P Hood, G E Petrie, C R Pike (as substitute for Councillor J D Hutchison), G Reid, N J Smith and R G Thomson.

Apologies: Councillors I Davidson, J D Hutchison and H Partridge,

Officers: Director of Business Services, Head of Finance, Acting Service Manager (Governance) and Acting Principal Committee Services Officer.

1. DECLARATION OF MEMBERS' INTERESTS

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

2A. PUBLIC SECTOR EQUALITY DUTY

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

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality 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.

2B. EXEMPT INFORMATION

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

Item No	Paragraph No of Schedule 7A
5	8 & 10
6	8

3. MINUTE OF MEETING OF THE BUSINESS SERVICES COMMITTEE OF 16 NOVEMBER, 2017

There was circulated and **approved** as a correct record the Minute of Meeting of the Committee of 16 November, 2017.

4. REVIEW OF THE PERFORMANCE OF THE TREASURY MANAGEMENT FUNCTION AND INVESTMENTS FOR THE PERIOD TO 30 SEPTEMBER, 2017

Consideration was given to a circulated report dated 9 November, 2017, by the Head of Finance, which detailed performance in relation to treasury management and investment activity for the period to 30 September, 2017, documenting compliance and monitoring in relation to the Treasury Management Strategy Statement and Prudential Indicators for the period between 1 April and 30 September, 2017. The report provided information on specific investments undertaken by the Council, a review of the money market and outlined the extent of loan and borrowing activities.

Having **noted** the details of the review, together with members' comments in respect of counterparties and specific investment activity, the Committee **agreed** that a report should be submitted to the meeting on 14 September, 2018, on the outturn review of the performance of the Treasury Management function for the period between 1 April, 2017, and 31 March, 2018.

5. BIOMASS FUEL SUPPLY CONTRACT

With reference to the Minute of Meeting of the Committee of 14 September, 2017 (Item 8), when approval had been given to a supplementary workplan for financial year 2017 / 2018, including a contract for biomass fuel supply, there was circulated a report dated 19 December, 2017, by the Director of Business Services, which (1) explained the background to the Council's contractual needs for the supply of biomass fuel, together with associated services and (2) provided details of the tenders received for the supply and delivery of biomass pellets and chip.

After consideration, and having noted members' comments regarding the respective calorific values of different types of fuel and Property costs, the Committee:-

- (1) **noted** the total forecast expenditure for the project of £1,616,812.38, inclusive of associated costs, as detailed within the report,
- (2) **authorised** acceptance of the tender submitted by Puffin Energy Ltd, in the revised sum of £1,571,662.50, being the lowest tender received, for the supply of the contract, and
- (3) **noted** that information on cost comparisons between biomass and other types of fuel would be supplied to elected members through a briefing note, also providing a list of Council properties currently utilising biomass fuel.

6. SUPPLEMENTARY WORK PLAN 2017/18

With reference to the Minute of Meeting of the Committee of 20 April, 2017 (Item 8), when approval had been given to the annual work plan for Business Services for financial year 2017 /2018, there was circulated and **noted** a report dated 20 December, 2017, by the Director of Business Services, which provided details of additional projects which were proposed for inclusion within the work plan.

Thereafter, and having **noted** that an update report would be submitted to a future meeting on progress made in respect of equal pay claims, the Committee **approved** the addition of the items on the supplementary work plan to the annual Business Services work plan for 2017 / 2018.

7. SUB-COMMITTEE MINUTES

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

- (1) the meeting of the Licensing Sub-Committee of 6 October, 2017, and
- (2) the special meeting of the Licensing Sub-Committee of 15 November, 2017.

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APPENDIX A

MEETING OF LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 6 OCTOBER, 2017

- Present:** Councillors F C P Hood (Chair); R Bruce, C Buchan (as substitute for Cllr Evison), A Forsyth, D Lonchay, D Robertson, EA Stirling, and I Taylor (as substitute for Cllr M Roy).
- Apologies:** Councillors A Evison, and M Roy.
- Officers:** Senior Solicitor (Governance) (F Stewart), Administrator, Legal & Governance (J MacDonald), and Committee Officer (J McRobbie).
- In attendance:** Sergeant Gill Flett (Police Scotland; and Sergeant Kim Wood (Observer)).

1. DECLARATION OF MEMBERS' INTERESTS.

Cllr Robertson declared an interest in Item 9, as having previously worked for the organisation which employed applicant (Case No. 916), but advised that the interest was not substantial and that he would take part in the discussion.

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 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) CONFIDENTIAL INFORMATION

The Committee **noted** that, in terms of Sections 50A (2) of the Local Government (Scotland) Act 1973, as amended, for Items 4- 11 of the business on account of the likely disclosure of confidential information.

3. MINUTE OF MEETING OF 18 AUGUST, 2017

There had been circulated and was approved as a correct record the Minute of Meeting of the Licensing Sub-Committee of 18 August, 2017.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 905)

With reference to the Minute of Meeting of the Licensing Sub-Committee of 18 August, 2017, (Item 10), there had been circulated a report dated 20 September, 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. It was noted that the matter had been deferred from determination at the previous meeting, pending the attendance of an interpreter to assist the applicant in understanding.

Having heard from the applicant and the Chief Constable’s representative, the Sub-Committee unanimously **agreed** to GRANT the application for a taxi driver’s licence on the basis that the applicant was a fit and proper person to hold a licence, but that the duration of the licence be restricted to a period of a year.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 912)

There had been circulated a report dated 20 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for 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 Chief Constable’s representative, the Sub-Committee unanimously **agreed** to defer consideration of the application to the next meeting, anticipating the receipt of additional information on a case currently sub-judice.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 913)

There had been circulated a report dated 20 September, 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 heard from the applicant, and the Chief Constable’s representative, the Sub-Committee unanimously **agreed** to GRANT the application for a taxi driver’s licence on the basis that the applicant was a fit and proper person to hold a licence, but that the duration of the licence be restricted to a period of a year.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 914)

There had been circulated a report dated 20 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for 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 his agent, and the Chief Constable’s representative, the Sub-Committee unanimously **agreed** to GRANT the application for a taxi driver’s licence on the basis that the applicant was a fit and proper person to hold a licence, but that the duration of the licence be restricted to a period of a year.

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE RENEWAL OF TAXI DRIVER’S LICENCE (CASE NO. 915)

There had been circulated a report dated 20 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of a taxi driver’s licence, in respect of which the Chief Constable had made representation, and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the Chief Constable’s representative, the Sub-Committee **agree**, by a majority, to refuse the application for renewal on the basis that the applicant was not a fit and proper person to hold a licence by reason of his previous convictions and recent conduct.

9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 916)

There had been circulated a report dated 21 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for 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 unanimously **agreed** to GRANT the application for a taxi driver’s licence on the basis that the applicant was a fit and proper person to hold a licence, but that the duration of the licence be restricted to a period of a year.

10. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 917)

There had been circulated a report dated 20 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for 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 that the applicant had advised officers that he was unable to attend the meeting, the Sub-Committee **agreed** to defer consideration of the application to the next meeting of the Sub-Committee.

11. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE RENEWAL OF TAXI DRIVER’S LICENCE (CASE NO. 918)

There had been circulated a report dated 20 September, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal 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 heard from the applicant, and the Chief Constable’s representative, the Sub-Committee unanimously **agreed** to Grant the renewal of a taxi driver’s licence for the full three year period on the basis that the applicant was a fit and proper person to hold a licence.

12. LATE RENEWAL APPLICATIONS – DELEGATION OF AUTHORITY TO ACCEPT ON CAUSE SHOWN

The Sub-Committee **noted** that this report had been withdrawn on the basis of extant delegated authority which would be reported to Council in November, 2017 for updating of the Scheme of Governance.

APPENDIX B

MEETING OF LICENSING SUB-COMMITTEE

WOODHILL HOUSE, ABERDEEN, 15 NOVEMBER, 2017

- Present:** Councillors FCP Hood (Chair), R Bruce, C Buchan (as substitute for Cllr Evison, items 5 and 6), A Forsyth, D Lonchay, D Robertson, M Roy, and EA Stirling.
- Apologies:** Councillor Evison.
- Officers:** Senior Solicitor (F Stewart), Solicitor (Governance) (I Meredith); Senior Committee Officer (A Bell); and Committee Officer (J McRobbie).
- In attendance:** Sgt G Flett, (Police Scotland); and S Cowie, (Members' Support Assistant).

1. DECLARATION OF MEMBERS' INTERESTS.

No interests were declared by any member of the 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 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) CONFIDENTIAL INFORMATION

The Committee **noted** that, in terms of Sections 50A (2) of the Local Government (Scotland) Act 1973, as amended, for Items 3- 6 of the business on account of the likely disclosure of confidential information.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SCHEDULE 1, PARAGRAPH 11 – REQUEST FOR THE SUSPENSION OF TAXI DRIVER'S LICENCE (CASE NO. 919)

There had been circulated a report dated 20 October, 2017, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the

Chief Constable, seeking the suspension of a taxi driver's licence, and (2) detailed information relevant to the request.

In the absence of the licence-holder, the Sub-Committee heard from the Chief Constable's representative of the grounds on which the suspension was requested.

Cllr Robertson moved, seconded by Cllr Lonchay, that, in considering the tests for suspension, the Sub-Committee considered the licence holder's activity had caused a threat to public safety.

Cllr Stirling moved as an amendment, seconded by Cllr Roy, that the Sub-Committee defer consideration of the requested suspension at the next meeting, in order that the licence holder may be afforded a further opportunity to put their side of the case.

On a division, there voted:

For the Motion:	(2)	Cllrs Forsyth, and Robertson.
For the Amendment:	(5)	Cllrs Hood, Bruce, Lonchay, Roy, and Stirling.
Absent from the division:	(1)	Cllr Buchan.

The Sub-Committee therefore **agreed** to defer consideration of the matter to the meeting on 1 December, 2017.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SCHEDULE 1, PARAGRAPH 11 – REQUEST FOR THE SUSPENSION OF TAXI DRIVER'S LICENCE (CASE NO. 920)

There had been circulated a report dated 23 October, 2017, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension of a taxi driver's licence, and (2) detailed information relevant to the request.

Having heard from the licence-holder, and the Chief Constable's representative, the Sub-Committee **agreed** by a majority, that the licence-holder's activity had caused a threat to public order and safety.

In respect of the consideration of fit and proper person, the Sub-Committee **agreed**, by a majority, that the licence-holder was no longer a fit and proper person to hold a taxi-driver's licence.

The Sub-Committee **noted** that contravention of licence conditions and the immigration offence sections did not apply in this case.

The Sub-Committee **agreed**, by a majority, that the licence be suspended.

The Sub-Committee, having determined that the licence be suspended, on the basis that the holder was not a fit and proper person and had caused a threat to public safety, considered the term of that suspension.

Cllr Robertson moved, seconded by Cllr Roy, that the suspension be for a period of three months.

Cllr Bruce moved as an amendment, seconded by Cllr Stirling, that the suspension be for a period of six months.

On a division, there voted:

For the Motion:	(4)	Cllrs Forsyth, Lonchay, Robertson, and Roy.
For the Amendment:	(3)	Cllrs Hood, Bruce, and Stirling.

Absent from the division: (1) Cllr Buchan.

The motion was therefore carried and the Sub-Committee **agreed** to suspend the licence for a period of three months.

**5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SCHEDULE 1, PARAGRAPH 11
– REQUEST FOR THE SUSPENSION OF TAXI DRIVER’S LICENCE (CASE NO. 921)**

There had been circulated a report dated 23 October, 2017, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension of a taxi driver’s licence, and (2) detailed information relevant to the licence.

In the absence of the licence-holder, and having heard from the Chief Constable’s representative, the Sub-Committee **agreed**, unanimously, that the licence-holder’s activity had caused a threat to public order and safety.

In respect of the consideration of fit and proper person, the Sub-Committee **agreed**, unanimously, that the licence-holder was no longer a fit and proper person to hold a taxi-driver’s licence.

The Sub-Committee **noted** that contravention of licence conditions and the immigration offence sections did not apply in this case.

The Sub-Committee **agreed**, unanimously, that the licence be suspended.

The Sub-Committee, having determined that the licence be suspended, on the basis that the holder was not a fit and proper person and had caused a threat to public safety, considered the term of that suspension.

Cllr Roy moved, seconded by Cllr Forsyth, that the licence be suspended to the unexpired period, i.e. to 3 December, 2018.

Cllr Robertson moved as an amendment, seconded by Cllr Buchan, that the licence be suspended for a period of six months.

On a division, there voted:

For the Motion: (4) Cllrs Hood, Bruce, Forsyth, and Roy.
For the Amendment: (4) Cllrs Buchan, Lonchay, Robertson, and Stirling.

There being an equality of votes cast, the Chair used his casting vote in favour of the Motion, and the Sub-Committee **agreed** that the licence be suspended for the unexpired period, to 3 December, 2018.

**6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SCHEDULE 1, PARAGRAPH 11
– REQUEST FOR THE SUSPENSION OF TAXI DRIVER’S LICENCE (CASE NO. 922)**

There had been circulated a report dated 20 October, 2017, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension of a taxi driver’s licence, and (2) detailed information relevant to the licence.

In the absence of the licence-holder, and having heard from the Chief Constable’s representative, the Sub-Committee **agreed**, unanimously, that the licence-holder’s activity had caused a threat to public order and safety.

In respect of the consideration of fit and proper person, the Sub-Committee **agreed**, unanimously, that the licence-holder was no longer a fit and proper person to hold a taxi-driver's licence.

The Sub-Committee **noted** that contravention of licence conditions and the immigration offence sections did not apply in this case.

The Sub-Committee **agreed**, unanimously, that the licence be suspended.

The Sub-Committee, having determined that the licence be suspended, on the basis that the holder was not a fit and proper person and had caused a threat to public safety, considered the term of that suspension and **agreed**, unanimously, that the licence be suspended to its unexpired period, i.e. to 20 April, 2018..

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