

ABERDEENSHIRE COUNCIL

BUSINESS SERVICES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 19 APRIL, 2018

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

Apologies: Councillors K I Adam, J D Hutchison, H Partridge and R G Thomson.

Officers: Director of Business Services, Head of Property & Facilities Management, Corporate Finance Manager, Policy Performance & Improvement Manager, Acting Principal Solicitor (Michele Pittendreigh) and Senior Committee Officer (Allan Bell), all Business Services.

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 interests were declared.

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 of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

2B. EXEMPT 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
6	9
7	6
8	9
9	8

3. MINUTE OF MEETING OF THE BUSINESS SERVICES COMMITTEE OF 8 MARCH, 2018

On consideration of the circulated Minute of Meeting of the Committee of 8 March, 2018, members **agreed** to amend Item 5 to read "Office", instead of "Officer". The Minute was thereafter **approved** as a correct record and signed by the Chair.

4. COUNCIL PLAN 2017-2022 - DELIVERY

With reference to the Minute of Meeting of Aberdeenshire Council of 23 November, 2017 (Item 10), when approval had been given to the Council Plan 2017-2022, there was circulated a report dated 28 February, 2018, by the Director of Business Services, which (1) explained that, since its approval, officers had concentrated on the development of the governance, performance and scrutiny arrangements for the Council Plan, with each priority led by a specific directorate of the Council, (2) advised that actions and measures of success had been compiled into delivery plans for each priority and (3) indicated that the Business Services Committee required to scrutinise the delivery plans attached to the report, in respect of delivering responsible, long-term financial planning and having the right people, in the right place, doing the right thing, at the right time.

Thereafter, and having **noted** members' comments regarding training on the General Data Protection Regulations, Place Plans, a contracts register, the inclusion of Peterhead Campus in the list of capital projects and job evaluation, the Committee:-

- (1) **agreed** the Council Plan 2017-2022 priorities for scrutiny,
- (2) **agreed** the delivery plans and proposed measures of success, and
- (3) **instructed** the Director of Business Services to report progress to members, on a six monthly basis, providing evidence of progress in delivering the Council Plan.

5. EQUALITIES MAINSTREAMING AND OUTCOMES - UPDATE

Consideration was given to a circulated report dated 23 March, 2018, by the Director of Business Services (1) which updated members on the Council's progress against the equality outcomes contained within the Mainstreaming and Equalities Report 2017-2021, (2) which advised that, in order to meet its legislative obligations, the Council, the Education Authority and the three Aberdeenshire Licensing Boards were required to report by 30 April, 2019, on progress in making equalities integral to their activities and in respect of the equality outcomes 2017-2021 and (3) to which was appended a progress statement on equalities outcomes.

Thereafter, and having **noted** members' comments regarding the needs of lesbian, gay, bisexual and transgender (LGBT) individuals, Budget Equality Impact Assessments, public toilet facilities for persons with a disability, and the measurement of the success of equalities approaches, the Committee **noted** and **acknowledged** the Council's Equalities Mainstreaming and Outcomes progress statement, and **agreed** to receive a further progress report in 2019 on the outcomes contained within the Mainstreaming and Equalities Report 2017-2021, for the period between 2017 and 2019.

6. WOODHILL HOUSE LEASE EXTENSION – DXC ENTSEV UK LTD (DXC)

On consideration of a circulated report by the Director of Business Services, which explained that the existing lease of a part of Woodhill House, Aberdeen, to DXC Entserv UK Ltd (DXC), formerly known as Hewlett Packard Enterprises UK Ltd, was due to expire on 21 April, 2018, the Committee **approved** the lease extension and variation to DXC, on the terms specified within the report.

7. BAD DEBTS WRITE-OFF

On consideration of a circulated report dated 5 March, 2018, by the Director of Business Services, which provided details of three irrecoverable debts owed to the Council, the Committee **agreed** that these should be written off, as detailed within the report.

Thereafter, members **requested** that Finance officers arrange a workshop session for the Committee in respect of the Council's debt recovery procedures.

8. BUCHAN HOUSE - POLICE OFFICE EXTENSION AND LEASE

With reference to the Minutes of Meeting of (1) the Policy and Resources Committee of 17 November, 2016, (Item 36, Page 815), when approval had been given to the construction of an extension to Buchan House, Peterhead, at an estimated cost of £1,517,300 (plus fees of £19,634) and (2) Buchan Area Committee of 17 April, 2018 (Item 17), when it had been agreed to recommend to the Business Services Committee approval of the construction of the extension, there was circulated a report dated 14 March, 2018, by the Director of Business Services, which (1) explained the background to the construction of the extension, to be leased to Police Scotland and (2) provided a detailed breakdown of the financial implications to the Council and the cost phasing for the project.

After consideration, the Committee:-

- (1) **agreed** to the construction of the extension to Buchan House and for the design process to proceed, with a target date for completion of May, 2019, and
- (2) **noted** that Buchan Area Committee had recommended approval of (a) the addition of the project to the Supplementary Workplan, (b) the business case for the project, (c) the total project cost, as contained within the report, and that the project should proceed to tender, (d) the lease of the proposed extension to the Scottish Police Authority, on the terms and conditions contained within the report, subject to Scottish Police Authority Full Board approval and (e) notwithstanding the provisions of Financial Regulation 5.3.15, Robertson Construction being the preferred bidder, as approved by the Head of Commercial and Procurement.

9. SUPPLEMENTARY WORKPLAN 2018/19 FOR BUSINESS SERVICES DIRECTORATE – PROCUREMENT APPROVAL

With reference to the Minute of Meeting of the Committee of 8 March, 2018 (Item 7), when approval had been given to the annual Workplan for the Business Services Directorate for financial year 2018/19, there was circulated and **noted** a report dated 3 April, 2018, by the Director of Business Services, which provided details of additional projects proposed for inclusion within the Workplan.

Thereafter, the Committee:-

- (1) **approved** the items on the Supplementary Workplan identified as falling within the remit of the Committee,
- (2) **approved** the business cases of all the items on the Supplementary Workplan, with the exception of the banking services contract,
- (3) **agreed** to reserve approval of the business case for banking services, to be thereafter delegated to the Director of Business Services, after consultation with the Chair, Vice-Chair and the spokesperson of the main opposition group, and
- (4) **instructed** officers to circulate information to members of the Committee on the detail of the business case for the banking services contract.

10. 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 2 February, 2018, and
- (2) the special meeting of the Licensing Sub-Committee of 9 March, 2018.

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APPENDIX A

MEETING OF LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE 2 FEBRUARY, 2018

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

1. DECLARATION OF MEMBERS' INTERESTS.

Cllr Roy declared an interest in Item 6, as the applicant was a constituent, of whose business he was aware. As this was not a substantial interest, he indicated that he would take part in the discussion.

2. 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.

3. RESOLUTIONS - CONFIDENTIAL INFORMATION

The Sub-Committee **noted** that, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, as amended, for Items 5 - 7, of the business should be taken in private, on account of the likely disclosure of confidential information.

4. MINUTE OF MEETING OF 1 DECEMBER, 2017

There had been circulated and was **approved** as a correct record, subject to the amendment of Item 7, paragraph 10, to correct the spelling of Cllr Forsyth, the Minute of Meeting of the Licensing Sub-Committee of 1 December, 2017.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 936)

There had been circulated a report dated 17 January, 2018 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 **agreed** by a majority, to refuse the application for a taxi driver’s licence on the basis that the applicant was not a fit and proper person to hold a licence by reason of his previous convictions.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – REQUEST FOR THE RENEWAL OF TAXI DRIVER’S LICENCE (CASE NO. 937)

There had been circulated a report dated 16 January, 2018 by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of at Taxi Driver’s Licence, in respect of which the Chief Constable had made representation, and (2) detailed information relevant to the application.

The Sub-Committee were advised that the applicant had requested that consideration of the renewal be deferred as they were currently on a pre-booked holiday.

The Sub-Committee **agreed** to defer consideration of the application to the meeting of the Sub-Committee to be held on 20 April, 2018.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – PARAGRAPH 12 OF SCHEDULE 1 - REQUEST FOR THE IMMEDIATE SUSPENSION OF A TAXI DRIVER’S LICENCE (CASE NO. 938)

There had been circulated a report dated 18 January, 2018, by the Director of Business Services, which (1) requested that consideration be given to a request from the Chief Constable for the immediate suspension, in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, of a taxi driver’s licence and (2) detailed information relevant to the application.

Having heard from the Chief Constable’s representative that, as the matter was still sub-judice, with the case to be called in court on 5 March, 2018, there was no additional information available to Members, the Sub-Committee **agreed** by a majority, that the allegations were justified on the basis that there was sufficient information for the Procurator Fiscal to pursue the matter at court.

Thereafter the Sub-Committee unanimously **agreed** that the activity to which the licence related was likely to cause a threat to public safety.

Thereafter the Sub-Committee unanimously **agreed** to immediately suspend the taxi driver’s licence in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, and that the suspension hearing be scheduled for Friday, 9 March, 2018.

8. LICENSING OF FUNFAIRS (SCOTLAND) BILL - CONSULTATION

There had been tabled a report dated 31 January, 2018 by the Director of Business Services (a) providing information on the Scottish Government's consultation on the Licensing of Funfairs (Scotland) Bill which suggested that the funfairs no longer require to have Public Entertainment Licences but be processed in terms of a bespoke licensing regime and (b) proposing, given the date for responses, that comments from Members be collated by the Director in consultation with the Chair, for submission to the Government.

There was discussion of the current variations of funfair licensing across Scotland; the operational reasons which might justify these differences in timescale and level of fees; and the English unified process which the trade appeared to be in support of in Scotland.

The Sub-Committee **agreed:-**

- (1) that Members' complete the proforma questions as detailed on pages 17 to 20 of the report, to allow ease of compilation into a single response;
- (2) that as a matter of principle, the setting of charges should remain in local authority hands, seek for full cost recovery at the very least, and relate to the work to be undertaken to approve any licensing and scope of activity for which the licence was required;
- (3) to suggest that even with local variation, there is a justification for more consistency in timescale for approvals, depending on the volume of work to be done;
- (4) that consideration be given to improving the process by allowing for online applications; and
- (5) that the approved submission, when collated, be circulated to Members for their information.

Councillor F C P Hood (Chair)

APPENDIX B

SPECIAL MEETING OF LICENSING SUB-COMMITTEE

WOODHILL HOUSE, ABERDEEN, 9 MARCH, 2018

Present: Councillors F C P Hood (Chair); C Buchan (as substitute for Cllr Evison,) R Bruce, A Forsyth, D Lonchay, and D Robertson.

Apologies: Cllrs Evison, Roy, and Stirling.

Officers: Solicitor (Governance) (I Meredith); and Committee Officer (J McRobbie).

In attendance: Sergeants Gill Flett and Kim Wood (Police Scotland).

1. DECLARATION OF MEMBERS' INTERESTS.

No interests were declared.

2. 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.

3. RESOLUTION - CONFIDENTIAL INFORMATION

The Sub-Committee **noted** that, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, as amended, item 4 of the business should be taken in private, on account of the likely disclosure of confidential information.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – PARAGRAPH 11 OF SCHEDULE 1 - REQUEST FOR THE SUSPENSION/ REVOCATION OF A TAXI DRIVER'S LICENCE (CASE NO. 938)

With reference to the Minute of Meeting of 2 February, 2018 (Item 7), there had been circulated a report dated 26 February, 2018 by the Director of Business Services, (a) advising that a request for revocation/ suspension of a Taxi Driver's Licence had been received from the Chief Constable and (b) providing details about the licence.

Members heard from the Solicitor (Governance) of the distinctions between revocation and suspension, both at the Sub-Committee's discretion.

In the absence of the applicant, and having heard from the Chief Constable's representative as to the details of the court case, where the applicant had pled guilty to the charges but not yet been sentenced, the Sub-Committee unanimously **agreed** that the carrying on of the licensed activity was likely to cause a threat to public safety.

The Sub-Committee unanimously **agreed** that the applicant was not a fit and proper person to hold a taxi driver's licence by reason of contravention of traffic acts by being guilty of drunk driving.

The Sub-Committee thereafter unanimously **agreed** that the taxi driver's licence be revoked, for the reasons of public safety and on the grounds that the applicant was not a fit and proper person, as determined above.

Councillor F C P Hood (Chair)

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