

ABERDEENSHIRE COUNCIL

BUSINESS SERVICES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 28 FEBRUARY, 2019

Present: Councillors J Gifford (Chair), M Roy (Vice-Chair), K Adam, L Berry, G Blackett, J Cox (as substitute for Councillor I Davidson), A Duncan, E Durno, A Forsyth, F Hood, J Hutchison, N Smith and R Thomson.

Apologies: Councillors I Davidson and H Partridge.

Officers: Director of Business Services, Head of Property and Facilities Management, Corporate Finance Manager, Principal Solicitor (Governance) and Senior Committee Officer (Allan Bell).

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	12
7	9
8	9
9	8
10	8
11	8
12	8

3. MINUTE OF MEETING OF THE COMMITTEE OF 10 JANUARY, 2019

On consideration of the circulated Minute of Meeting of the Committee of 10 January, 2019, members **approved** it as a correct record, after which the Minute was signed by the Chair.

4. FINANCIAL MONITORING AS AT 31 DECEMBER, 2018

With reference to the Minute of Meeting of Aberdeenshire Council of 8 February, 2018 (Item 4), when approval had been given to the draft Revenue Budget for financial year 2018/19 and the Capital Plan 2018-2033, there was circulated a report by the Director of Business Services, which (1) detailed the forecast outturn for the period to 31 December, 2018, for both the Revenue Budget and Capital Plan, (2) explained the current Revenue Budget monitoring position for the Council, with accompanying narrative detailing reasons for major variances to the Budget, particularly in respect of vacancy management and customer transactions and (3) detailed the current position in respect of expected expenditure and income on projects contained within the Business Services part of the Council's non-Housing Revenue Account (HRA) Capital Budget, as revised.

Having **noted** members' comments in respect of the use of technology to improve customer service provision, options for generating income, savings through improved payment systems, and insurance claims, the Committee:-

- (1) **noted** the Revenue and Capital Budget monitoring position, as at 31 December, 2018, and
- (2) **agreed** and **noted** Revenue Budget virements, as set out within an appendix to the report, to be submitted to a meeting of Aberdeenshire Council for approval.

5. REVIEW OF THE PERFORMANCE OF THE TREASURY MANAGEMENT FUNCTION AND INVESTMENTS FOR THE PERIOD TO 30 SEPTEMBER, 2018

Consideration was given to a circulated report dated 14 January, 2019, by the Director of Business Services, which detailed performance in relation to treasury management and investment activity for the period to 30 September, 2018, documenting compliance and monitoring in relation to the Treasury Management Strategy Statement and Prudential Indicators for the period between 1 April and 30 September, 2018. 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, the Committee **agreed** that a report should be submitted, after the end of the financial year, on the outturn review of the performance of the Treasury Management function for the period between 1 April, 2018 and 31 March, 2019.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF TAXI BOOKING OFFICE LICENCE.

With reference to the Minute of Meeting of Formartine Area Committee of 5 June, 2018 (Item 13), when it had been agreed unanimously to refuse an application for a taxi booking office licence, there was circulated a report dated 13 February, 2019, by the Director of Business Services, which (1) explained that the decision had been appealed to the Sheriff Court, when the Sheriff had ruled that the application be referred back to the Council for redetermination by a differently-constituted committee and (2) advised that an amendment to the remit of the Licensing Sub-Committee was sought to enable it to consider the referred application.

Thereafter, the Committee **agreed** to amend the remit of the Licensing Sub-Committee with the addition of the following wording, “the consideration and determination of any appropriate application referred to the Council, as Licensing Authority, for reconsideration where the determination had been made by an area committee.”

7. PROPOSED SALE OF SITE AT SOUTH HARBOUR ROAD, FRASERBURGH.

With reference to the Minutes of Meetings of (1) Banff and Buchan Area Committee of 6 November, 2018 (Item 15) and (2) the Committee of 10 January, 2019 (Item 7), when it had been agreed to defer determination of the sale of a site at South Harbour Road, Fraserburgh, until the next meeting, in order to enable officers to seek clarity on the detail of offers submitted and to provide members with as much relevant information relating to the site as possible, there was circulated a report dated 6 February, 2019, by the Director of Business Services, which (1) explained the background to the proposed sale of the site and (2) provided details of the offers received.

Thereafter, the Committee **agreed** to instruct officers to seek to agree terms to sell the site at South Harbour Road, Fraserburgh, to George West Ltd, at a price of £700,000.

8. PROPOSED SALE OF GLENUGIE BUSINESS CENTRE AND 53 WINDMILL STREET, PETERHEAD

With reference to the Minutes of Meetings of Buchan Area Committee of (1) 12 December, 2017 (Item 13) and (2) 9 October, 2018 (Item 15), at both of which consideration had been given to an offer for the proposed sale of Glenugie Business Centre and 53 Windmill Street, Peterhead, and (3) 4 December, 2018 (Item 11), when members had agreed to refuse to accept the revised sale price, as detailed within the report, there was circulated a report dated 25 January, 2019, by the Director of Business Services, which (1) explained the background to the proposed sale of the site, (2) outlined considerations which had arisen in the intervening period and (3) highlighted a proposed revised strategy for the use of the premises.

After consideration, the Committee:-

- (1) **agreed** to refuse to accept the offer received for Glenugie Business Centre and 53 Windmill Street, Peterhead, from the preferred purchaser, at a revised sale price of £100,000,
- (2) **agreed** to investigate new options for the use of the site, as detailed within the report, and
- (3) **instructed** officers to submit a report thereon to a meeting of Buchan Area Committee at the earliest opportunity.

9. ANNUAL WORK PLAN 2019/2020 FOR THE BUSINESS SERVICES DIRECTORATE – PROCUREMENT APPROVAL

Consideration was given to a circulated report dated 14 February, 2019, by the Director of Business Services (1) which advised that the Scheme of Governance had introduced changes to the Council’s financial management arrangements, including aligning Service budget responsibility with policy committees, front loading procurement measures and increasing expenditure thresholds for officers, (2) to which was appended the Annual Work Plan for 2019/2020 for the Business Services Directorate, including description of works, goods or services to be procured, estimated start and end dates, estimated total value, value to be approved, proposed extension period and relevant Service, (3) which explained that approval of the items in the Work Plan was the first stage of the approval process and (4) which provided a business case for the item relating to the provision of mail services.

After consideration, the Committee:-

- (1) **noted** the Directorate Work Plan appended to the report,
- (2) **approved** the items on the Work Plan identified as falling within the remit of the Business Services Committee,
- (3) **approved** the business case for the item relating to DX Mail Services,
- (4) **agreed** not to reserve approval of the business case for any of the items on the Work Plan, where the value of the matter was between £50,000 and £1,000,000, and
- (5) **requested** officers to provide members of the Committee with access to the detailed business cases of five specified projects within the Work Plan, as detailed at the meeting.

10. SUPPLEMENTARY WORK PLAN 2018/2019 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 Directorate Work Plan for financial year 2018/2019, there was circulated a report dated 24 January, 2019, by the Director of Business Services, which provided details of an additional projects proposed for inclusion within the Work Plan.

After consideration, the Committee:-

- (1) **noted** the Business Services Directorate Supplementary Work Plan, as contained within an appendix to the report,
- (2) **approved** the addition of the item on the Supplementary Work Plan to the Directorate Work Plan, and
- (3) **agreed** not to reserve approval of the business case for the item on the Supplementary Work Plan.

11. HARD FACILITIES MANAGEMENT (HARD FM) UPDATE

With reference to the Minutes of Meetings of (1) the Policy and Resources Committee of (a) 11 June, 2015 (Item 27), when approval had been given to the procurement of a single outsourced provider for the delivery of all reactive and cyclical maintenance (including minor works) for non-housing stock and (b) 14 January, 2016 (Item 22), when it had been agreed to increase the scope of the provision to encompass planned maintenance, health and safety – related works for the Council's property assets and significant elements of cyclical maintenance works for social housing and sheltered housing and (2) the Committee of 22 June, 2017, there was circulated a report dated 22 January, 2019, by the Director of Business Services, which provided detailed information on the performance and operation of the single service provider contracted to undertake the relevant works, together with proposed improvements to the current operating system.

After consideration, the Committee:-_

- (1) **noted** the performance of FES FM Limited in its discharge of the Hard Facilities Management contract,
- (2) **instructed** officers to submit further update reports on the performance of the contractor, on a quarterly basis, and

- (3) **requested** officers to invite substantive and substitute members of the Committee to the planned Hard FM workshop session, which had previously been requested by the Communities Committee.

12. SCRUTINY REFERRAL FROM AUDIT COMMITTEE – INTERNAL AUDIT REPORT

With reference to the Minutes of Meetings of the Audit Committee of (1) 13 December, 2018 (Item 5) and (2) 31 January, 2019 (Item 10), when consideration had been given to the Hard Facilities Management (Hard FM) contract and it had been agreed to refer to the Business Services Committee at its meeting on 28 February, 2019, a request that it conduct the Committee Review Process in respect of Internal Audit Report 1849, with the Committee's decision to be reported to the meeting of the Audit Committee on 20 March, 2019, there was circulated a report dated 4 February, 2019, by the Director of Business Services, which explained the background to consideration of the matter, together with the options available to the Committee in carrying out a Committee Review Process on the matter.

After consideration, the Committee:-

- (1) **noted** and **approved** the request from the Audit Committee to conduct the Committee Review Process in respect of the matter of service delivery identified by the Audit Committee for improvement,
- (2) **agreed** to appoint the Head of Property and Facilities Management as the Lead Officer for the Process and **agreed** that the Director of Business Services should submit a report to the meeting of the Committee on 18 April, 2019, as a Stage One Report, and
- (3) **instructed** the Director of Business Services to submit a report to the meeting of the Audit Committee on 20 March, 2019, with the Business Services Committee's decision.

13. SUB-COMMITTEE MINUTES

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

- (1) the Licensing Sub-Committee of 26 October, 2018, and
- (2) the Licensing Sub-Committee of 7 December, 2018.

APPENDIX A

ABERDEENSHIRE COUNCIL

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE

WOODHILL HOUSE, ABERDEEN, 26 OCTOBER, 2018

- Present:** Councillors F C P Hood (Chair), C C Buchan (as substitute for Councillor A G Robertson), R E Bruce, M J M Ewenson (as substitute for Councillor E A Stirling), A C Forsyth, V Harper (as substitute for Councillor A E M Evison) and D-P L G Lonchay.
- Apologies:** Councillor A E M Evison, D G Robertson, M J Roy and E A Stirling
- Officers:** Senior Committee Officer (N David), Legal & Governance, and Senior Solicitor (F Stewart), Legal and Governance.
- In attendance:** Sergeant K Wood (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. 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 Sub-Committee **agreed**, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of Items 3 and 4 below on account of the likely disclosure of confidential information in breach of the obligation of confidence.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SCHEDULE 1, PARAGRAPH 12
– REQUEST FOR THE TEMPORARY SUSPENSION OF TAXI DRIVER’S LICENCE
(CASE NO. 956)**

There had been circulated a report dated 18 October, 2018, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the temporary suspension of a taxi driver’s licence, and (2) detailed information relevant to the licence.

The Sub-Committee, having heard from the Chief Constable’s representative, **agreed**, unanimously, that the complaint was justified.

The Sub-Committee **agreed**, unanimously, that the activity to which the licence related was likely to cause a serious threat to public order or public safety.

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

The Sub-Committee, having determined that the licence be temporarily suspended, **agreed**, unanimously, that the licence be suspended until the next scheduled meeting of the Sub-Committee on 7 December, 2018.

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SCHEDULE 1, PARAGRAPH 12
– REQUEST FOR THE TEMPORARY SUSPENSION OF TAXI DRIVER’S LICENCE
(CASE NO. 957)**

There had been circulated a report dated 22 October, 2018, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the temporary suspension of a taxi driver’s licence, and (2) detailed information relevant to the licence.

The Sub-Committee, having heard from the Chief Constable’s representative, **agreed**, unanimously, that the complaint was justified.

The Sub-Committee **agreed**, unanimously, that the activity to which the licence related was likely to cause a serious threat to public order or public safety.

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

The Sub-Committee, having determined that the licence be temporarily suspended, **agreed**, unanimously, that the licence be suspended until the next scheduled meeting of the Sub-Committee on 7 December, 2018.

APPENDIX B
ABERDEENSHIRE COUNCIL
BUSINESS SERVICES COMMITTEE
LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 7 DECEMBER, 2018

- Present:** Councillors F Hood (Chair), R Bruce, A Evison, A Forsyth, D Lonchay D Robertson, A Stirling and I Taylor (as substitute for Councillor M Roy).
- Apology:** Councillor M Roy.
- Officers:** Senior Committee Officer (Allan Bell) and Solicitor (Iain Meredith), both Legal and Governance.
- In attendance:** Sergeant K Wood (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. No interests were declared.

2A. 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 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. CONFIDENTIAL AND EXEMPT INFORMATION

The Sub-Committee **agreed**, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of Items 4, 5 and 6 below, on account of the likely disclosure of confidential information in breach of the obligation of confidence, and, in terms of Section 50A (4) and (5) of the 1973 Act, to exclude the public during consideration of Item 7 below so as to avoid disclosure of exempt information of the class described in paragraph 6 of Part I of Schedule 7A of the Act.

3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 12 OCTOBER, 2018

On consideration of the circulated Minute of Meeting of the Sub-Committee of 12 October, 2018, members **approved** the Minute as a correct record. It was thereafter signed by the Chair.

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

(a) Application for a Taxi Driver's Licence (Case No. 954)

With reference to the Minute of Meeting of the Sub-Committee of 12 October, 2018 (Item 4(c)), there had been circulated a report dated 14 November, 2018, 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 (identified as Case No. 954), in respect of which the Chief Constable had made observations 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.

(b) Application for a Taxi Driver's Licence (Case No. 958)

There had been circulated a report dated 16 November, 2018, 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 (identified as Case No. 958), 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 application be refused, on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence, due to his propensity for the possession and use of cannabis.

(c) Application for a Taxi Driver's Licence (Case No. 959)

There had been circulated a report dated 17 October, 2018, 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 (Case No. 959), in respect of which the Chief Constable had made observations 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 three years.

(d) Application for a Taxi Driver's Licence (Case No. 960)

There had been circulated a report dated 20 November, 2018, 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 (identified as Case No. 960), in respect of which the Chief Constable had made observations 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.

(e) Application for a Taxi Driver's Licence (Case No. 961)

There had been circulated a report dated 20 November, 2018, 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 (identified as Case No. 961), 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 – CONSIDERATION OF SUSPENSION/REVOCAION OF TAXI DRIVER'S LICENCE FOLLOWING SUSPENSION (CASE NO. 956)

With reference to the Minute of Special Meeting of the Sub-Committee of 26 October, 2018 (Item 3), when it had been agreed to suspend, with immediate effect, a taxi driver's licence (identified as Case No 956), in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, on the basis that the licenceholder's actions had caused, and were likely to cause, a serious threat to public order and public safety, there was circulated a report dated 9 November, 2018, by the Director of Business Services, which (1) requested that, in terms of Paragraph 11 of the 1982 Act, consideration be given to the suspension and/or revocation of the licence in question, within a period of six weeks from the date of temporary suspension and (2) detailed information relevant to the case.

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

- (1) that the carrying on of activity relating to the taxi licence had caused, and was likely to cause, public nuisance or a threat to public order or safety,
- (2) that the licenceholder no longer remained a fit and proper person to be the holder of a taxi driver's licence, and
- (3) that the licence in question should be revoked.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – CONSIDERATION OF SUSPENSION/REVOCAION OF TAXI DRIVER'S LICENCE FOLLOWING SUSPENSION (CASE NO. 957)

With reference to the Minute of Special Meeting of the Sub-Committee of 26 October, 2018 (Item 4), when the Sub-Committee had agreed to suspend a taxi driver's licence (identified as Case No. 957), in terms of Paragraph 12 of Schedule 1 of the Local Government (Scotland) Act 1982, on the basis that, by reason of a conviction outlined within the complaint received from the Chief Constable, a serious threat was posed to public safety, there was circulated a report dated 5 November, 2018, by the Director of Business Services, which (1) requested that, in terms of Paragraph 11 of the 1982 Act, consideration be given to the suspension and/or revocation of the licence in question, within a period of six weeks from the date of temporary suspension and (2) detailed information relevant to the case.

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

- (1) that the carrying on of activity relating to the taxi licence was not likely to cause public nuisance or a threat to public order or safety,

- (2) that the licence holder remained a fit and proper person to be the holder of a taxi driver's licence, and
- (3) that the licence in question should not be suspended or revoked.

7. HOUSING (SCOTLAND) ACT 2006 – APPLICATION FOR GRANT OF LICENCE FOR HOUSE IN MULTIPLE OCCUPATION (CASE NO. 962)

There had been circulated a report dated 20 November, 2018, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a licence for a house in multiple occupation (identified as Case No. 962), in respect of which an objection had been received and (2) detailed information relevant to the application.

Having heard from the applicants, and in the absence of the objector, the Sub-Committee **agreed** unanimously that the licence be granted for a period of three years.

8. RETENTION PERIODS OF LICENSING DOCUMENTS

With reference to the Minute of Meeting of the Sub-Committee of 13 February, 2015, there was circulated a report dated 15 November, 2018, by the Director of Business Services, which (1) explained that the Council had recently procured a new licensing software package which would assist in retaining the records of expired licences, (2) advised that the Council currently retained liquor and civic government licensing documentation for a period of five years once a licence had ceased to have effect and (3) highlighted the various pieces of legislation impacting on licensing processes, including the General Data Protection Regulations.

After consideration, the Sub-Committee:-

- (1) **agreed**, in relation to the Civic Government (Scotland) Act 1982, that (a) where an application for the grant of a licence, permit or permission was refused by the Sub-Committee (or relevant area committee), information relating to that licence, permit or permission should be retained for a period of two years from the date of refusal, thereafter to be destroyed and (b) in any other case, information relating to a licence, permit or permission should be retained for a period of two years from the date the licence, permit or permission ceased to have effect, thereafter to be destroyed, and
- (2) **agreed**, in relation to miscellaneous licences, that (a) where an application for the grant of a licence, permit or permission was refused by the Sub-Committee (or relevant area committee), information relating to that licence, permit or permission should be retained for a period of two years from the date of refusal, thereafter to be destroyed and (b) in any other case, information relating to a licence, permit or permission should be retained for a period of two years from the date the licence, permit or permission ceased to have effect, thereafter to be destroyed.