

ABERDEENSHIRE COUNCIL

BUSINESS SERVICES COMMITTEE

SKYPE MEETING, 9 September, 2021

Present: Councillors A Kille (Chair), M Findlater (Vice-Chair), J Cox (as substitute for Councillor H Partridge), L Berry, I Davidson, A Duncan, E Durno, A Forsyth, R McKail (as substitute for Councillor R Withey), G Petrie, D Robertson, N Smith and B Topping.

Apologies: Councillors J Hutchison, H Partridge and R Withey.

Officers: Director of Business Services, Head of Customer and Digital, Head of Commercial and Procurement Services, Partnership Manager, Health & Social Care South, Registration Service Team Leader, Team Manager (Finance), Estates Manager (Property and Facilities), Treasury Management Officer (Finance), Legal Services Manager (Ruth O'Hare) and Committee Officer (Kasia Balina).

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 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
16	8
17	6 & 9

3. MINUTE OF MEETING OF THE BUSINESS SERVICES COMMITTEE OF 10 JUNE, 2021

On consideration of the circulated Minute of Meeting of the Committee of 10 June, 2021, Members **agreed** to approve it as a correct record.

4. OUTSTANDING BUSINESS LIST

There was circulated a report by the Director of Business Services, which updated Members on progress made with actions agreed at previous meetings of the Business Services Committee held since 20 February, 2020.

The Director of Business Services introduced the report and provided a verbal update to the Committee on each item.

After consideration, the Committee **agreed**:-

- (1) to note the current position in respect of actions arising at previous meetings;
- (2) that those actions which had been completed should be removed from the outstanding actions list; and
- (3) to instruct Officers to provide a briefing to Members on internal catering services.

5. COVID-19 VERBAL UPDATE

The Director of Business Services provided an update on steps taken within the Service to respond to the pandemic situation with particular reference to the community testing programme; working from home arrangements and support provided to staff; and the impact of the pandemic on staff absences.

The Committee **agreed** to note the ongoing response of the Service to the Covid-19 pandemic.

6. FINANCIAL PERFORMANCE AS AT 31 JULY 2021.

With reference to the Minute of Meeting of Aberdeenshire Council of 17 March, 2021 (Item 5), when approval had been given to the Business Services Revenue Budget for financial year 2021/2022, there was circulated a report dated 24 August, 2021 by the Director of Business Service, which provided the Committee with financial performance information on the areas of service delivery for which the Committee had responsibility.

Following consideration of Members' comments on issues including:- the recovery of overpayments; the reduction in benefit subsidy income; and Councillors' remuneration and expenses, the Committee **agreed** to:-

- (1) note the financial information and forecast position, as at 31 July, 2021 and endorse the budget movements, as detailed in Appendix 4b to the report; and
- (2) note the progress in achieving the agreed savings, as detailed in Appendix 3 to the report.

7. OUTTURN REVIEW OF THE PERFORMANCE OF THE TREASURY MANAGEMENT FUNCTION FOR THE PERIOD 1 APRIL 2020 TO 31 MARCH 2021

With reference to the Minute of Meeting of the Committee of 23 April 2020 (Item 6), when approval had been given to the Treasury Management Strategy for financial year 2020/21, there was circulated a report dated 29 August, 2021, by the Director of Business Services, which (1) detailed performance and compliance in relation to the Treasury Management Function for the period from 1 April, 2020 to 31 March, 2021, and (2) highlighted relevant aspects of the function, including interest rates, the investment portfolio and borrowing.

Thereafter, the Committee made comments in respect of the borrowing rates and requirements and level of long-term liabilities, and **agreed** to note the details of the review of performance of the Treasury Management Function and investment activity for the period 1 April 2020 to 31 March 2021.

8. REVIEW OF THE CORPORATE CHARGING FRAMEWORK

Consideration was given to a report by the Director of Business Services which provided the Committee with proposed revisions to the Corporate Charging Policy and supporting Framework, following consultation with the Directorate Management Teams.

Having considered Members' comments regarding the collection of the charges; timescales, and moving towards online solutions, the Committee **agreed** to:-

- (1) note the proposed revisions to the Corporate Charging Policy, as detailed in Appendix 1 to the report;
- (2) approve the revised Corporate Charging Policy, as detailed in Appendix 2 to the report; and
- (3) acknowledge the proposed revisions to the Corporate Charging Framework, as detailed in Appendix 3 to the report, and note that the Head of Finance had the delegated power to make changes to the Framework, so far as these aligned with the Policy.

9. REVIEW OF NON-STATUTORY CEREMONY FEES

There was circulated a report dated 24 August, 2021 by the Director of Business Services which sought Members' approval of a public consultation on proposed amendments to non-statutory fees relating to ceremonies provided by Aberdeenshire Registration Service.

Having noted Members' comments on the range of opportunities to provide feedback during the public consultation process; and additional support for people encountering challenges with written forms, the Committee **agreed**: -

- (1) to note that the Registration Service intended to review all discretionary fees associated with provision of services including ceremonies;
- (2) to note that the fees review was in accordance with the triennial review schedule stipulated in Aberdeenshire Council Charging Policy;
- (3) to note that the public consultation on fees initially proposed to be conducted in March 2020 had been postponed due to the emergence of COVID-19;
- (4) to note that the Registration Service had conducted an updated benchmarking exercise which indicated that current fees were below the Local Authority average, and below those charged locally by providers of non-religious celebrant services;
- (5) to note the content upon the fee proposals contained in Appendix 1 to the report;
- (6) to a formal consultation on proposed increases to registration ceremony fees; and
- (7) that the results of the consultation exercise be reported back to the meeting of the Business Services Committee on 11 November, 2021 with a view to introducing any changes to the fees from 1 January, 2022.

10. BUSINESS SERVICES' DIRECTORATE PLAN 2020-22 - UPDATED DIRECTORATE PLAN AND INTERIM PERFORMANCE REPORT.

Consideration was given to a circulated report dated 24 August, 2021 by Director of Business Services which presented for consideration and approval the updated Business Services' Directorate Plan and addressed comments from Members. The report also included an interim performance report as a baseline prior to formal performance reporting to the Committee, commencing in November 2021

Having considered Members' comments on the ways of presenting the action status icons; progress on asset strategies; and the requirement for more detailed information on staff absences, the Committee **agreed** to:-

- (1) approve the updated Directorate Plan, attached as Appendix 1 to the report;
- (2) note the interim performance report, attached for information as Appendix 2 to the report; and
- (3) instruct the Director of Business Services to present performance reports to the Committee on a six-monthly basis, in line with the Performance Management Framework, evidencing progress and performance with delivery of the Council Plan 2020-22, with the first report being presented in November 2021.

11. CORPORATE IMPROVEMENT PLAN – QUARTERLY UPDATE

With reference to the Minute of Meeting of Audit Committee of 17 September, 2020 (Item 8) when it had been agreed that (1) all corporate improvement action plans would be merged into a Corporate Improvement Plan (the Plan), and (2) the Plan would be reported to the Audit Committee and Policy Committees on a quarterly basis to enhance transparency and accountability and to provide Members with assurance around progression of agreed actions, there was circulated a report dated 23 August, 2021 by the Director of Business Services providing an update on the implementation of actions in the Corporate Improvement Plan, which incorporated actions from the Annual Governance Statement Action Plan 2019, Annual Governance Statement Action Plan 2020, How Good Is Our Governance 2020 Action Plan and Best Value Action Plan 2020.

Following consideration of Members' comments on simplifying graphics used in the report and the number of overdue actions within the Best Value Action Plan 2020, the Committee **agreed** to:-

- (1) note the Corporate Improvement Plan ("the Plan"), attached as Appendix 1 to the report;
- (2) note that the Plan had been considered by Audit Committee on 20 May 2021; and
- (3) receive quarterly updates.

12. ENGAGEMENT AND PARTICIPATION POLICY

There was circulated a report dated 2 August, 2021 by the Director of Business Services which provided the Committee with an update on the progress to date with developing the Engagement and Participation Policy (the Policy) and asked Committee Members to approve the Policy.

The report explained that the Council worked with communities across Aberdeenshire to ensure that they had influence over local decision-making structures and benefit from the positive relationships that already existed. The Policy which enshrined the good practice that was carried out by many Services, outlined the Council's position, role and commitment to community engagement ensuring it was embedded into Council activities to support decision-making, build relationships and strengthen communities.

Following consideration of Members' comments on including seldom heard community groups in the Policy, the Committee **agreed** to note and approve the Policy, attached as Appendix 2 to the report.

13. CONSULTATION – HOME OFFICE PROTECT DUTY

There was circulated a report dated 9 July, 2021 by the Director of Business Services on the Council's response to the Home Office Protect Duty consultation.

The report explained that the Home Office had launched a consultation seeking views on how Protect Duty could make the public safer at publicly accessible locations. The consultation was open from 26 February to 2 July, 2021. The document explained that, if introduced, the new duty would have an impact on Aberdeenshire Council as a local authority. Officers working across different Services would be required to be aware of the Policy and potential implications on practice

Having noted Members' comments on raising awareness and training courses on counter terrorism, the Committee **agreed** to acknowledge the Council's response to the Home Office Protect Duty consultation which was submitted under delegated powers and following consultation.

14. NATIONAL WHISTLEBLOWING STANDARDS

There was circulated a report dated 6 August, 2021 by the Chief Officer of the Health and Social Care Partnership which sought Members' approval to amend the Aberdeenshire Council Disclosure of Information (Whistleblowing) Policy to meet the requirement of the National Whistleblowing Standards ("The Standards") for Integration Joint Boards to ensure that all Health and Social Care Partnership (H&SCP) staff across both the Local Authority and NHS must be able to raise a concern about the delivery of NHS Services through the Standards.

Following discussion, the Committee **agreed** to:-

- (1) note the requirement to meet the National Whistleblowing Standards (the Standards) by the Integration Joint Board to ensure that all those working in the Health and Social Care Partnership (H&SCP), irrelevant of employer, must be able to raise a concern through the Standards about NHS Services; that the concern be handled in line with the requirements of these Standards; and anyone raising a concern would have access to the Independent National Whistleblowing Officer (INWO);
- (2) approve the proposal to amend the Aberdeenshire Council Disclosure of Information (Whistleblowing) policy to signpost Council employed staff working in the H&SCP to raise concerns about NHS Service through the Standards;
- (3) note that any concerns about Aberdeenshire Council Services should continue to be raised via the Aberdeenshire Council Disclosure of Information (Whistleblowing) Policy; and
- (4) approve the proposed governance arrangements and the inclusion of whistleblowing performance information in the H&SCP Annual Performance Report, as required by the Standards.

15. ANNUAL PROCUREMENT PERFORMANCE REPORT 2020-2021

Consideration was given to a circulated report dated 6 August, 2021 by the Director of Business Services, which sought Members' approval of the content and publication of the Aberdeenshire Council Annual Procurement Report 2020-2021.

The report explained that Section 18 of the Procurement Reform (Scotland) Act 2014 required every Scottish Local Authority to publish an annual procurement report on its regulated procurement activities which meant any procurement of goods and services with a value above £50,000 and works contracts with a value above £2 million.

Following consideration of Members' comments on support provided to local supply chain; cooperation with the Aberdeen City and Moray Councils to be incorporated in the report; and the impact that local procurement had on the carbon footprint, the Committee **agreed** to approve the content and publication of the Aberdeenshire Council Annual Procurement Report 2020-2021.

16. BUSINESS SERVICES' DIRECTORATE SUPPLEMENTARY PROCUREMENT PLAN – 2021/2022 – PROCUREMENT APPROVAL.

Consideration was given to a circulated report dated 24 August, 2021 by the Director of Business Services which (1) advised that the Scheme of Governance provided that Committee approval was required for expenditure of £50,000 or more on the purchase of goods, works and services from external suppliers via the Procurement Plan, as the first stage of the procurement approval process, and (2) had appended the Supplementary Procurement Plan, as detailed in Appendix 1 to the report.

The Committee **agreed**:-

- (1) to approve the items on the Supplementary Procurement Plan as detailed in Appendix 1 and note that these items would be added to the Annual Directorate Procurement Plan approved by the Committee on 25 February 2021;
- (2) not to reserve approval of the Procurement Approval Form or business case for any item with a value up to £1,000,000;
- (3) to approve the Procurement Approval Forms attached as Appendices 3 and 4 to the report;
- (4) not to reserve the award of the contract for the item relating to iTrent – Payroll and HR System which has a contract value that exceeds £1,000,000; and
- (5) to acknowledge that the respective Heads of Finance, Customer & Digital Services, Legal & People and Property & Facilities Management had the delegated authority to award the final contract of the items with a contract value up to £1,000,000 and those items with a contract value that exceeded £1,000,000 where the Committee had not reserved the right to award the final contract.

17. SALE OF SURPLUS DEPOT, TANNERY STREET, BANFF

The Committee agreed to suspend Standing Order 2.1.2, in order to allow the meeting to continue beyond 1.00p.m.

With reference to the Minute of Meeting of Banff and Buchan Committee of 15 June, 2021 (Item 13) when the Committee noted that in terms of the Scheme of Governance which stated that failure to accept an Officer's recommendations

required that this matter must be determined by the Business Services Committee, there was circulated a report dated 25 August, 2021 by the Director of Business Services. The report sought Members' consideration of supporting the Officer's recommendation to proceed with the sale to the highest bidder, following a closing date or to endorse the decision of the Banff and Buchan Area Committee to remarket the property and set a new closing date.

The Chair advised that a request to address the Committee had been received from Mr D Cheyne and the Committee agreed to hear Mr Cheyne.

Following discussion, Councillor Berry seconded by Councillor Topping moved, to support the decision of the Banff and Buchan Area Committee, to remarket the property and set a new closing date, as detailed in Paragraph 2.2 of the report.

As an amendment, Councillor Petrie seconded by Councillor Forsyth moved, that the Committee support the Officer's recommendation to proceed with the sale to the highest bidder following a closing date as detailed in Paragraph 2.1 of the report.

Members of the Committee voted:

for the motion	7	Councillors Kille, Findlater, Berry, Cox, Davidson, Smith and Topping.
for the amendment	4	Councillors Durno, Forsyth, Petrie and Robertson.
declined to vote	1	Councillor McKail.
absent from vote	1	Councillor Duncan.

The motion was carried and the Committee **agreed** to support the decision of the Banff and Buchan Area Committee, to remarket the property and set a new closing date, as detailed in Paragraph 2.2 of the report.

ITEMS FOR NOTING

- a) Minute of the Meeting of Licensing Sub-Committee of 5 February, 2021.
- b) Minute of the Meeting of Licensing Sub-Committee of 4 June, 2021.
- c) Minute of the Special Meeting of the Licensing Sub-Committee of 6 July, 2021.
- d) Minute of the Special Meeting of the Licensing Sub-Committee of 11 August, 2021.

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APPENDIX A

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE

SKYPE MEETING, 5 FEBRUARY, 2021

Present: Councillors R Bruce, M Ewenson, A Forsyth, V Harper, J Hutchison (as substitute for Councillor F Hood), M Roy and A Stirling.

Apologies: Councillor F Hood (Chair).

Officers: Principal Committee Services Officer, Senior Solicitor (Fiona Stewart) and Solicitor (Amanda de Candia), all representatives from Legal & People.

In attendance: Sergeant G Flett, (Police Scotland)

APPOINTMENT TO THE CHAIR

In the absence of Councillor Hood, members **agreed** to appoint Councillor Stirling to the Chair.

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 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

Item 4 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

3. MINUTE OF MEETING OF 4 DECEMBER, 2020

On consideration of the circulated Minute of Meeting of the Sub-Committee of 4 December 2020, members **approved** it as a correct record.

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

(a) Application for Grant of a Private Hire Car Driver's Licence (Case No. 1008).

There had been circulated a report dated 20 January, 2021, 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 (identified as Case No. 1008), in respect of which the Chief Constable had lodged representations, and (2) detailed information relevant to the application.

Having heard from the applicant and from the representative of the Chief Constable, Councillor Ewenson moved, seconded by Councillor Harper, that the application be granted for a period of 1 year.

As an amendment, Councillor Bruce, seconded by Councillor Forsyth, moved that determination of the application be deferred to the meeting of the Sub-Committee on 20 August, 2021.

Members of the Sub-Committee voted:

for the motion (2) Councillors Ewenson and Harper.

for the amendment (6) Councillors Bruce, Forsyth, Hutchison, Robertson, Roy and Stirling.

The amendment was carried and the Sub-Committee **agreed** that determination of the application be deferred to the meeting of the Sub-Committee on 20 August, 2021.

(b) Application for Grant of a Taxi Driver's Licence (Case No. 1009).

There had been circulated a report dated 20 January, 2021, 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. 1009), in respect of which the Chief Constable had lodged a representation, 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 the application on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence due to recent driving convictions.

(c) Application for Grant of a Taxi Driver's Licence (Case No. 1010).

There had been circulated a report dated 11 December, 2020, 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. 1010), 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 the application on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence due to the non-disclosure of information relating to previous criminal convictions and the objection from Police Scotland.

(d) Application for Grant of a Taxi Driver's Licence (Case No. 1011).

There had been circulated a report dated 11 December, 2020, 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. 1011), in respect of which the Chief Constable had lodged a representation, and (2) detailed information relevant to the application.

Having noted that the applicant had chosen not to attend the meeting and having heard from the Chief Constable's representative, the Sub-Committee **agreed** unanimously to refuse the application on the basis that the applicant was no longer a fit and proper person to hold a taxi driver's licence due to the number of driving convictions obtained whilst previously working as a taxi driver.

APPENDIX B

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE

SKYPE MEETING, 4 JUNE, 2021

- Present:** Councillors R Bruce, M Ewenson, A Forsyth, V Harper, D Robertson, M Roy and A Stirling.
- Officers:** Principal Committee Services Officer, Senior Solicitor (Fiona Stewart) and Solicitor (Amanda de Candia), all representatives from Legal & People.
- In attendance:** Sergeant Ray Walker (Police Scotland)

1. APPOINTMENT OF CHAIR AND VICE CHAIR

There had been circulated a report dated 5 May, 2021 by the Director of Business Services seeking the appointment of a new Chair of the Sub-Committee following the sad passing of former Chair Councillor Fergus Hood. The report also proposed that consideration be given to the appointment of a Vice Chair.

The Sub-Committee unanimously **agreed** to appoint Councillor Stirling as Chair and Councillor Forsyth as Vice Chair of the Sub-Committee.

2. 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.

3A. 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:-

- (2) to have due regard to the need to:-
 - (b) 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.

3B. CONFIDENTIAL 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 Item 6 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

4. MINUTE OF MEETING OF 5 FEBRUARY, 2021

On consideration of the circulated Minute of Meeting of the Sub-Committee of 4 December 2020, members **approved** it as a correct record.

5. TAXIS AND PRIVATE HIRE CAR LICENSING – REVIEW OF ADVERTISEMENT POLICY

There had been circulated a report dated 1 April, 2021 by the Director of Business Services seeking approval to carry out consultation with the trade and public on a revised Advertisement Policy for Taxi and Private Hire Cars as detailed in Appendix 1. The report explained that (1) the current policy, detailed in Appendix 2, had last been reviewed on 3 October, 2003 and required all licence holders to seek permission from the Council to advertise on their vehicles, (2) the proposed new approach, if approved, would require all advertising on Taxis and Private Hire Cars to comply with the standards required by the Advertising Standards Authority (ASA) without the need to seek permission, (3) any alleged infringement of the Policy would be referred to the Head of Legal and People who could require the vehicle in question to be produced for inspection and give written notice to the Licence Holder to have the advert removed or amended, and (4) the Licence Holder could seek to have the decision of the Head of Legal and People reviewed by the Sub-Committee.

The Solicitor introduced the report, highlighted changes proposed including delegation to officers, confirmed consultation arrangements and timescale and responded to questions from Members on future timescale for review, approach to signage on rear shelf inside vehicles obstructing visibility, access to the standards required by ASA and consultation and engagement plans.

Thereafter, the Sub-Committee **agreed**:

- (1) that the Head of Legal and People carry out a public consultation on the draft revised Advertisement Policy, as detailed in Appendix 1 to this report, with a link to the ASA Code of Practice being included at Question 4a;
- (2) that the Head of Legal and People report back to the Sub-Committee following the consultation exercise; and
- (3) to support the principle of a delegation being made to officers to make a determination as to whether or not an advert is acceptable under the terms of the Policy, subject to there being a right of the licence holder to request a review of the Officer decision by the Sub-Committee.

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

(a) Application for Renewal of a Taxi Driver's Licence

(Case No. 1012).

There had been circulated a report dated 5 May, 2021, by the Director of Business Services, which (1) requested that consideration be given to an application for renewal of a taxi driver's licence (identified as Case No. 1012), in respect of which the Chief Constable had lodged representations, and (2) detailed information relevant to the application.

Having **noted** that the applicant had chosen not to attend or be represented at the meeting and having heard from the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that determination of the application be deferred to the meeting of the Sub-Committee on 3 December, 2021 to allow for the conclusion of legal proceedings referenced in the documentation.

(b) Application for Grant of a Taxi Driver's Licence (Case No. 1013).

There had been circulated a report dated 20 May, 2021, 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. 1013), in respect of which the Chief Constable had lodged a representation, and (2) detailed information relevant to the application.

Having heard from the applicant and the Chief Constable's representative, the Sub-Committee **agreed** unanimously that determination of the application be deferred to a future the meeting of the Sub-Committee pending the conclusion of legal proceedings referenced in the documentation, if possible, prior to the deadline for determining the application of 21 April 2022.

APPENDIX C

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE SPECIAL MEETING

SKYPE MEETING, 6 JULY, 2021

- Present:** Councillors A Stirling (Chair), A Forsyth, M Ewenson, V Harper, D Robertson, and I Taylor (as substitute for Cllr R Bruce).
- Apologies:** Councillors R Bruce and M Roy.
- Officers:** Legal Services Manager (Ruth O'Hare) and Committee Officer (Kasia Balina), both Legal & People.
- In attendance:** Sergeant Gillian Flett, 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:-

- (3) to have due regard to the need to:-
- (c) 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 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 Item 3 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – CONSIDERATION OF
TEMPORARY SUSPENSION OF WINDOW CLEANER’S LICENSE (CASE
NO.1014).**

There had been circulated a report dated 1 July, 2021 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 window cleaner’s licence, and (2) detailed information relevant to the request.

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

- (1) that there was enough evidence before them to allow a determination to be made;
- (2) that the allegations contained within the complaint were justified;
- (3) that the licence should be suspended immediately in terms of paragraph 12 to the Act on the basis that the carrying on of the activity to which the licence related was causing or was likely to cause a serious threat to public order or public safety; and
- (4) that a hearing be fixed to determine whether the licence should be suspended or revoked under Paragraph 11 of Schedule 1 to the Act.

APPENDIX D

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE SPECIAL MEETING

SKYPE MEETING, 11 AUGUST, 2021

Present: Councillors A Stirling (Chair), A Forsyth, C Buchan (as substitute for Councillor D Robertson), R Bruce, V Harper, and I Taylor (as substitute for Councillor M Ewenson).

Apologies: Councillors M Ewenson, D Robertson and M Roy.

Officers: Senior Solicitor (Fiona Stewart) and Committee Officer (Kasia Balina), both Legal & People.

In attendance: Sergeant Gillian Flett, 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:-

- (4) to have due regard to the need to:-
 - (d) 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 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 PARAGRAPH 11 OF SCHEDULE 1 - CONSIDERATION OF SUSPENSION OR REVOCATION OF WINDOW CLEANER'S LICENCE FOLLOWING SUSPENSION UNDER PARAGRAPH 1 OF SCHEDULE 1. (CASE NO. 1014)

With reference to the Minute of Meeting of 6 July, 2021 (Item 3) there had been circulated a report dated 15 July, 2021 by the Director of Business Services (a) advising that a request for revocation/ suspension of a Window Cleaner's Licence had been received from the Chief Constable, and (b) providing details about the licence.

As a preliminary matter, the Committee agreed to proceed with the hearing in the absence of the Licence Holder.

Having heard from the Chief Constable's representative the Sub-Committee **agreed** unanimously:

- (1) that there was sufficient evidence before them to allow a determination to be made;
- (2) that the carrying on of the licensed activity had caused and was likely to cause a threat to public order and safety;
- (3) that the Licence Holder was no longer a fit and proper person to hold a window cleaner's licence by reason of his conduct;
- (4) to note that there had been no contravention of licence conditions in this case; and
- (5) that the window cleaner's licence therefore be revoked with immediate effect.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, PARAGRAPH 12 OF SCHEDULE 1 - CONSIDERATION OF TEMPORARY SUSPENSION OF TAXI DRIVER'S LICENCE AND CONSIDERATION OF TEMPORARY SUSPENSION OF TAXI VEHICLE LICENCE. (CASE NO. 1015)

There had been circulated a report dated 2 August, 2021 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 taxi vehicle licence, and (2) detailed information relevant to the request.

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

- (1) that there was enough evidence before them to allow a determination to be made;
- (2) that the allegations contained within the complaint were justified;
- (3) that both licences should be suspended immediately in terms of paragraph 12 to the Act on the basis that the carrying on of the activity to which the licences

related had caused and was likely to cause a serious threat to public order or public safety; and

- (4) that a hearing be fixed to determine whether the licences should be suspended or revoked under Paragraph 11 of Schedule 1 to the Act.

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