

## ABERDEENSHIRE COUNCIL

### BUSINESS SERVICES COMMITTEE

#### VIRTUAL MEETING, 28 SEPTEMBER 2022

**Present:** Councillors M Findlater (Chair), J Cox (Vice-Chair), D Black, Y Chou Turvey, G Crowson, S Dickinson, J Goodhall, S Logan, T Mason (as substitute for Councillor S Burnett), R McKail, C Miller, G Petrie and C Victor.

**Apologies:** Councillors S Burnett and D Lonchay.

**Officers:** Director of Business Services, Head of Commercial and Procurement, Treasury Management Officer, Business Strategy Manager, Team Manager (Finance), Senior Energy Manager, Legal Service 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. STATEMENT ON EQUALITIES

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

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality and opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

#### B. EXEMPT INFORMATION

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

**Item No**  
11

**Paragraph No of Schedule 7A**  
8

### **3. MINUTE OF MEETING OF THE BUSINESS SERVICES COMMITTEE OF 23 JUNE, 2022**

On consideration of the circulated Minute of Meeting of the Committee of 23 June, 2022, 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 with actions agreed at previous meetings of the Committee held since 23 June, 2022.

The Director of Business Services introduced the report and provided the Committee with an update on each of the six outstanding actions and confirmed:

- Items 1, 2 and 3 were completed and, if agreed, could be removed from the list;
- Item 4 – the update report would be submitted to Area Committees in September, followed by the Policy Committees later in the year;
- Item 5 – the report would be on the agenda of the Committee meeting on 17 November, 2022; and
- Item 6 – the report would be on the agenda of the Committee meeting on 23 January, 2023.

Thereafter, the Committee **agreed**:-

- (1) to note the current position in respect of actions arising from previous meetings;
- (2) that those actions which had been completed should be removed from the outstanding actions list;
- (3) that the Real Living Wage employer accreditation be added to the Outstanding Business List; and
- (4) to instruct officers to prepare a briefing on the Real Living Wage employer accreditation.

### **5. FINANCIAL PERFORMANCE AS AT 31 JULY 2022**

There was circulated a report, dated 11 August, 2022 by the Director of Business Services, which (1) provided the Committee with financial performance information on the areas of service delivery for which the Committee had responsibility, (2) presented the expenditure incurred to 31 July 2022, (3) reflected the forecast outturn to 31 March, 2023, (4) highlighted the financial risks that might require mitigations to be identified as the financial year progressed, and (5) presented progress with the achievement of savings agreed as part of the 2022/23 budget.

Members made comments on the rising energy prices in relation to procurement contracts, the Local Government pay award settlement, and vacancies management.

Thereafter, the Committee **agreed** to note:-

- (1) the current Revenue forecast position, as detailed in Appendices 1 and 2 to the report;
- (2) the approved budget virements, as set out in Appendix 3 to the report;
- (3) the risks highlighted in Section 5 of the report;
- (4) the progress with agreed savings, as set out in Section 6 of the report;
- (5) the Capital forecast of an under-budget position of £1.117m, as set out in Appendix 4 to the report; and
- (6) the Reserves position as at 31 July, 2022.

## **6. OUTTURN REVIEW OF THE PERFORMANCE OF THE TREASURY MANAGEMENT FUNCTION FOR THE PERIOD 1 APRIL 2021 TO 31 MARCH 2022**

There was circulated a report dated 26 July, 2022 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, 2021 to 31 March, 2022, and (2) highlighted relevant aspects of the function, including interest rates, the investment portfolio and borrowing.

Thereafter, the Committee made comments in respect of Common Good Funds and movement in the heritable property; adaptation to changing market conditions and borrowing rates and thereafter **agreed** to note the details of the Review of the Performance of the Treasury Management Function and Investment Activity for the period 1 April, 2021 to 31 March, 2022.

## **7. ABERDEENSHIRE COUNCIL RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION ON EQUALITY EVIDENCE STRATEGY 2023-2025**

There was circulated a report dated 8 August, 2022 by the Director of Business Services, which presented Aberdeenshire Council's response to the Scottish Government consultation on a draft plan to improve and strengthen Scotland's equality evidence base.

Members were informed that the responses received through the consultation would help to shape the plan and form the basis of Scotland's Equality Evidence Strategy 2023-2025. The Business Strategy Manager presented the report and responded to Members' questions about the stakeholder engagement process, exit surveys, the Scottish Council Equality Network and challenges arising from the complexity of defining equality groups.

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

- (1) note and approve the draft response, as detailed in Appendix 1 to the Report; and

- (2) instruct the Head of Customer and Digital Services to submit the response to the Scottish Government before the closing date of 23 September, 2022.

## **8. ABERDEENSHIRE COUNCIL RESPONSE TO THE CONSULTATION ON INCLUSION OF SCOTTISH PUBLIC BODIES IN TRANSPARENCY IN SUPPLY CHAINS REPORTING**

There was circulated a report dated 17 August, 2022 by the Director of Business Services, which presented the corporate response to the consultation which sought views on the proposed UK Modern Slavery Bill announced on 10 May, 2022.

Members were informed that the consultation allowed the Scottish Government to provide targeted questions to public sector bodies ahead of further policy development. The response had been submitted by the Head of Customer and Digital Services under delegation following consultation with the Chair, Vice Chair and Opposition Spokesperson.

Thereafter, the Committee **agreed** to note:-

- (1) the corporate response to the Scottish Government consultation presented in Appendix 1 to the report on proposals to extend the reporting requirements to Scottish public bodies for the publication of modern slavery statements as part of work to improve transparency in supply chains; and
- (2) that the response had been submitted under delegation by the Head of Customer and Digital Services.

## **9. ANNUAL PROCUREMENT REPORT 2021/2022**

Consideration was given to a circulated report dated 22 August, 2022 by the Director of Business Services, which sought approval of the content and publication of the Aberdeenshire Council Annual Procurement Report 2021/2022.

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 were classified as any procurement of goods and services with a value above £50,000 and works contracts with a value above £2 million.

The Annual Procurement Report 2021/2022 provided the Committee with an overview of the performance of procurement activity across the Aberdeenshire Council. The report presented all regulated procurements completed during the financial year 2021/2022 and anticipated future procurements covering the next two years (2022-2024).

Following consideration of Members' comments on: procurement compliance; procurement activity being reported on a more frequent basis; local buyer events and local spending; supplier development programmes; providers potentially not paying the Real Living Wage; Social Value Award; inclusion of climate criteria in business cases and procurement documents; shared service agreements with other Local

Authorities; reducing food waste; how to help local businesses to bid for public sector contracts, the Committee **agreed** to approve the content and publication of the Aberdeenshire Council Annual Procurement Report 2021-2022.

## **10. COMMITTEE REVIEW PROCESS STAGE 2: PROCUREMENT COMPLIANCE**

With reference to the Minute of Meeting of the Committee of 24 February, 2022 (Item 10), when it had been agreed to arrange a Stage Two Workshop of the Committee Review Process for further exploration of the issue and identification of potential actions, there was circulated a report dated 19 August, 2022 by the Director of Business Services, which (1) presented a detailed assessment of Procurement Compliance and an overview of the information presented at the workshop held on 18 August, 2022, and (2) sought Members' consideration and agreement of future improvement actions.

It was reported that the workshop had offered an overview of the background and issues relating to procurement compliance, actions implemented and scrutiny to date. It had allowed Members to consider the planned actions and how the planned actions would be implemented through collaborative working across Services. The information presented had been intended to provide assurance to Members that the effectiveness and the robustness of procedures were in place to ensure procurement compliance.

The Committee **agreed**:-

- (1) to note the information presented during the Workshop, as detailed in Appendix 1 to the report;
- (2) to defer consideration of the next stage of the Committee Review Process to obtain further information and assurance;
- (3) that a report would be brought back to the Committee in 6 months with additional information; and
- (4) that a report would be presented to the next meeting of the Audit Committee to advise the decision made in respect of the Committee Review Process.

## **11. BUSINESS SERVICES DIRECTORATE SUPPLEMENTARY PROCUREMENT PLAN 2022/23 – PROCUREMENT APPROVAL**

Consideration was given to a circulated report dated 30 August, 2022 by the Director of Business Services, which (1) advised that the Scheme of Governance provided that Committee approval was required for the 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; (2) stated that the Annual Procurement Plan was an opportunity for the Service to set out what it needed to procure and deliver services for the financial year ahead; and (3) 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;
- (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 Form attached as Appendix 3 to the report;
- (4) not to reserve the award of the contract for the item with a contract value that exceeded £1,000.000; and
- (5) to acknowledge that the respective Heads of Finance and Commercial and Procurement Shared Services 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.

## **12. MINUTES OF MEETINGS OF LICENSING SUB-COMMITTEE OF 1 APRIL, 2022 AND 1 JULY, 2022.**

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

- (A) Minute of Meeting of the Licensing Sub-Committee of 1 April, 2022; and
- (B) Minute of Meeting of the Licensing Sub-Committee of 1 July, 2022

## Appendix A

### BUSINESS SERVICES COMMITTEE

#### LICENSING SUB-COMMITTEE

#### MICROSOFT TEAMS MEETING, 1 APRIL, 2022

**Present:** Councillors A Stirling, A Forsyth, J Bruce, M Ewenson, V Harper, D Robertson and M Roy.

**Officers:** Solicitor (Lynsey Kimmitt), Trainee Solicitor (Christy Young) and Committee Officer (Kasia Balina), all Legal and People.

**Also in attendance:** Sergeant Neil Grant, 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.

Councillor M Roy stated that in respect of Item 5e the applicant was his constituent. He confirmed that he had never met and had no connection with an applicant. Additionally, the applicant had stated that he was employed by a company named Glendeveron Taxis. Glendeveron was the name of a company, Councillor Roy had previously worked for but this was a different company. Councillor Roy having applied the objective test and concluded that he had no interest to declare.

No other 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 Items 4 and 5 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

### **3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 11 FEBRUARY, 2022.**

On consideration of the circulated Minute of the Meeting of the Sub-Committee of 11 February, 2022, Members **approved** it as a correct record.

#### **4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PARAGRAPH 11 OF SCHEDULE 1 - CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE (CASE NO. 1048).**

There had been circulated a report dated 14 March, 2022, by the Director of Business Services which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension / revocation of a taxi driver's licence, and (2) detailed information relevant to the request.

Having heard from the representative of the Chief Constable and the licence holder, the Sub-Committee **agreed** unanimously that the application be suspended for a period of 6 months or until the first meeting of the Sub-Committee following the court date currently scheduled in August, 2022.

#### **5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATIONS FOR DETERMINATION:**

##### **(5a). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1027)**

With reference to the Minute of Meeting of the Sub-Committee of 1 October, 2021, (Item 7c), there had been circulated a report dated 14 March, 2022, 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. 1027), in respect of which the Chief Constable had lodged an adverse 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: -

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to refuse the application on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence on the basis of pattern of behaviour linked to driving and to the potential licensable activity.



**(5b). APPLICATION FOR RENEWAL OF PRIVATE HIRE CAR DRIVER'S LICENCE (CASE NO. 1035)**

With reference to the Minute of Meeting of the Sub-Committee of 3 December, 2021 (Item 6f), there had been circulated a report dated 3 March, 2022, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of a Private Hire Car Driver's Licence (identified as Case No. 1035), in respect of which the Chief Constable had lodged an adverse representation, and (2) detailed information relevant to the application.

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

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to grant the application for a period of 3 years on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence.

**(5c). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1042)**

There had been circulated a report dated 24 February, 2022, 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. 1042), in respect of which the Chief Constable had lodged an objection, 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: -

- (1) to consider the protected convictions referred to in the Chief Constable's letter of representation;
- (2) that there was sufficient evidence before them to allow a determination to be made; and
- (3) to refuse the application on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence on the basis of the conviction relating to violence.

**(5d). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1043)**

There had been circulated a report dated 24 February, 2022, 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. 1043), 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:-

- (1) to consider the protected convictions referred to in the Chief Constable's letter of representation;
- (2) that there was sufficient evidence before them to allow a determination to be made; and
- (3) to grant the application on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence, but that the duration of the licence be restricted to a period of 12 months.

**(5e). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1044)**

There had been circulated a report dated 25 February, 2022, 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. 1044), in respect of which the Chief Constable had lodged an adverse representation, 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:-

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to grant the application for a period of 3 years on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence.

**(5f). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1045)**

There had been circulated a report dated 23 February, 2022, 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. 1045), 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:-

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to grant the application on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence, but that the duration of the licence be restricted to a period of 12 months.

**(5g). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1046)**

There had been circulated a report dated 28 February, 2022, 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. 1046), in respect of which the Chief Constable had lodged an adverse 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: -

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to refuse the application on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence on the basis of the seriousness of pending charge.

**(5h). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1047)**

There had been circulated a report dated 3 March, 2022, 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. 1047), in respect of which the Chief Constable had lodged an adverse representation, 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:-

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to grant the application on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence but that the duration of the licence be restricted to a period of 12 months.

**(5i). APPLICATION FOR RENEWAL OF TAXI DRIVER'S LICENCE (CASE NO 1049)**

With reference to the Minute of Meeting of the Sub-Committee of 10 February, 2017 (Item 7), when it had been agreed to instruct officers to refer applications to the Sub-Committee for consideration where an applicant held 9 or more penalty points on their DVLA driver's licence, there had been circulated a report dated 9 March, 2022, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of a Private Hire Car Driver's Licence (identified as Case No. 1049), and (2) detailed information relevant to the application.

Having heard from the applicant, Councillor Forsyth moved, seconded by Councillor Bruce, that the licence be renewed for a period of 12 months.

As an amendment, Councillor Ewenson, seconded by Councillor Robertson, moved that the application be refused as the applicant was not a fit and proper person to hold a taxi driver's licence due to the history of his convictions.

Members of the Sub-Committee voted:

for the motion (3) Councillors Bruce, Forsyth, and Roy.

for the amendment (4) Councillors Ewenson, Harper, Robertson and Stirling.

The amendment was carried whereby the Sub-Committee **agreed** to refuse the application on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence due to the history of his convictions.

## **Appendix B**

### **BUSINESS SERVICES COMMITTEE**

#### **LICENSING SUB-COMMITTEE**

##### **MICROSOFT TEAMS MEETING, 1 JULY, 2022**

**Present:** Councillors A Stirling (Chair), M Ewenson (Vice-Chair) (Items 1-5e), G Crowson, J Gifford, M Grant (as substitute for Councillor J Nicol), T Mason, L McWhinnie and R Menard.

**Apology:** Councillor J Nicol.

**Officers:** Principal Solicitor (Lauren Cowie), Senior Solicitor (Fiona Stewart), Solicitor (Lynsey Kimmitt), Trainee Solicitor (Christy Young) and Committee Officer (Kasia Balina), all Legal and People.

**Also in attendance:** Sergeant Neil Grant, Police Scotland.

#### **1. APPOINTMENT OF CHAIR**

The Committee Officer called for nominations for the appointment of the Chair of the Licensing Sub-Committee.

Councillor Ewenson, seconded by Councillor Menard, moved that Councillor Stirling be appointed as Chair of the Sub-Committee.

There were no other nominations and Councillor Stirling was duly appointed Chair of the Licensing Sub-Committee.

The Committee Officer called for nominations for the appointment of the Vice-Chair of the Licensing Sub-Committee.

Councillor Gifford, seconded by Councillor Stirling, moved that Councillor Ewenson be appointed as Vice-Chair of the Sub-Committee.

There were no other nominations and Councillor Ewenson was duly appointed Vice-Chair of the Licensing Sub-Committee.

Councillor Stirling took the Chair for the remainder of the meeting.

#### **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 Items 5, 6 and 7 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

#### **4. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 1 APRIL, 2022.**

On consideration of the circulated Minute of the Meeting of the Sub-Committee of 1 April, 2022, Members **approved** it as a correct record.

#### **5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PARAGRAPH 11 OF SCHEDULE 1:**

##### **(5a). CONSIDERATION OF SUSPENSION/ REVOCATION OF WINDOW CLEANER'S LICENCE (CASE NO. 1050)**

There had been circulated a report dated 26 April, 2022 by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension / revocation of a window cleaner's licence, and (2) detailed information relevant to the request.

Having heard from the representative of the Chief Constable and the licence holder, 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 activity to which the licence related had not caused, was not causing, or was not likely to cause public nuisance or a threat to public order or safety;

- (3) that the licence holder remained a fit and proper person to be the holder of a window cleaner's licence;
- (4) that a condition of the licence had not been contravened; and
- (5) that the window cleaner's licence was not to be suspended or revoked.

**(5b). CONSIDERATION OF SUSPENSION/REVOCAION OF TAXI DRIVER'S LICENCE (CASE NO. 1051)**

There had been circulated a report dated 22 April, 2022 by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension / revocation of a taxi driver's licence, and (2) detailed information relevant to the request.

Having heard from the representative of the Chief Constable and the licence holder, 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 activity to which the licence related had not caused, was not causing, or was not likely to cause public nuisance or a threat to public order or safety;
- (3) that the licence holder remained a fit and proper person to be the holder of a taxi driver's licence;
- (4) that a condition of the licence had not been contravened; and
- (5) that the taxi driver's licence was not to be suspended or revoked.

**(5c). CONSIDERATION OF SUSPENSION/REVOCAION OF TAXI DRIVER'S LICENCE (CASE NO. 1052)**

This item had been withdrawn.

**(5d). CONSIDERATION OF SUSPENSION/REVOCAION OF TAXI DRIVER'S LICENCE (CASE NO. 1053)**

There had been circulated a report dated 22 April, 2022 by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension / revocation of a taxi driver's licence, and (2) detailed information relevant to the request.

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

- (1) that there was not sufficient evidence before them to allow a determination to be made; and

- (2) to defer consideration of the matter to the meeting of the Sub-Committee on 2 September, 2022, in order that further evidence regarding the character reference and allegations be made available by the licence holder.

**(5e). CONSIDERATION OF SUSPENSION/REVOCAION OF TAXI DRIVER'S LICENCE (CASE NO. 1054)**

This item had been withdrawn.

**(5f). CONSIDERATION OF SUSPENSION/REVOCAION OF TAXI DRIVER'S LICENCE (CASE NO. 1055)**

There had been circulated a report dated 22 April, 2022, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension / revocation of a taxi driver's licence and (2) detailed information relevant to the request.

Having noted that additional documents had been received from the licence holder before the meeting and having heard from the representative of the Chief Constable and the licence holder, Councillor Gifford, seconded by Councillor Crowson, moved that the carrying on of the activity to which the licence related had not caused, was not causing, or was not likely to cause public nuisance or a threat to public order or safety.

As an amendment, Councillor Menard, seconded by Councillor Stirling, moved that the carrying on of the activity to which the licence related had caused, was causing, or was likely to cause public nuisance or a threat to public order or safety.

Members of the Sub-Committee voted:

- |                   |     |  |
|-------------------|-----|--|
| for the motion    | (4) | Councillors Crowson, Gifford, Grant and McWhinnie. |
| for the amendment | (3) | Councillors Mason, Menard and Stirling.            |

The motion was carried.

Thereafter, Councillor Gifford, seconded by Councillor Crowson, moved that the licence holder remained a fit and proper person to be the holder of a taxi driver's licence.

As an amendment, Councillor Menard, seconded by Councillor Mason, moved that the that the licence holder was not a fit and proper person to be the holder of a taxi driver's licence.

Members of the Sub-Committee voted:

- |                   |     |  |
|-------------------|-----|--|
| for the motion    | (4) | Councillors Crowson, Gifford, Grant and McWhinnie. |
| for the amendment | (3) | Councillors Mason, Menard and Stirling.            |



The motion was carried and the 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 activity to which the licence related had not caused, was not causing, or was not likely to cause public nuisance or a threat to public order or safety;
- (3) that the licence holder remained a fit and proper person to be the holder of a taxi driver's licence;
- (4) that a condition of the licence had not been contravened; and
- (5) that the taxi driver's licence was not to be suspended or revoked.

#### **6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATIONS FOR DETERMINATION:**

##### **(6a). APPLICATION FOR RENEWAL OF STREET TRADER'S LICENCE (CASE NO. 1056)**

This item had been withdrawn.

##### **(6b). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1057)**

There had been circulated a report dated 30 May, 2022, 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. 1057), 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 defer consideration of the matter to the meeting of the Sub-Committee on 2 September, 2022 to enable further evidence in relation to non declaration of conviction to be obtained.

##### **(6c). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1058)**

There had been circulated a report dated 14 June, 2022, 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. 1058), 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:-

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to grant the application for a period of 3 years on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence.

**(6d). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE  
(CASE NO.1059)**

There had been circulated a report dated 30 May, 2022, 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. 1059), 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:-

- (1) to consider the protected convictions referred to in the Chief Constable's letter of representation;
- (2) that there was sufficient evidence before them to allow a determination to be made; and
- (3) to refuse the application on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence due to the nature and seriousness of previous convictions.

**(6e). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE  
(CASE NO. 1060)**

There had been circulated a report dated 14 June, 2022, 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. 1060), 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:-

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to grant the application for a period of 3 years on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence.

**7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – PARAGRAPH 12 OF SCHEDULE 1. CONSIDERATION OF TEMPORARY SUSPENSION OF TAXI VEHICLE LICENCES AND TAXI BOOKING OFFICE LICENCE (CASE NO. 1061)**

There had been circulated a report dated 29 June, 2022, by the Director of Business Services, which (1) requested that consideration be given to the terms of a complaint received and to determine if the activity to which the licence related was causing or was likely to cause a serious threat to public order or safety and, if so, whether the licences should have been immediately suspended.

Having heard from the representative of the Aberdeenshire Council's Fleet Services, the Committee **agreed** unanimously:-

- (1) to note the reasons why that matter had been brought as a Paragraph 12 complaint;
- (2) that a Paragraph 11 suspension Complaint was more appropriate in the circumstances presented within the report; and
- (3) to consider the matter at the meeting of the Sub-Committee on 2 September, 2022 also that consideration be given in respect to the driver being involved in abusive behaviour toward Aberdeenshire Council's Fleet Services staff.