

ABERDEENSHIRE COUNCIL

BUSINESS SERVICES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 15 NOVEMBER, 2018

- Present:** Councillors J N Gifford (Chair), M J Roy (Vice-Chair), K I Adam, L Berry, I Davidson, E Durno, A C Forsyth, F C P Hood, J D Hutchison, J Ingram (as substitute for Councillor G Blackett), N J Smith and R G Thomson.
- Apologies:** Councillors G Blackett, A C Duncan and H Partridge.
- Officers:** Director of Business Services, 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 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
8	6
9	8
10	8
11	8

3. MINUTE OF MEETING OF THE COMMITTEE OF 13 SEPTEMBER, 2018

On consideration of the circulated Minute of Meeting of the Committee of 13 September, 2018, members **approved** it as a correct record, after which the Minute was signed by the Chair.

4. ANNUAL REPORT OF ACTIVITY UNDER THE REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 POLICY

With reference to the Minutes of Meetings of the Committee of (1) 22 June, 2017 (Item 9), when approval had been given to a policy on the Authorisation of Surveillance under the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) and (2) 16 November, 2017 (Item 6), when members had approved proposals for monitoring of activity under the Act and for a policy review, there was circulated a report dated 25 October, 2018, by the Director of Business Services (1) which explained that the Scottish Government Code of Practice for Covert Surveillance and Property Interference required local authorities to have elected member oversight of any activity in connection with RIPSA, (2) which summarised the use of surveillance over the previous year, (3) which proposed only minor amendments to the existing policy on Authorisation of Surveillance under RIPSA and (4) to which were appended the annual report on the use of powers under the Regulation of Investigatory Powers (Scotland) Act 2000 and the policy on Authorisation of Surveillance under the Act.

After consideration, the Committee:-

- (1) **noted** the annual report of activity under the Regulation of Investigatory Powers (Scotland) Act 2000 policy, and
- (2) **agreed** the revised policy on Authorisation of Surveillance under the Act, as appended to the report.

5. FINANCIAL MONITORING AS AT 30 SEPTEMBER, 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 30 September, 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, customer transactions and printing contract costs, (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 other income to the Council, borrowing and interest changes, the industrial portfolio and factory units, planned maintenance underspends and procurement savings, the Committee:-

- (1) **noted** the Revenue and Capital Budget monitoring position, as at 30 September, 2018, and
- (2) **agreed** and **noted** Revenue Budget virements, as set out within an appendix to the report, and which were to be submitted to a meeting of the Council for approval.

6. REVISED PARTNERSHIP WORKING POLICY

With reference to the Minute of Meeting of the Policy and Resources Committee of 3 April, 2014 (Item 5), when it had been agreed to adopt a draft Partnership Working Policy, setting out the definition of, and detailing the procedure for joining or leaving, a partnership, there was

circulated a report dated 30 October, 2018, by the Director of Business Services (1) which explained the background to a review of the existing Partnership Working Policy, ensuring that any arrangements were in line with the Council's Strategic Priorities and that associated risks had been mitigated, (2) highlighted other revisions to the Policy and (3) to which were appended a copy of the Policy document, the Partnership Working Procedure and the Partnership Assessment.

After consideration, the Committee:-

- (1) **approved** the revised Partnership Working Policy appended to the report,
- (2) **noted** the Partnership Working Procedure and Assessments contained within an appendix to the report, and
- (3) **agreed** to delegate authority to the Director of Business Services to make minor changes to the Policy, following consultation with the Chair and Vice-Chair of the Committee, together with the main opposition group spokesperson.

7. ANNUAL PROCUREMENT REPORT 2018

Consideration was given to a circulated report dated 30 October, 2018, by the Director of Business Services (1) which explained that the Procurement Reform (Scotland) Act 2014 required each Scottish local authority to publish its procurement strategy and to notify Scottish Ministers accordingly, (2) which advised that the Council's procurement function was shared with Aberdeen City Council and Highland Council, aimed at ensuring value for money and contributing to the achievement of the authority's broader aims and objectives, (3) which highlighted the priorities of the joint Procurement Strategy, together with the financial efficiencies achieved and (4) to which was appended a copy of the Council's Annual Procurement Report for the period between 1 January, 2017, and 31 March, 2018.

On consideration, the Committee:-

- (1) **approved** the content and publication of the Annual Procurement Report 2017/18, and
- (2) **agreed** that the report should be referred to the other policy committees for information and discussion.

8. BAD DEBTS WRITE-OFF

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

9. USE OF DELEGATED POWERS BY CHIEF OFFICER TO ADD THE WINTER MAINTENANCE CONTRACT TO THE BUSINESS SERVICES DIRECTORATE WORK PLAN BY REASON OF SPECIAL URGENCY

There was circulated and **noted** a report dated 3 October, 2018, by the Director of Business Services, which explained that, due to urgency, and after consultation with the Chief Executive, Chair and Vice-Chair of the Committee, and the main opposition group spokesperson, he had used his delegated authority to add the Winter Maintenance contract to the Business Services Directorate Work Plan, as detailed within the report.

10. HILLTOP RADIO NETWORK

Consideration was given to a circulated report dated 12 October, 2018, by the Director of Business Services, which (1) explained the background to the Council's core Wide Area Network (WAN) site connectivity, as provided by a private hilltop wireless radio network and (2) detailed the existing contracts providing the infrastructure for the delivery of the current hilltop network.

After discussion, the Committee:-

- (1) **approved** the addition of the amended Core Hilltop Network contract to the Business Services Supplementary Work Plan, and
- (2) **noted** that a report on progress with rolling out superfast broadband would be submitted to the meeting of Aberdeenshire Council in January, 2019.

11. SUPPLEMENTARY WORK PLAN 2018/19 FOR BUSINESS SERVICES DIRECTORATE – PROCUREMENT APPROVAL

With reference to the Minute of Meeting of the Committee of 8 March, 2018 (Item 7), when approval had been given to the Annual Directorate Work Plan for financial year 2018/2019, there was circulated a report dated 30 October, 2018, by the Director of Business Services, which provided details of 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 items on the Supplementary Work Plan to the Directorate Work Plan, as previously approved by the Committee at its meeting on 8 March, 2018,
- (3) **noted** and **approved** the business cases attached to the report in respect of Microsoft Enterprise Agreement Renewal, catering services at Woodhill House and Gordon House, and OLM Carefirst,
- (4) **agreed** not to reserve approval of the business case for any of the remaining items on the Supplementary Work Plan falling within the Committee's remit, where the value of the matter was between £50,000 and £1,000,000, and
- (5) **agreed** not to reserve the award of the final contracts for Microsoft Enterprise Agreement Renewal, and catering services at Woodhill House and Gordon House, on the basis that the value of those contracts was over £1,000,000, and **noted** that the Head of ICT and the Head of Property and Facilities Management had delegated authority to award the final contracts for those respective items.

12. MINUTE OF MEETING OF LICENSING SUB-COMMITTEE OF 24 AUGUST, 2018

The Committee **noted** the Minute of Meeting of the Licensing Sub-Committee of 24 August, 2018, a copy of which forms Appendix A to this Minute.

APPENDIX A
ABERDEENSHIRE COUNCIL
BUSINESS SERVICES COMMITTEE
LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 24 AUGUST, 2018

- Present:** Councillors F C P Hood (Chair), R E Bruce, A E M Evison, A C Forsyth, V Harper (as substitute for Councillor D G Robertson), D-P L G Lonchay, M J Roy and E A Stirling.
- Apologies:** Councillor D G Robertson.
- Officers:** Principal Committee Officer and Solicitor (I Meredith), Legal and Governance.
- In attendance:** Sergeant G Flett (Police Scotland) and K Bonavino, Trainee Solicitor, Legal and Governance.

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.

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. 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 the Items 4, 5 AND 6 below on account of the likely disclosure of confidential information in breach of the obligation of confidence.

3. MINUTE OF MEETING OF THE LICENSING SUB-COMMITTEE OF 15 JUNE, 2018

There had been circulated and was **approved** as a correct record, the Minute of Meeting of the Licensing Sub-Committee of 15 June, 2018.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 945)

The Sub-Committee **noted** that, following withdrawal of the representation from Police Scotland, the application had been granted under Officers' delegated powers.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 951)

There had been circulated a report dated 6 August, 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. 951), in respect of which the Chief Constable had lodged a representation and (2) detailed information relevant to the application.

Having heard from the representative of the Chief Constable, Councillor Evison, seconded by Councillor Lonchay, moved that the licence be granted for a period of one year.

As an amendment, Councillor Stirling, seconded by Councillor Harper, moved that the licence be refused on the basis that the applicant was not a fit and proper person to hold a licence by reason of the failure to disclose previous convictions.

Members of the Sub-Committee voted as follows:-

for the motion	(2)	Councillors Evison and Lonchay.
for the amendment	(6)	Councillors Bruce, Forsyth, Harper, Hood, Roy and Stirling.

The **amendment** was carried and the Sub-Committee **agreed** to refuse the application for a taxi driver's licence on the basis that the applicant was not a fit and proper person to hold a licence by reason of the failure to disclose previous convictions.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 952)

There had been circulated a report dated 17 July, 2018 by the Director of Business Services, which (1) requested that consideration be given to an application for a taxi driver's licence, (identified as Case No. 952), and (2) detailed information relevant to the application.

Having been advised that the applicant had been in contact that morning to advise that transport arrangements to attend the meeting had fallen through and asking if it might be possible to attend the meeting remotely, the Sub-Committee unanimously **agreed**:-

- (1) to defer consideration of the application to the next meeting to allow the applicant to attend; and
- (2) that officers consider the appropriateness of remote attendance by applicants with a view to providing such an option in future.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – TAXI FARES REVIEW

With reference to the Minute of Meeting of the Sub-Committee of 20 April 2018 (Item 5) when arrangements for the initial process for reviewing the taxi fare structure had been agreed, there had been circulated a report dated 12 July 2018 by the Director of Business Services (1) outlining the consultation process undertaken and responses received; and (2) proposing that the current fare scale remain in place, as detailed in Appendix 2 of the report, with the public holiday fare to include 3rd January, Good Friday and May Day and the surcharge for payment using debit/credit being removed in line with changes in the law, effective from 1 October 2018. The report explained that the approved taxi fare scale would require (a) to be notified to all taxi operators providing a 14 day period for submission of appeals to the Traffic Commissioners, and (b) in the absence of any appeals, to be advertised in the Press & Journal to provide public notification of the implementation and effective date of new fare scales.

Following discussion on the limited feedback received from the consultation exercise undertaken, legislative requirements of the consultation process and options for providing further clarification on public holiday dates, the Sub-Committee **agreed**:-

- (1) to approve the retention of the current fare scale, subject to the late-night scale applying to public holidays including 3 January, Good Friday and May Day Bank Holidays and the surcharge for payment using debit/credit being removed in line with changes in the law, as detailed in Appendix 1;
- (2) that the Head of Legal and Governance, in the absence of any appeal to the Traffic Commissioners, be authorised to advertise and implement the revised fare scale with effect from 1 October, 2018; and
- (3) to note that officers, as part of the process for future fare scale reviews, would review consultation arrangements with a view to maximising engagement and increasing feedback.

8. STANDARD CONDITIONS FOR WINDOW CLEANER LICENCES

There had been circulated a report dated 2 August 2018 by the Director of Business Services reviewing the standard conditions for Window Cleaner's Licences as part of a wider project to review standard conditions for all civic licences. The report explained that the language used in the conditions had been reviewed to ensure it was clear and understandable; that the revised conditions had been compared with other local authorities to identify best practice and any gaps; and that the only substantial change proposed was the removal of condition 9, which had originally been intended to clarify when a licence was not required and its removal would mean that there would be no doubt on whether a licence was required or not under the legislation. The Sub-Committee was requested to approve the revised conditions as detailed in Appendix 1 to the report.

Having been advised that all window cleaners would now require a licence, that Police Scotland would be consulted on all applications, that each licence granted would be effective for a standard 3 year period and that Licensing Standards Officers would be responsible for monitoring and enforcement, the Sub-Committee approved the revised conditions as detailed in the report subject to the language in condition 6 being amended to be gender neutral.

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APPENDIX 1

TAXI FARE SCALE FROM 1 OCTOBER 2018

	Standard	Late-Night₁	Xmas/ New Year₂
The First 880 YARDS or part thereof	£2.60	£3.60	£3.90
Each additional 1/11th part of a mile or thereof	£0.20	£0.20	£0.30
Waiting: 10 pence per	10 seconds	10 Seconds	10 Seconds
<ol style="list-style-type: none"> 1. The late-night scale applies: Monday – Thursday from 2200 to 0600 and at weekends between 1800 on Fridays until 0600 on Mondays 2. The late-night scale applies to Public Holidays also from 0600 to 2200. Public Holidays are defined as 3 January, Good Friday and May Day Bank Holiday dates 3. The Festive Season tariff applies to each hiring between 1800 Hrs 24 December until 0600 Hrs 27 December, and between 1800 Hrs 31 December until 0600 Hrs 3 January. 4. In vehicles so licensed carrying more than four passengers, a surcharge of 50% of the above fares may be charged. 			
Booking Fee - £0.50 (£2.00 if picking up or dropping off a pre-booked fare at the Airport) – to be shown on the meter			
NOTE Passengers are carried on the understanding that the Driver may charge a passenger creating an unacceptable mess in the Taxi a maximum of £50			

