

ABERDEENSHIRE COUNCIL

BUSINESS SERVICES COMMITTEE

HYBRID MEETING, 12 JANUARY 2023

Present: Councillors M Findlater (Chair), J Cox (Vice-Chair), W Agnew (Substitute for Councillor Miller), D Black, S Burnett, Y Chou Turvey, G Crowson, S Dickinson, J Goodhall, S Logan, D Lonchay, R McKail, G Petrie, and C Victor.

Apologies: Councillor C Miller.

Officers: Director of Business Services, Area Manager (Kincardine and Mearns), Head of Service, Customer & Digital Services, Business Partner, Finance (Shirley-Ann Gordon), Team Leader, Finance (Fiona Massie), Team Leader Finance, (Alison Tennant), Housing Manager, Housing & Building Standards (Dave Thomson), (Legal Services Manager (Ruth O'Hare), Senior Solicitor, Legal & People (Robin Taylor), and Senior Committee Officer, (Frances Brown).

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct.

- (1) Councillor Black declared an interest in Agenda Item 5, having previously been consulted as Community Councillor. Having applied the objective test, Councillor Black considered that she had no interest to declare, and she confirmed that she would remain and participate in that item of business.
- (2) Councillor Dickinson declared an interest in Agenda Item 5, as her family had previously had a connection to Mackie Rugby Club, and she had also engaged with Mr Foster and Mr Venters regarding the future of the Rugby Club as part of her duties as a Councillor. Councillor Dickinson confirmed that she had made it clear during those discussions that she could not take a position on any land or site because that could come before her, as a planning application at a later date. Having applied the objective test, Councillor Dickinson concluded that she had no interest to declare and would remain and participate in that item of business.

2A. STATEMENT ON EQUALITIES

In making decisions on the following 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 integrated impact assessment had been provided, its contents, and to take those into considerations 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 7A15
13	4
14	8

3. MINUTE OF MEETING OF THE COMMITTEE OF 17 NOVEMBER, 2022

The Committee had before them, and **approved** as a correct record, the Minute of the Meeting of the Business Services Committee of 17 November 2022.

4. OUTSTANDING BUSINESS LIST

There was circulated a list of outstanding actions from previous meetings of the Business Services Committee, which had been deferred to future meetings of the Committee, as of 12 January 2023.

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

- Item 1 – Action complete and could be removed from the list.
- Item 2 – Report to the Committee on 20 April 2023.
- Item 3 – To remain on the list, updates to be provided on progress.
- Item 4 – Report to Committee 2 March 2023.
- Item 5 – Briefing note on income generation projects to be circulated in January 2023.
- Item 6 – Briefing note on eligibility criteria for crisis grants and community care grants (Scottish Welfare Fund) to be circulated in January 2023.
- Item 7 – Invitations to be issued for members to attend the multiagency tabletop exercise and a workshop on Community Resilience would be held on 18 January 2023.
- Item 8 – Action complete and could be removed from the list.

- Item 9 – Briefing note on a cost-benefit analysis of biomass installations to be circulated in January 2023.

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

- (1) to note the current position in respect of actions arising from previous meetings; and
- (2) to remove those actions, which had been completed, from the outstanding actions list.

5. ASSET TRANSFER REQUEST – FOREST PARK, STONEHAVEN

The Chair intimated that requests to speak had been received, and the Committee **agreed** to hear from Mr Neil Foster from the Mackie Rugby Football Club and from Mr David MacDonald, the representative of the Stonehaven Save Our Forest Park Group.

With reference to the Minute of the Business Services Committee meeting of 17 November 2022, (Item 10), where the Committee had agreed to defer consideration of the matter, to allow them to undertake a site visit to allow them to see the layout and landscape of the site, there was circulated a report, dated 29 November 2022, by the Director of Infrastructure Services, which again asked the Committee to determine the Asset Transfer Request for Forest Park, Stonehaven, as a decision to refuse had been agreed by the Kincardine and Mearns Area Committee, which was contrary to Officer's recommendations.

The Kincardine and Mearns Area Manager introduced the report, highlighting key points within the report, and key locations visited during the site inspection which took place on Friday 6 January 2023.

In response to questions raised, the Area Manager confirmed due process had been followed, as the purpose of a site visit was for members to satisfy themselves that they had enough information to determine the application. While it might have been helpful if representatives from the Rugby Club had marked out the pitches the Committee had confirmed that they had sufficient information.

The Committee then heard from Mr Foster who confirmed that the Club had been trying to find proper land with suitable infrastructure for a number of years and the scaled back fencing proposed had taken into consideration objections received and feedback from Council Officers. The Club was heavily reliant on Aberdeenshire Council facilities for the delivery of activities for children in the area and he thanked the Committee for considering the Asset Transfer Request.

The Committee then heard from MacDonald who reiterated the documented objections to the asset transfer and stated that the Mackie Academy Rugby Club had not marked out the pitches before the site inspection which he considered was detrimental as it did not give a real understanding of the impacts on the area.

After due consideration, the Committee **agreed** to refuse the asset transfer from Mackie Academy Rugby Football Club for ownership of Forest Park, Stonehaven for the following reasons:

- (1) The application does not meet the criteria required as provided for in Part 5 of the Community Empowerment Scotland Act 2015, Section 82. In that the request would not promote or improve economic development, regeneration and public health would be diminished in the adjacent neighbourhood.
- (2) The proposed asset transfer would be contrary to 82(3)(d) would induce inequality of outcome in respect of social disadvantage concerning the neighbourhood community resulting in the loss of the protected Forest Park.
- (3) The proposed asset transfer is also contrary to section 82 (4) in that equal opportunities are neither encouraged nor observed by the proposed asset transfer which would reserve equal opportunities provided by the requirement for provision of and protection of Forest Park arising from the scale of residential development at the former Mill of Forest Farm and as site specific benefit for the developed neighbourhood and the town.
- (4) The level of community support for the alternative proposal to maintain the ground's current use as open amenity space for general public use, would promote community cohesion and resilience.

6. FINANCIAL PERFORMANCE AS AT 30 NOVEMBER 2022

There was circulated a report dated 5 December 2022, by the Director of Business Services, which presented the revenue and capital financial performance information pertaining to services within the remit of the Committee as at 30 November 2022 and reflected the forecast outturn to 31 March 2023. The report also highlighted the financial risks that may require mitigations to be identified as the financial year progressed and progress with the achievements of savings agreed as part of the 2022/23 budget.

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

- (1) note the Revenue forecast break even position as set out in Appendix 1 and Appendix 2 to the report;
- (2) note the approved budget virements as set out in Appendix 3 to the report;
- (3) note the risks highlighted in Section 5 of the report;
- (4) note the progress with agreed savings as set out in Section 6 of the report;
- (5) note Capital forecasted under-budget position of £5.947m as set out in Appendix 4 to the report;

- (6) note the Reserves position as at 30 November 2022 as set out in Section 8 of the report; and
- (7) note the Treasury Management position as at 30 November 2022 as set out in Section 9 of the report.

7. CORPORATE IMPROVEMENT PLAN QUARTERLY UPDATE

There was circulated a report dated 19 December 2022, by the Director of Business Services, which sought consideration and comment on the Corporate Improvement Plan as part of the Committee's scrutiny role.

The report explained that the plan included the Self Evaluation Action Plan for 2022/23 which had been agreed by Committee in June 2022 and which contained six action plans, one complete and four in progress and one was overdue.

The report explained that progress continued to be made across all other plans with the Annual Governance Statement action plan 2021/22 and the Best Value Action Plan 2022 having no overdue actions with one overdue action within the Best Value 2020 plan which related to Housing relets. The Housing Service had advised that due to subsequent external events, including the cost of living crisis, they would be seeking approval to extend the due date of this action when the Best Value Plan is considered by Full Council in March 2023.

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

- (1) note the Corporate Improvement Plan ("the Plan"), as attached as Appendix 1 to the report;
- (2) note that the Plan which was considered by Audit Committee on 15 December 2022; and
- (3) agree to receive six-monthly updates.

8. REVIEW OF THE FOLLOWING THE PUBLIC POUND POLICY

With reference to the Minute of the Meeting of the Policy and Resources Committee of 17 November 2016 (Item 9), when the Public Pound Policy was approved, there was circulated a report dated 30 November 2022, by the Director of Business Services, which provided the Committee with the proposed revisions to the Following the Public Pound Policy following agreement that the Finance Service would undertake a full review of the current Code of Practice to meet the most recent audit recommendations.

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

- (1) note the proposed revision to the Following the Public Pound Policy as presented as Appendix 1 to the report; and

- (2) approve the revised Following the Public Pound Policy as presented in Appendix 2 to the report.

9. ABERDEENSHIRE'S DIGITAL STRATEGY, IMPLEMENTATION UPDATE

There was circulated a report dated 8 December 2022, by the Director of Business Services, which provided the Committee with an update on progress of Aberdeenshire's Digital Strategy, previously reported to the Business Services Committee on 7 January 2021, January 2022 and 23 June 2022.

The report explained that an update report had been considered by Area Committees during September 2022, and a bulletin had been circulated to Area and Policy Committees during August/September 2021. The report provided an update on the holistic approach to delivering Aberdeenshire's Digital Strategy, setting out progress across the suite of projects which received funding under the Digital Strategy package of support approved by Council and delegated to Business Services Committee in June 2021.

During discussion the Committee welcomed the report, recognising that it was a great piece of work and requested that Officers pass on the Committee's thanks to the team.

As part of their discussion, the Committee commented:

- (1) The Education Service had provided a briefing note on the roll out of devices in schools the previous year and the Committee would welcome an updated briefing note.
- (2) An update on the pilot taking place in January 2023 for Digital Connections for front line employees would be welcomed.
- (3) An update/case study on the Senor trials, including data would be welcomed.

In response to questions raised, the Digital Team were asked to provide a briefing note on:

- (1) R100 Planned Deployment, Broadband Voucher Scheme - Green Spots, there was lots of evidence that projects had not been completed in those areas, could have an impact on the continued role out?
- (2) Mobile Masts, was there any way to influence organisations to upgrade masts?

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

- (1) to note the Area Committee feedback, as presented in Appendix 2 to the report; and

- (2) that they had considered and commented on the update report.

10. CONSULTATION RESPONSE: SCOTLAND'S CENSUS 2022 – OUTPUTS TO CONSULTATION

There was circulated a report, dated 30 November 2022, by the Director of Business Services, which sought comment and agreement on the draft Consultation Response to a National Records Scotland (NRS) Census 2022 which had been launched following the census in 2022, with a response required by 10 February 2023.

The report explained the Council was a user of Census data and a corporate response had been drafted to represent organisational needs as presented in Appendix 1 to the report.

During discussion, the Committee supported the response, however, felt that that the Armed Forces data should be included as part of the census data and that should be recognised in the final submission. The Committee agreed that the final submission should be agreed by the Director following consultation with the Chair, Vice Chair and Opposition Spokesperson prior to final submission.

The Committee also made comment on the definition of a 'key worker' as defined on Page 293 of report, acknowledging that it would be up to Aberdeenshire Council as to how they would apply that definition.

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

- (1) that the Committee had considered and commented on and proposed draft consultation response as presented as Appendix 1 to the report;
- (2) to note that the final response would be updated to include reference to the Armed Forces which would be approved by the Director, following consultation with the Chair, Vice Chair and Opposition Spokesperson prior to final submission by 10 February 2023; and
- (3) to note that the response would be submitted by the Head of Customer and Digital Services.

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

With reference to the Minute of Meeting of the Business Service Committee of 7 January 2021 (Item 12), when the last annual report on Regulation of Investigatory Powers (Scotland) Act 2002 (RIPSA) activity was reported on the Council's use of surveillance powers to ensure compliance with Codes of Practice, there was circulated a report dated 20 December 2022, by the Director of Business Services, which provided the Committee with the use of surveillance by Aberdeenshire Council over the previous twelve months as presented in Appendix 1 to the report, noting

that there were no changes in legislation or notable cases on RIPSA during that period, and to seek approval of the Policy for use in the coming year.

The Legal Services Manager introduced the report and advised the Committee that there would be one change to the policy, as presented in Appendix 2 to the report, namely paragraph 54, which should ensure that it was clear that Codes of Practice would be made available from Viewmount Offices in Stonehaven, rather than 16 to 22 Allardice Street, Stonehaven.

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

- (1) note the annual report of activity under the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) Policy at Appendix 1;
- (2) approve the Regulation of Investigatory Powers (Scotland) Act 2000 Policy at presented as Appendix 2 to the report; and
- (3) acknowledge that the Codes of Practice document would be made available to view at the Viewmount Offices in Stonehaven.

12. ESTABLISHMENT OF A RATINGS APPEALS SUB-COMMITTEE

There was circulated a report dated 6 December 2022, by the Director of Business Services, which sought consideration and approval by the Committee for the establishment of a Ratings Appeals Sub-Committee, to consider and determine appeals by ratepayers, against the rates claimed from them on the grounds that they were being improperly charged, in terms of Section 238 of the Local Government (Scotland) Act 1947, which would include decisions of the authority in relation to applications under the Small Business Bonus Scheme (SBBS).

The report explained that there was a requirement to establish, and call upon a Ratings Appeals Sub-Committee, due to a disagreement having arisen between the Council and a ratepayer in respect of the eligibility for the Small Business Bonus Scheme following attempts to resolve the issue through other agreed channels having failed.

Section 3.4 to the report proposed membership of the Sub-Committee being an 8 member group, comprising of 5 Administration Members and 3 Opposition Coalition Members.

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

- (1) establish a Sub-Committee, to be known as the Ratings Appeal Sub-Committee, to be constituted as an 8 Member group comprising 5 Administration Members and 3 Opposition Coalition Members;

- (2) nominate Councillor Black, Evison and Petrie as the 3 Opposition Coalition Members to the Sub-Committee, with the 5 Administration Members being notified to the Committee Officer by Monday 16 February 2023; and
- (3) note that the membership of the Sub-Committee was based on the proportionality model approved by Full Council on 19 May 2022, namely that an 8 Member group comprises 5 Administration Members and 3 Opposition Coalition Members; and a 5 Member group comprises 3 Administration Members and 2 Opposition Coalition Members.

13. REQUEST FOR PENSION FUND GUARANTEES

There was circulated a report dated 4 January 2023, by the Director of Business Services, which presented a request for a financial guarantee for Inspire (Partnership through Life) Ltd, which the Council had a financial relationship with, and to amend the terms where necessary.

The report explained that the Board of Directors at Inspire had requested that the Local Authorities (Aberdeenshire, Aberdeen City and Moray) who commission Inspire Services provide a guarantee in relation to their participation in the North East Scotland Pension Fund.

After due consideration, the Committee **agreed** that Aberdeenshire Council would act as a guarantor for Inspire (Partnership through Life) Ltd in respect of North East Scotland Pension Fund liabilities, subject to agreement by both Aberdeen City and Moray Councils acting as joint guarantors on an agreed shared basis.

14. DATA PROJECT

There was circulated a report, dated 19 December 2022, by the Director of Business Services, which presented a business case for the delivery and execution of a comprehensive data strategy in alignment with Aberdeenshire's Digital Strategy as detailed in Appendix 1 to the report.

The report explained that making better use of data was one of the core priorities in the Council's Digital Strategy, using data to enhance public accountability, drive performance improvement, empowering local communities to play an increased role in the design and delivery of local services.

During discussion, the Committee sought assurances that future reports would consider quantifiable benefits, (costs, staffing and learning from other Local Authorities).

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

- (1) that they had considered, commented on and approved the Business Case as presented as Appendix 1 to the report; and

- (2) to note that the procurement of a data platform will be in the Business Services Procurement Plan 2023/24 to be considered by Committee in March 2023.

APPENDIX A

MINUTE OF MEETING OF THE LICENSING SUB-COMMITTEE OF 14 OCTOBER, 2022

Present: Councillors A Stirling (Chair), M Ewenson (Vice-Chair), G Crowson, J Gifford, T Mason, L McWhinnie, R Menard and J Nicol.

Officers: Principal Solicitor (Lauren Cowie), Solicitor (Lynsey Kimmitt) 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.

Councillors Ewenson and Stirling declared an interest in Item 5 by virtue of being involved in a previous decision process and being a part of the appeal proceedings. Councillors Ewenson and Stirling confirmed that they would leave the meeting and take no part in the consideration of that item.

1A. APPOINTMENT OF THE CHAIR FOR ITEM 5

The Committee Officer called for nominations for the appointment of the Chair of the Licensing Sub-Committee for Item 5.

Councillor Stirling, seconded by Councillor Ewenson, moved that Councillor Gifford be appointed as Chair of the Sub-Committee for Item 5.

There were no other nominations and Councillor Gifford was duly appointed Chair of the Licensing Sub-Committee for Item 5.

The Committee Officer called for nominations for the appointment of the Vice-Chair of the Licensing Sub-Committee for Item 5.

Councillor Stirling, seconded by Councillor Ewenson, moved that Councillor Nicol be appointed as Vice-Chair of the Sub-Committee for Item 5.

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

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 5, 6B and 6C 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 2 SEPTEMBER, 2022

On consideration of the circulated Minute of the Meeting of the Sub-Committee of 2 September, 2022, Members **approved** it as a correct record.

4. LICENSING OF TAXI AND PRIVATE HIRE CARS AND DRIVERS - CONSULTATION

With reference to the Minute of Meeting of the Sub-Committee of 11 February, 2022 (Item 4), when it had been agreed that a further report would be brought to the Sub-Committee once the consultation period had ended presenting the outcome of the consultation together with details of any proposals resulting from the consultation, there was circulated a report dated 29 September, 2022 by the Director of Business Services providing the Sub-Committee with an update on the consultation in relation to matters affecting the taxi trade, which had taken place between August and September 2022.

The Principal Solicitor introduced the report. Members were informed that, in addition to what the Sub-Committee had agreed to at the meeting of the Sub-Committee in February 2022, questions on the topics of Tax Conditionality and Wheelchair Accessible Vehicles had been added to the consultation. That had been in response to a query the Licensing Service received regarding the demand for wheelchair-accessible vehicles and a change in legislation which would require the Licensing Service to carry out a check from April 2023 to establish whether applicants for some licences were registered for tax with HMRC. Those changes had been incorporated into the consultation in liaison with the Chair of the Sub-Committee.

The Chair intimated that a request to speak had been received and the Sub-Committee **agreed** to hear from Mr Stewart Wight, interim Chairman of the Aberdeenshire Taxi and Private Hire Operators Association who wished to challenge the survey results and highlight the difficulties with getting a certificate and medical assessment.

Mr Wight then addressed the Sub-Committee and highlighted several issues, namely the inadequate response rate to the consultation survey and the security issues in terms of the way the responses had been collected; the taxi fare review and the fact that the new rates could affect the number of customers; dropping numbers of registered vehicles and taxi drivers; proposed medical assessments (Group 2) not being suitable for driver licences; proposals to improve the environment; and wheelchair accessible vehicles.

The Chair asked Mr Wight to confirm that he had received a fair hearing. Mr Wight confirmed that he had received a fair hearing and thanked Sub-Committee for allowing his request to speak.

Members made comments regarding the decreasing numbers of taxi drivers and registered vehicles and whether this was similar in other local authorities; wheelchair-accessible vehicles and temporary licences; the proposed scales labelled Options A-D; festive fares; and calibration of taxi meters.

Thereafter, Councillor Menard, seconded by Councillor Crowson, moved that Option D should be the subject of statutory consultation and that the current festive rates should be retained.

As an amendment, Councillor Nicol, seconded by Councillor McWhinnie, moved that the Option D should be the subject of statutory consultation and that the festive rates should be extended to every Friday and Saturday in December from 6 p.m. to 6 a.m., if possible, and, if not possible, to delegate a decision on the festive fares to the Head of Legal and People, following consultation with the Chair and Vice-Chair of the Sub-Committee.

Members of the Sub-Committee voted:

for the motion (3) Councillors Crowson, Mason and Menard.

for the amendment (5) Councillors Ewenson, Gifford, McWhinnie, Nicol and Stirling.

The amendment was carried and the Committee **agreed**:-

- (1) to acknowledge that the consultation noted within the report had concluded on 30 September, 2022 and the full findings of this consultation, together with analysis, would be reported back to the Sub-Committee at its meeting on 2 December 2022;

- (2) to note the views expressed by the trade and observations by officers in relation to the section of the consultation which focused on the Review of Taxi Fares;
- (3) that Option D should be the subject of statutory consultation and that the festive rates should be extended to every Friday and Saturday in December from 6 p.m. to 6 a.m., if possible, and, if not possible, to delegate a decision on the festive fares to the Head of Legal and People, following consultation with the Chair and Vice-Chair of the Sub-Committee; and
- (4) to approve the publication of the proposed scale and commencement of the public consultation in that regard.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR RENEWAL OF TAXI DRIVER'S LICENCE (CASE NO. 1049).

Councillors Ewenson and Stirling left the meeting. Councillor Gifford took the Chair of the meeting.

With reference to the Minute of Meeting of the Sub-Committee of 1 April, 2022 (Item 5i), when it had been agreed to refuse the application on the ground that the applicant was not a fit and proper person to hold a taxi driver's licence due to the history of his convictions, there was circulated a report dated 22 September, 2022 by the Director of Business Services asking the Sub-Committee for reconsideration of the application as a result of an appeal lodged to the Sheriff' Court.

Having noted that additional documents had been received from the applicant before the meeting and having heard from the applicant, his representative and the Chief Constable's representative, Councillor Menard, seconded by Councillor Nicol, moved, that a licence be granted for a period of 1 year due to the nature and the seriousness of convictions.

As an amendment, Councillor Crowson, seconded by Councillor Mason, moved moved that the licence be granted for a period of 3 years.

Members of the Sub-Committee voted:

for the motion (3) Councillors McWhinnie, Menard and Nicol.

for the amendment (3) Councillors Crowson, Gifford and Mason.

There being an equality of votes, the Chair used his casting vote to support the amendment and the Committee agreed:-

- (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.

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

(6a). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1064)

This item had been withdrawn.

(6b). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1067)

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

There had been circulated a report dated 21 September, 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. 1067), 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:-

- (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 the duration of the licence be restricted to 12 months due to the nature of the conviction.

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

(6c). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1068)

There had been circulated a report dated 22 September, 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. 1068), 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, Councillor Ewenson, seconded by Councillor Menard, moved that the application be refused on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence due to the previous convictions and pending charges.

As an amendment, Councillor Stirling, seconded by Councillor Gifford, moved that the licence be granted as the applicant was a fit and proper person to hold a taxi driver's licence but the duration of the licence be restricted to 12 months.

Members of the Sub-Committee voted:

for the motion (3) Councillors Ewenson, Mason and Menard.

for the amendment (5) Councillors Stirling, Crowson, Gifford, McWhinnie and Nicol.

The amendment was carried and the Sub-Committee **agreed**:-

- (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 the duration of the licence be restricted to 12 months.