

## **BUSINESS SERVICES COMMITTEE**

**THURSDAY, 16 NOVEMBER, 2023**

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

**Apologies:** Councillors Burnett, Chou Turvey and Petrie.

**Officers:** Director of Business Services, Head of Service (Customer & Digital Services), Head of Service (Property & Facilities), Head of Service (Legal & People), Legal Services Manager (L Cowie), Business Partner, Finance (S Gordon) and Committee Officer (A McLeod).

### **1 SEDERUNT AND DECLARATION OF MEMBERS' INTERESTS**

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct. No declarations of interests were declared.

### **2(A) 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 Integrated Impact Assessment has been provided, its contents and to take those into consideration when reaching a decision.

### **2(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**

**Paragraph No of Schedule 7A**

12

8

### 3 MINUTE OF THE MEETING OF 14 SEPTEMBER, 2023.

There had been circulated and was **approved** as a correct record the Minute of the Meeting of Business Services Committee of 14 September 2023.

### 4 STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Business Services was circulated detailing the items of outstanding business as at 16 November 2023.

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

Item 1 – the Director confirmed that the Council had now achieved Real Living Wage accreditation, and this item was proposed to be removed.

Item 2 – an evidence gathering session was scheduled for 16 November 2023 and a report would be presented to the next meeting of the Committee. Item to remain on the list.

Item 3 – workshop session on risk management had been held and presentation made available to Members. This item to be removed.

Item 4 – presentation on staff health and wellbeing plan on agenda, and item could be removed.

Item 5 – date being sought for meeting of Office Space Strategy Working Group during December. Item to remain on list.

Item 6 – reporting abandoned vehicles being added to MyAberdeenshire App and further update to be provided once this has been implemented. Item proposed to be removed.

Item 7 – budget workshop scheduled for 16 November 2023. Item proposed to be removed.

Item 8 – report scheduled for early 2024 on Common Good Policy consultation. Item to remain on list.

Item 9 – report awaited on participation request process. Item to remain on list.

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

- (1) note the current position of actions arising from previous meetings; and
- (2) remove the completed actions (Items 1, 3, 4, 6 and 7) from the outstanding actions list.

### 5 FINANCIAL PERFORMANCE AS AT 30 SEPTEMBER 2023.

There was circulated a report dated 12 October, 2023 by the Director of Business Services, which provided an update on the forecasted financial performance pertaining to the services which were under the remit of Business Services Committee for the financial year 2023/24, as at 30 September 2023.

The report highlighted that the forecast revenue financial position as at 30 September, 2023 was £0.345 million less than budget and whilst the Service was currently projecting an underspend position at the end of the financial year, careful consideration was being applied to vacancy management and discretionary spend to help alleviate pressures on the Council as a whole.

During discussion, Members commented on a number of overspent budget lines, which had resulted in budget virements as detailed in Appendix B; the use of earmarked reserves; asked for more information around the voluntary severance costs and number of posts affected within the Service. With regard to Public Conveniences it was noted that there was an underspend of £40,000 and this was due to efficiencies in the use of cleaning resource, and included an element for demolition, which had been put on hold due to an ongoing review of public buildings. Some Members considered that any funds available to ensure that public conveniences were kept in operation was important, including the possibility of community involvement or partnerships.

There was also discussion of investment in productivity increasing systems to create operational efficiencies and changes to service delivery.

Having considered the report, the Committee **agreed** to:

- (1) approve the Revenue and Capital forecast position pertaining to this Committee for 2023/24 as set out in Appendix A;
- (2) approve the progress of Budget Savings associated with these budgets;
- (3) approve the Earmarked Reserves associated with this Committee and their use;
- (4) note the approved revenue budget virements as detailed in Appendix B; and
- (5) request that officers provide further information on the numbers of posts to date that had been subject to the voluntary severance scheme.

## **6 STAFF HEALTH AND WELLBEING PLAN. (ORAL REPORT)**

The Head of Legal and People provided an update on the Staff Health and Wellbeing Plan in respect of Business Services. She provided absence data for the last five years, which showed the top 10 reasons for absence over the period. She advised that since a peak in October 2021, the overall levels of absence had been on a downward trend throughout 2022 and had plateaued at a lower level in 2023, with the current high for Business Services sickness absence in 2023 being 2.7% in June. Absence patterns overall were now consistent with pre-pandemic levels. Information was also provided showing the trend of absence data for all council Directorates over the last five years. Details of a Wellbeing Survey were outlined which had been carried out in September 2022, with a response rate of 22% overall within Business Services. A further wellbeing assessment undertaken in early 2023 saw greater levels of engagement with a response rate of 33%, which showed an improvement of the overall level of wellbeing within the Service, and coinciding with a reduction and steadying of sickness absence rates over that period.

Wellbeing actions had been identified for each service and documented within Business Plans and each area of Business Services would be supported by Legal and People teams to achieve their actions. The overall wellbeing of the workforce would be measured annually via the 87% Wellbeing Assessment against the baseline measurement taken in 2023. She concluded by reminding Members that a suite of

wellbeing resources were available to all employees and Elected Members to support them to look after their wellbeing.

During discussion, the need to understand the wider impacts on staff of face to face interactions and the impacts of social media on staff wellbeing were highlighted. After discussion, the Chair, on behalf of the Committee thanked the Head of Legal and People for an interesting presentation.

## **7 CORPORATE CHARGING POLICY UPDATE REPORT.**

With reference to the minute of meeting of the Committee of 8 June 2023 (Item 6) there was circulated a report by the Director of Business Services providing an update on the Council's Corporate Charging Policy.

The Business Partner, Finance introduced the report and advised that a review had been undertaken of the Corporate Charging Policy to ensure its effectiveness since being updated in September 2021. She advised that feedback from Services had indicated that the policy was clear to follow and laid out exactly what was required in terms of charging. She advised that the Services had undertaken full reviews of their fees and charges and these were implemented in the current financial year. The exception to this was in Communities and Education and Children's Services, which were delayed to allow longer to streamline the two sets of letting charges. These reviews were now well underway and expected to be implemented from 1 April 2024. No adverse impacts had been identified on income receivables or uptake of services through the reviews of fees and charges and this would suggest that the policy was working well and as intended.

During discussion, Members welcomed the report and some concerns were expressed around the fees for hire of halls which were providing funding challenges for some clubs and organisations. It was noted that the report before the Committee was based around the policy framework and acknowledged that some further detail in respect of the qualitative data would sit within the remits of the various policy committees.

After consideration, the Committee **agreed** to note the update on the Corporate Charging Policy.

## **8 BUSINESS SERVICES' MID-YEAR PERFORMANCE MONITORING REPORT - APRIL 2023 TO SEPTEMBER 2023 (COUNCIL PRIORITIES).**

The Committee had before them a report dated 31 October, 2023 by the Director of Business Services which provided a mid-year update on progress made in relation to performance indicators contained within the Business Services' Head of Service Business Plans 2023-24. The report explained that following the approval of the new Council Plan 2022-27, and to support the delivery of the Plan, Business Plans had been developed by Heads of Service in each Directorate, and these plans incorporated performance measures to illustrate how each Directorate was contributing to the Council's overarching priorities. The report also advised that Corporate Performance would continue to provide an annual performance update on the key strategic measures contained within the 2022-27 Council Plan through the Annual Performance report. The report provided a high-level summary overview of progress made during April to September 2023 in relation to a set of 25 performance

measures, as presented in Appendix 1 to the report. The overview provided details of key successes, areas for improvement as well as a summary of progress made towards each of the Strategic Priorities.

During discussion some Members commented on the need for a fuller overview of both areas of success and areas for improvement, in terms of the scrutiny role of the Committee; commented on the presentation aspects of the report and whether it was possible to merge the finance and the performance reviews in order to give a more full picture; there were concerns expressed about the increase in complaints in relation to the rollout of the new 3 weekly bin cycle, particularly in relation to the changes in routes resulting in missed bins and the need for clearer communications to resolve the issues.

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

- (1) note the progress made in relation to performance indicators contained within the Business Services' Head of Service Business Plans which support the Council Plan 2022-27 attached as Appendix 1;
- (2) to instruct the Director of Business Services to continue 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; and
- (3) to instruct the Director of Business Services to feed back to officers in Environment and Sustainability Members comments around missed bin collections due to changes in routes, and the need for more clarity to communicate how missed bin collections would be resolved.

## **9 CORPORATE IMPROVEMENT PLAN.**

With reference to the Minute of Meeting of the Committee of 8 June 2023 (Item 9), the Committee had before them a report dated 9 October, 2023 by the Director of Business Services, providing a 6 monthly progress update on the Corporate Improvement Plan, as at 20 September, 2023. The report advised that progress continued to be made across all Plans, with completed actions having been implemented and embedded across the organisation.

The Director of Business Services introduced the report and advised that the Plan showed good progress and there was one overdue action which related to a data hub which had been due to capacity challenges, but was now progressing; that the self evaluation plans for 2022-23 were complete and had been removed; the evaluation plans for 2023-24 were in progress; and the Best Value report would be reported to Full Council on 23 November 2023 and would then be added into this report, providing additional data and assurance of progression of agreed actions.

During discussion, the Committee requested that future reports should have less use of acronyms and the final row of the table on page 71 relating to benchmarking be given some further detail in future reports.

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

- (1) acknowledge the Corporate Improvement Plan (“the Plan”), attached as Appendix 1 to the report;
- (2) note that the Plan was approved by Audit Committee on 9 November 2023; and
- (3) receive six monthly updates.

## 10 **CONSULTATION RESPONSE: DRAFT GUIDANCE ON THE DEVELOPMENT OF GAELIC LANGUAGE PLANS.**

The Committee had before them a report dated 9 October 2023 by the Director of Business Services seeking feedback on new draft guidance for the preparation of Gaelic Language Plans by Bòrd na Gàidhlig, which would be submitted to Scottish Ministers for approval.

The Head of Customer and Digital Services provided some background to the report, and confirmed that a corporate response had been developed and submitted under delegation and in consultation with the Chair, Vice-Chair and Opposition Spokesperson, to meet the deadline of 10 November 2023. The view was that there was little difference in the new draft guidance from the current guidance published in 2007, with the main difference being the reference to technological advances since the first set of guidance.

During discussion, Members commented on the need to ensure that the Gaelic language and appropriate resources were made accessible and signposted through the Council website, to ensure the promotion of the Gaelic language as well as Scots and Doric within Aberdeenshire.

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

- (1) note the consultation response in Appendix 1; and
- (2) note that the closing date to submit responses was 10 November 2023 and that the response has been submitted by the Head of Customer and Digital Services under delegation and following consultation with the Chair, Vice Chair and Opposition Spokesperson.

## 11 **CARBON BUDGET UPDATE 2023-2024.**

The Committee had before them a report dated 10 October 2023 by the Director of Business Services presenting an update on progress towards the actions listed in the Carbon Budget 2023-24 which were approved by Aberdeenshire Council on 9 March 2023 for the Business Services Directorate. The report advised that the Council had set a total Carbon Budget for 2023-24 as 44,152 tonnes Carbon Dioxide Equivalent (tCO<sub>2</sub>e) in line with linear progression towards a 75% reduction in Council owned emissions by 2030. It was also agreed that all Directors should submit six monthly updates on in-year progress in relation to these reduction measures to the relevant policy Committees and to the Sustainability Committee.

The Head of Property and Facilities introduced the report and advised the Committee that the 2022/23 emissions for the Business Services Directorate had come in below target, with an output of 46,000 tonnes against a target of 47,000 tonnes. He referred to the significant challenges ahead to ensure a continuation towards the 75%

reduction in emissions to 2030, noting that operational buildings account for 67% of the total emissions. A number of carbon reduction feasibility studies were underway to inform the strategy and the types of activity to be taken forward, with the emphasis to decarbonise buildings as well as improving energy efficiency.

During discussion, Members welcomed the progress to date and commented on the significant amount of work ahead, and the need to identify significant funding streams to enable the Council to reach its 75% reduction in emissions targets from its built assets by 2030.

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

- (1) note the Carbon Budget six-monthly update for Business Services as detailed in Table 3; and
- (2) note the ongoing responsibility of the Director to secure reduction targets as set out in the Carbon Budget, and to report progress at six-monthly intervals to the relevant Policy Committees and to the Sustainability Committee.

## **12 UTILITIES CONTRACTS**

The Committee had before them a report dated 5 October 2023 by the Director of Business Services providing an update on energy and water contracts. The report informed the Committee of the current contracts in place, how the expected expenditure would be shared, and requested approval to continue the work on a Spend Analysis and Recovery contract.

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

- (1) note the current Utilities Contracts providers and expenditure for 2022/2023;
- (2) note the success to date with the Spends Analysis and Recovery contract in respect to Water and Waste Water charges, as detailed in the report; and
- (3) the proposed increase in spend on the Spend Analysis and Recovery contract, as detailed within the report.

## **13 MINUTE OF THE MEETING OF THE LICENSING SUB-COMMITTEE OF 1 SEPTEMBER, 2023.**

The Committee **noted** the Minute of the following meeting, a copy of which forms Appendix A to this minute:

- A. Minute of Meeting of the Licensing Sub Committee of 1 September 2023.

## LICENSING SUB-COMMITTEE

FRIDAY, 1 SEPTEMBER, 2023

Present: Councillors A Stirling (Chair), M Ewenson (Vice-Chair), G Crowson, T Mason, R Menard, J Nicol, S Dickinson (Substitute) (In place of J Gifford) and M Grant (Substitute) (In place of L McWhinnie).

Apologies: Councillors J Gifford and L McWhinnie.

Officers: Nicole Chidester (Committee Officer), Shirley Duthie (Senior Authorised Officer), Lynsey Kimmitt (Solicitor), and Fiona Stewart (Senior Solicitor).

Also in attendance: Police Constable Ian Duthie (Police Scotland).

### **1 SEDERUNT AND DECLARATION OF MEMBERS' INTERESTS**

The Chair asked Members if they had any interests to declare, in terms of the Councillors' Code of Conduct. There were no interests 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 Integrated 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, as amended, to exclude the public and media representatives from the meeting for Items 5 - 10 of the business below on account of the likely disclosure of confidential information in breach of the obligation of confidence.

### **3 MINUTE OF THE MEETING OF 9 JUNE 2023**

There had been circulated and was **approved** as a correct record the Minute of the Meeting of the Licensing Sub-Committee of 9 June 2023.



4            **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SECTION 44 AND SCHEDULE  
1  
CIVIC GOVERNMENT (SCOTLAND) ACT 1982 LICENSING OF SHORT-TERM  
LETS ORDER 2022 SHORT-TERM LETS – AMENDMENT TO THE LICENCE  
CONDITIONS AND MANAGEMENT STANDARDS FOR A SHORT-TERM LET**

With reference to the Minute of the Meeting of the Licensing Sub-Committee of 2 December 2022 (Item 6), where the Policy and Licensing Scheme for Short-Term Lets in Aberdeenshire was agreed, there was circulated a report dated 21 July 2023, by the Director of Environment and Infrastructure Services, that sought approval to remove Licence Condition LC.20 from Aberdeenshire Council's agreed Licence Conditions and Management Standards which pertained to the provision of ancillary equipment. The report was brought to the Sub-Committee in response to the judicial review of City of Edinburgh Council and the concern for potential legal challenge.

Having considered the report, the Committee **agreed** to:

- (1) approve the removal of Licence Condition LC.20 as indicated in Appendix 1 to the report, to avoid potential legal challenges; and
- (2) that the content of LC.20 would be included in the guidance documents referring to ancillary equipment.

5            **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE (CASE NO.  
1078)**

There had been circulated a report dated 15 August 2023, 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. 1078), in respect of which the Chief Constable had lodged a representation, and (2) detailed information relevant to the application.

This application was presented to the Licensing Sub-Committee at its meeting on 9 June 2023 (Item 5). The Sub-Committee unanimously agreed to defer the case for one cycle to the 1 September 2023 Sub-Committee meeting and asked for clarification from the Police, regarding the charges, in advance of the meeting. The applicant was encouraged to provide a written submission from their legal representative and to provide character references. It was also agreed that an interpreter would be arranged to provide support for the applicant.

It was **noted** that the applicant was not available when dialled into the meeting, but the sub-committee **agreed** to proceed in his absence.

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

- (1) by a majority, that there was sufficient evidence before them to allow a determination to be made; and
- (2) 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.

**6 APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE (CASE NO. 1080)**

There had been circulated a reported dated 31 July 2023, 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. 1080), in respect of which the Chief Constable had made an objection, and (2) detailed information relevant to the application.

It was **noted** that the applicant was not available when dialled into the meeting, but the Sub-Committee **agreed** to proceed in his absence.

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

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) 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.

**7 APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE (CASE NO. 1081)**

There had been circulated a reported dated 2 August 2023, 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. 1081), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

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

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to GRANT the application for a taxi driver's licence 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 based on the submission, evidence, and explanation from the applicant.

**8 APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1082)**

There had been circulated a reported dated 31 July 2023, 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. 1082), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

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

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) 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.

**9 APPLICATION FOR RENEWAL OF TAXI DRIVER'S LICENCE (CASE NO. 1083)**

There had been circulated a reported dated 25 July 2023, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of a taxi driver's licence (identified as Case No. 1083), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

Having heard from the applicant's legal representative and the Chief Constable's Representative, the Sub-Committee **agreed** that the case should be deferred for one cycle to allow for further information to be supplied by the applicant, particularly around the circumstances of the charge, clarity around the taxi booking process, and if the licensable vehicle had a car radio. The applicant's representative was also reminded that while the case was pending, the licence holder was able to continue to trade.

At this point in the meeting, Members agreed to suspend standing order 2.1.4 to continue beyond 1pm.

**10 APPLICATION FOR GRANT OF PRIVATE HIRE CAR DRIVER'S LICENCE (CASE NO. 1084)**

There had been circulated a reported dated 31 July 2023, 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. 1084), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

The Chief Constable's representative clarified that there was a mistake on their representation and that the application was for a grant of private hire care driver's licence.

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

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to GRANT the application for a Private Hire driver's licence for a period of 3 years on the grounds that the applicant was a fit and proper person to hold a Private Hire driver's licence based on the submission, evidence, and explanation from the applicant.

**11 APPLICATION FOR GRANT OF SHORT-TERM LET LICENCE (CASE NO. 1085)**

There had been circulated a report dated 16 August 2023, by the Director of Business Services, which (1) requested that consideration be given to an application for the

grant of a Short-Term Let Licence for Flat D, Burnside Cottages, Burnside Road, Fettercairn, AB301XY, in respect of which an objection from a Member of the Public had been lodged in response to the display of the site notice and (2) detailed information relevant to the application. There were no adverse observations or objections from the statutory consultees.

Officers clarified that there was a mistake on the report at paragraph 3.1 and that the reference to 'Kirkview' should be ignored. Officers confirmed the application was for Flat D, Burnside Cottages, Burnside Road, Fettercairn, AB301XY.

Having heard from the applicant, the Sub-Committee **agreed** that the objections to the application were partially relevant and they would only consider objections from the objector himself and not from 'other residents' as they were unnamed, not identified by addresses, nor provided written authorisation for the objector to represent their views. The objections would only be considered based on their relation to the grounds of refusal.

The Sub-Committee went on to consider the application.

Having heard from the applicant, and taking the written objection into consideration and on the basis that no grounds for refusal were met, subject to mandatory conditions, the Sub Committee unanimously **agreed:-**

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to GRANT the application for Short-Term Let Licence for a period of 3 years for Flat D, Burnside Cottages, Burnside Road, Fettercairn, AB301XY.

## 12 APPLICATION FOR GRANT OF SHORT-TERM LET LICENCE (CASE NO. 1087)

There had been circulated a report dated 16 August 2023, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a Short-Term Let Licence for Kirkview, Flat B, Church House, Castle Street, Johnshaven, DD10 0ER, in respect of which an objection from a Member of the Public had been lodged in response to the display of the site notice and (2) detailed information relevant to the application.

Having heard from the objector and the applicant, the Sub-Committee unanimously **agreed** that the objections were partially competent and relevant, as advised in section 3.8 of the report, on the basis that they related to the Legal Test.

Members confirmed that had received the additional circulation of submissions and Officers clarified that although conditions could be added to a licence, they could not be enforced and it would not be competent for a Licencing Authority to apply conditions.

Having heard from the objector and applicant, the Sub Committee unanimously **agreed:-**

- (1) that there was sufficient evidence before them to allow a determination to be made;

- (2) to GRANT the application for Short-Term Let Licence for a period of 3 years for Kirkview, Flat B, Church House, Castle Street, Johnshaven, DD10 0ER on the grounds that, with respect to the objection, within the written and verbal statements, the applicant had tried to mitigate those objections by providing information to guests staying in the property; and
- (3) to instruct Officers to provide both the applicant and objector with details about compliance mechanisms, and contact details for Licensing Standards Officers and relevant Services.

Draft