

## **BUSINESS SERVICES COMMITTEE**

**THURSDAY, 11TH JANUARY, 2024**

**In Attendance:** Councillors G Owen (Chair), J Cox (Vice-Chair), S Adams (as substitute for Councillor Burnett), D Black, Y Chou Turvey, G Crowson, S Dickinson, M Findlater, J Goodhall, D Keating (as substitute for R McKail), S Logan (as substitute for C Victor), D Mair, C Miller, G Petrie.

**Apologies:** Councillors S Burnett, R McKail, and C Victor.

**Officers:** Director of Business Services, Head of Service (Customer & Digital Services), Head of Service (Finance), Head of Service (Property & Facilities), Service Manager (Customer & Digital Services), Senior Solicitor (Legal & People) (R Taylor), Estates Manager (Property & Facilities), Pay & Reward Manager (Finance), Strategic Commercial Manager (Procurement) (M Mackenzie), Legal Services Manager (L Cowie), Business Partner, Finance (S Gordon) and Committee Officer (N Chidester).

### **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. Councillor Owen made a transparency statement in relation to Item 12, by virtue of her husband working for the Grampian Joint Valuation Board. Having applied the objective test she had concluded that she did not have an interest to declare, and she would remain and participate in the item.

### **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
  - (d) 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
11	8
12	8 & 9
13	8

### 3 MINUTE OF THE MEETING OF 16 NOVEMBER 2023

There had been circulated and was **approved** as a correct record the Minute of the Meeting of the Business Services Committee of 16 November 2023 with one correction, to update Item 11 as follows:

The Head of Property and Facilities introduced the report and advised the Committee that the 2022/23 emissions **for Aberdeenshire Council** had come in below target, with an output of 46,000 tonnes against a target of 47,000 tonnes **CO<sub>2</sub>e**.

### 4 STATEMENT OF OUTSTANDING BUSINESS

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 at 11 January 2024. The Director of Business Services introduced the report and provided a verbal update to the Committee on each item:

Item 1: Committee Review Process Stage 2: Procurement Compliance  
A report was on the agenda at Item 9. Item could be removed.

Item 2: Business Services Financial Performance as at 30 April 2023  
A report was on the agenda at Item 12. A meeting of the Office Space Strategy Working Group had also been held on 20 December 2023. Item could be removed.

Item 3: Outturn Review of the Performance of the Treasury Management Function for the Period 1 April 2022 to 31 April 2023  
Common Good Policy consultation had finished. This item to remain open while awaiting an updated report in early 2024.

Item 4: Participation Request Annual Report 2022/23  
A briefing note had been issued. Item could be removed.

Item 5: Financial performance as at 30 September 2023  
Further information about Voluntary Severance Scheme had been issued. Item could be removed.

Item 6: Staff Health and Wellbeing Plan  
The presentation provided to Members was circulated. Item could be removed.

Item 7: Business Services' Mid-Year Performance Monitoring Report – April 2023 to September 2023 (Council Priorities)  
Email sent to Director of Environment and Infrastructure Services regarding bin collection. Item could be removed. It was further clarified that any outstanding issues would be taken forward via Environment and Infrastructure Services. However,

Business Services would still be involved to help communicate any information to the public.

It was also highlighted that Item 2 on the report incorrectly stated that a Full Council Meeting was scheduled for 16 January 2024. This should have been listed as 18 January 2024 instead.

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

- (1) note the current position of actions arising from previous meetings; and
- (2) remove completed actions (Items 1, 2, 4, 5, 6, and 7) from the outstanding actions list.

## **5 BUSINESS SERVICES FINANCIAL PERFORMANCE AS AT 30 NOVEMBER 2023**

There was circulated a report dated 7 December 2023, by the Director of Business Services that provided an update on the forecast financial performance pertaining to the services which fell under the remit of Business Services Committee for the financial year 2023/24, as at 30 November 2023. There was a projected underspend of £700,000, with one factor enabling that underspend being vacancy management. There were numerous significant challenges and issues.

During discussion Members asked for clarification on why the Chief Executive's budget had increased; the reasoning for the delay and the anticipated timeline for LACER funding to be spent; and how confident officers were that reimbursements would be received for pay awards. They further discussed capital spending estimates and patterns of spend; procurement costs being overbudget; virements from Procurement to Woodhill House; and queried the rationale for spending practices for specific items, including finance staff vacancy, customer service, and printing. Praise was shared for the work being done to achieve budgetary targets.

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

- (1) note the Revenue and Capital forecast position pertaining to the Committee for 2023/24, as set out in Appendix A to the report;
- (2) note the progress of Budget Savings associated with these budgets;
- (3) note the Earmarked Reserves associated with the Committee and their use; and
- (4) note the approved revenue budget virements as detailed in Appendix B to the report.

## **6 REQUEST TO WRITE OFF UNRECOVERABLE DEBTS ARISING FROM SALARY OVERPAYMENTS**

There was circulated a report dated 19 December 2023, by the Director of Business Services that sought the approval from the Committee for the write-off of irrecoverable debts associated with salary overpayments that occurred during financial years 2004/05 to 2017/18 inclusive.

Members were provided with assurance that measures had been and, were being, taken to prevent salary overpayments from occurring; however, were reminded that given the complexity of payroll, the size of the Council, and unforeseen circumstances, it would be difficult to completely eradicate this. Most overpayments were due to Service errors or delays in submitting proper paperwork. Work was occurring to review processes and efforts were ongoing with management staff to ensure compliance. The rollout of the online manager portal would also now provide real time data on employees which should help address and identify overpayments. Automated reminder emails were also issued for employees on fixed term contracts with payments suspended until contracts were extended/renewed.

During discussion Members expressed disappointment about the financial position and the need to write off significant debts, while recognising that officers had done everything in their power to recover the debts. Members also noted their disappointed that people had kept pay that they were not entitled to, while recognising that it was unlikely the Council would ever be entirely free from salary overpayments. Members expressed concerns about how old these debts were, asked for further information about the actions taken to recover the funds, and queried if there were any other anticipated debt write offs.

Members asked for further information about what mechanisms would be put in place to ensure compliance by managers, data about how much money had been recovered prior to this report, and for information about the largest overpayment figure(s).

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

- (1) approve the write-off of £273,728 of irrecoverable debts associated with salary overpayments that occurred during the 14 financial years comprising 2004/05 to 2017/18 inclusive, which would be met from the Payroll Overpayments Provision;
- (2) note the ongoing review of the overpayments process and that any current debt deemed irrecoverable each year at 31 March would be recharged back to the service/budget page the employee was part of, thus avoiding any build-up of payroll overpayments sitting in the accounts; and
- (3) instruct the Director of Business Services to prepare and bring a report to Committee detailing the position on salary overpayments in the last 5 years with a particular focus on improvements in the process to mitigate any salary overpayments made, including information on the largest overpayments and data about recovery figures for future benchmarking.

## **7 CUSTOMER SERVICE STRATEGY**

There was circulated a report dated 1 December 2023, by the Director of Business Services which detailed the plan to deliver customer service across the organisation, in line with Aberdeenshire Council's Customer Service Charter. The Strategy and supporting analysis from the Customer Service Survey had been considered by all Directorate Management Teams. Feedback received had been incorporated into the Strategy. The Strategy and supporting analysis from the Customer Service Survey was presented to all Area Committees for comment and that feedback had been incorporated into the Strategy.

The priorities from the Customer Service Survey were highlighted, and Members were reminded that the Strategy needed to be fluid to account for future transformation. The themes which emerged following Area Committee consultation were similarly reviewed and would inform ongoing implementation.

The discussion covered topics including changes to phone lines, including calls being directed to a service with a call back timescale; a critique of the Integrated Impact Assessment; first point of contact resolution; the importance of having accurate information online and in chatbot responses. Members asked about the areas with the lowest service satisfaction rates, queried staffing levels within Customer Services, and asked if there was any freedom to enhance terms and conditions within the service to manage vacancy levels. They noted that customer service was ultimately a culture and efforts should be organisation wide – including with both employees and contractors.

After consideration, the Committee **agreed** to approve the draft Customer Service Strategy, provided as at Appendix 1 to the report.

## **8 ABERDEENSHIRE'S DIGITAL STRATEGY IMPLEMENTATION UPDATE**

There was circulated a report dated 6 December 2023, by the Director of Business Services which provided an update on progress of Aberdeenshire's Digital Strategy which was most recently reported to the meeting of the Business Services Committee on 8 June 2023. An update report was also considered by Area Committees during September 2022, and previously a bulletin was circulated to Area and Policy Committees during August/September 2021. The report detailed 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 the Business Services Committee in June 2021.

The report was introduced, with a few projects highlighted. The discussion included queries about where details from damp and mould monitors would be communicated and any considerations for the citizen impact when transitioning from analogue to digital phone lines. Members queried how the Council benchmarked/shared information with other local authorities and how they shared learnings regarding R100 and digital transformations. They asked for assurance that the Council was maximising use of off the shelf solutions, gave their support for the investment in digital security, and asked for further updates on specific projects.

Officers advised that they would provide further information about where details from mould and damp sensors would be communicated, and to provide specific updates on Live Life Aberdeenshire System Replacement and the Harbour Payments online service.

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

- (1) the update report; and
- (2) that an update would be issued to Area Committees via a briefing note.

## 9 COMMITTEE REVIEW PROCESS STAGE 3: INVESTIGATION - PROCUREMENT COMPLIANCE

There was circulated a report dated 11 December 2023, by the Director of Business Services which provided the investigation report (Appendix 1 to the report) for formal approval, which contained the information presented at the evidence gathering session of the Stage 3 Committee Review Process on Procurement Compliance held on 16 November 2023.

Following consideration of the Stage 2 report on 15 September 2022, Members agreed to consider a further report on progress on planned actions after a period of 6 months. They considered this update on 20 April 2023. The Committee agreed to progress to Stage 3 of the Committee Review Process.

Development of the Stage 3 Process was delegated to the Director of Business Services, following consultation with the Chair, Vice Chair, and Opposition Spokesperson. The Stage 3 process was agreed in June 2023, with information gathering commencing in August 2023 following summer recess. The evidence gathering session was held on 16 November 2023 with members determining that sufficient assurance had been provided.

Members sought clarity on the timescales outlined and if actions were completed, and on training requirements.

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

- (1) formally approve the investigation report for the Committee Review Process (Appendix 1 to the report) and agreed that they were now assured on the matter; and
- (2) advise the Audit Committee of the outcome of Committee Review Process Stage 3.

## 10 ANNUAL REPORT OF ACTIVITY UNDER THE REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 POLICY

There was circulated a report dated 20 December 2023, by the Director of Business Services which advised the Committee on the use of surveillance by Aberdeenshire Council under the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) over the previous twelve months, noted there were no changes in legislation or notable cases on RIPSA during this period and sought approval of the revised Policy for use in the coming year.

On 22 June 2017 the Committee approved a revised Policy on the authorisation of surveillance under RIPSA. The Scottish Government Code of Practice for Covert Surveillance and Property Interference called for local authorities to have elected member oversight of any activity in connection with RIPSA. Accordingly, at its meeting on 16 November 2017 the Committee agreed to receive annual reports which were noted at meetings of the Business Services Committee on 15 November 2018, 14 November 2019, 7 January 2021, 6 January 2022 and 12 January 2023.

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

- (1) approve the annual report of activity under the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) Policy, at Appendix 1, subject to changing 'Infrastructure Services' to 'Environment and Infrastructure Services' (page 172);
- (2) note the Office of the Surveillance Commissioner Inspector's report, at Appendix 2; and
- (3) approve the revised Regulation of Investigatory Powers (Scotland) Act 2000 Policy, at Appendix 3, subject to changing any references to the Chief Executive from 'his' to 'his/her' (paragraph 20 and 35).

## 11 ESTATES DEVELOPMENT AND INVESTMENT STRATEGY

There was circulated a report dated 11 December 2023, by the Director of Business Services which considered the draft Estates Development and Investment Strategy (Appendix 1 to the report) which sought to replace the 2013 Estates Development Strategy which had been updated in 2015 and 2019. The report incorporated comments from consultation with individual Area Committees, as well as considerations with the current economic environment and Net Zero priorities.

Members discussed capital receipts. They asked for greater clarity and emphasis on job creation within the Economic Environment part of the Strategy. They sought and were given assurance that if the Strategy was approved, they were not simultaneously agreeing to the budget.

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

- (1) approve the draft Estates Development and Investment Strategy 2023–2028 provided in Appendix 1 to the report subject to providing great clarity, emphasising job creation at paragraph 3.0 – Economic Environment; and
- (2) instruct officers to update the Strategy based on comments shared at committee and thereafter, provide annual update report to Committee.

## 12 OFFICE SPACE STRATEGY

There was circulated a report dated 12 December 2023, by the Director of Business Services which updated the Business Services Committee on the progress on the approved Office Space Strategy. The report presented the current situation with Woodhill House, taking into consideration the updated position with Public Sector Partners, the tender for the enabling and fit out works and the resultant impact on the Business Case. The report further sought delegations for the approval of the Award Report and legal agreement in respect of Woodhill House.

Members discussed refurbishment, asked for assurance regarding cost recovery, queried the reassessment period, and the wider estates footprint/strategy.

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

- (1) endorse the workstream updates; as detailed in the Report and at Appendices A, B C and D to the report;

- (2) note the Woodhill House Business Cases;
- (3) delegate the approval of the Award Report Woodhill House (on the proviso that Award will only proceed after legal agreements have been concluded with Public Sector partners NHS Grampian, Police Scotland and the Grampian Valuation Joint Board); to the Head of Property and Facilities Management following consultation with the Chair, Vice Chair and Opposition Spokesperson of the Business Services Committee;
- (4) delegate approval of the legal agreements to the Head of Legal and People, following consultation with the Chair, Vice Chair and Opposition Spokesperson of the Business Services Committee; and
- (5) instruct officers to prepare a report for Committee with an update on the Council's whole office estate, including an update on Operation OYNE.

### **13 BUSINESS SERVICES' DIRECTORATE SUPPLEMENTARY PROCUREMENT PLAN 2023/24 - PROCUREMENT APPROVAL**

There was circulated a report dated 19 December 2023, by the Director of Business Services which presented the Committee with the Supplementary Procurement Plan for 2023/24 for the Business Services Directorate.

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

- (1) approve the items on the Supplementary Procurement Plan which were detailed in Appendix 1 to the report;
- (2) not to reserve approval of the Procurement Approval Form (PAF) for the item with a value up to £1,000,000; and
- (3) acknowledge that the Head of Service for Customer and Digital Services had the delegated authority to award the final contract of items with a contract value up to £1,000,000 where the Committee had not reserved the right to award the final contract.

### **14 MINUTE OF MEETING OF LICENSING-SUB-COMMITTEE ON 13 OCTOBER 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 Licensing-Sub-Committee on 13 October 2023.

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

**FRIDAY, 13TH OCTOBER, 2023**

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

**Apologies:** None.



**Officers:** Kelly Bissett (Trainee Solicitor), Nicole Chidester (Committee Officer), Lucas Duncan (Civic Licensing Standards Officer), Shirley Duthie (Senior Authorised Officer), Gordon McWilliam (Civic Licensing Standards Officer), and Fiona Stewart (Senior Solicitor).

**Also in attendance:** Sergeant Neil Grant (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

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 6 - 8 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 1 SEPTEMBER 2023**

There had been circulated and was **approved** as a correct record the Minute of the Meeting of the Licensing Sub-Committee of 1 September 2023.

## **4 APPLICATION FOR GRANT OF SHORT-TERM LET LICENCE - 33 COWIE PARK, STONEHAVEN, AB39 2PZ**

There had been circulated a report dated 29 September 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 33 Cowie Park, Stonehaven, AB39 2PZ, in respect of which objections from Members of the Public had been lodged in response to the display of the site notice, and (2) detailed information relevant to the application.

Members confirmed they had received and reviewed the supplementary pack.

Having heard from a representative of the Applicant Company, Mr Dave Hepworth, and from the following objectors: Ms Stacey Coull and Mr Ian Coull who was representing Mrs Sonia Coull, the Sub-Committee **agreed** that objections from Stacey Coull were competent/relevant; that the objection from Mr Bruce was partially relevant/competent in relation to stress and nuisance, but was not competent in relation to the title deed; and that the objection from Sonia Coull was not competent nor relevant and would not be taken into account.

Members **agreed** that there was sufficient evidence before them to allow a determination to be made; following which, Councillor Crowson, seconded by Councillor Ewenson moved that the licence be granted for a period of 1 year subject to local conditions, particularly those associated with anti-social behaviour and security/privacy and to encourage the applicant to improve welcome pack and signage for guests.

As an amendment, Councillor Mason, seconded by Councillor Gifford, moved that the application be refused on the grounds of legal test as it related to nuisance and public safety (Legal Test section C, Items i, iv and v).

Members of the Sub-Committee voted:

For the Motion:	(6)	Councillors Stirling, Crowson, Ewenson, Mason, McWhinnie and Nicol
For the Amendment:	(2)	Councillors Gifford and Mason

The Motion was therefore carried, and the Sub-Committee **agreed** to grant the licence for a period of 1 year subject to local conditions, particularly those associated with anti-social behaviour and security/privacy and to encourage the applicant to improve welcome pack and signage for guests.

**5 APPLICATION FOR GRANT OF SHORT-TERM LET LICENCE - 10 KIRK MEWS, WATSON STREET, BANCHORY, AB31 5NS**

There had been circulated a report dated 28 September 2023, by the Director of Environment and Infrastructure Services, which (1) requested that consideration be given to an application for the grant of a Short-Term Let Licence for 10 Kirk Mews, Watson Street, Banchory, AB31 5NS, in respect of which objections from Members 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 applicant, Mr Duncan Alexander Booth, and one objector, Mr David Alexander, the Sub-committee agreed that Mr David Alexander's objection was competent in part, but that the comments about title deed issues were not competent nor relevant; that Randal and Kathleen McDonald's objections were partially relevant and competent, but the comments about the impact on the value and saleability of the properties and the restrictions in title deeds were not competent nor relevant; that Norman Adie's objection was partially relevant and competent, except for the comments on restrictions in title deeds; and that Isabell Roy's objection was partially relevant and competent, but the comments on the value and saleability of the property were not competent nor relevant.

Members confirmed they had received and reviewed the supplementary pack. At this point in the meeting, Members **agreed** to suspend standing order 2.1.4 to continue beyond 1pm.

Having considered the comments from the applicant and objectors, Members **agreed** that there was sufficient evidence before them to allow a determination to be made. Having encouraged the applicant to improve signage and welcome information, the Sub Committee unanimously **agreed:-**

- (1) to GRANT the application for Short-Term Let Licence for a period of 1 year for 10 Kirk Mews, Watson Street, Banchory, AB31 5NS subject to local conditions; and
- (2) 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 to lodge complaints.

## **6 APPLICATION FOR RENEWAL OF TAXI DRIVER'S LICENCE (CASE NO. 1088)**

There had been circulated a report dated 22 September 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. 1088), 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 renewal of taxi driver's licence for a period of 3 years as none of the grounds for refusal were met.

## **7 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1089)**

There had been circulated a report dated 21 September 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. 1089), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

The Sub-Committee **agreed** to hear the contents of a letter provided by the applicant's representative. Having considered this information, and having heard from the applicant and the Chief Constable's representative, the Sub-Committee **agreed:-**

- (1) that there was not sufficient evidence before them to allow a determination to be made; and
- (2) to defer consideration of the application for one cycle to allow for further information to be supplied regarding the clarification of the class of drug involved with the charge and any other information that would assist the Sub-Committee in understanding what led to the charge.

## 8 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1090)

There had been circulated a report dated 28 September 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. 1090), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

There was a typographical error with one of the dates on the Chief Constable's representation which was listed erroneously as 2021 instead of 2012.

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.