

BUSINESS SERVICES COMMITTEE

THURSDAY, 29TH FEBRUARY, 2024

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

Apologies: Councillors S Burnett and J Cox.

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), Estates Manager (Property & Facilities), Pay & Reward Manager (Finance), Area Manager (Kincardine and Mearns), Strategic Commercial Manager (Procurement) (M Mackenzie), Business Partner, Finance (SA Gordon) and Legal Services Manager (L Cowie).

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 Black declared an interest in item 5 by virtue of being the chairperson of the organisation applying for the community asset transfer. Having applied the objective test Councillor Black concluded that she would leave the meeting and take no part in the determination of the item.

Councillor Petrie made a transparency statement in respect of Item 5 by virtue of working closely with Councillor Black. Having applied the objective test Councillor Petrie concluded that she would remain and participate in the meeting during consideration of the item.

Councillor Dickinson made a transparency statement in respect of Item 5 by virtue of the item being in her ward, and therefore had previously shared information in regard to the applicant. Having applied the objective test, Councillor Dickinson concluded that she would remain and participate in the meeting during consideration of the item.

Councillor Victor made a transparency statement in respect of Item 5 by virtue of friendship with Councillor Black. Having applied the objective test Councillor Victor concluded that she would remain and participate in the meeting during consideration of the item.

Councillor Crowson made a transparency statement in respect of Item 5 by virtue of working closely with Councillor Black. Having applied the objective test Councillor Crowson concluded that he would remain and participate in the meeting during consideration of 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
8	9
9	8

3 MINUTE OF THE MEETING OF 11 JANUARY 2024

There had been circulated and was **approved** as a correct record the Minute of the Meeting of the Business Services Committee of 11 January 2024.

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

Item 1: Common Good Policy. A report would be coming to Committee for consideration on 18 April 2024. This item would remain open until considered at that meeting.

Item 2: Unrecoverable debts arising from salary overpayment. Officers were preparing a report which was expected to be considered on 13 June 2024. This item would remain open until that date.

Item 3: Digital Strategy Implementation. The request had been passed to the Head of Housing and updates had been provided to Members regarding the Live Life Aberdeenshire system and the Harbour payment system. Item could be removed.

Item 4: Annual Report of Activity under the Regulation of Investigatory Powers (Scotland) Act 2000 Policy. The Policy was updated and published. Item could be removed.

Item 5: Estates Development and Investment Strategy. Comments were taken into consideration and a report would be produced annually for any further comments. Item could be removed.

Item 6: Office Space Strategy. A report was being prepared for 18 April 2024, which would outline Aberdeenshire's Council transformation with regards to buildings and estates. This item would remain open until the report was considered by Committee.

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

- (1) note the current position of actions arising from previous meetings; and
- (2) remove completed actions (Items 3, 4, and 5) from the outstanding actions list.

5. ASSET TRANSFER REQUEST FOR FORMER SEA CADET BUILDING, STONEHAVEN

Councillor Black left the room and did not take part in the consideration of the item due to her declaration of interest.

There was circulated a report dated 19 January 2024 by the Director of Business Services that asked Committee to make the final determination of the Asset Transfer Request of the former Sea Cadet Building, Stonehaven. A report had been presented to the Kincardine and Mearns Area Committee at its meeting on 12 December 2023. At that meeting, Councillors agreed to recommend that the Asset Transfer Request submitted by the K&M Youth Club for the former Sea Cadet Building in Stonehaven should be approved. This decision was contrary to the recommendation of the officers, and as required by Section C.5.2.1 of the List of Committee Powers in the Scheme of Governance, it was then referred to the Business Services Committee for a final decision.

Members were informed that the application was very detailed and laudable, having considered various challenges/risks and demonstrated several mitigating measures. However, the main concern was the ability of the group, led by volunteers, to ensure long-term financial sustainability. Due to the building's condition, including design, age, state of repair, and accessibility, it was established by officers that the risk of failure in the medium to long term was high. This could be partially mitigated through

the building being returned to the Council. If the Council could not prove the building to be sustainable, it could revert to a probable sale process, albeit with potentially reduced capital value.

During discussion, concerns were raised that should the asset transfer fail and the Council take possession of the asset again (or at the end of the proposed lease), there could be a reduced capital value (if there was no investment by the applicant). However, the Youth Club were proposing investments into the asset and improvements to the building. If the Council was to have the asset returned, these improvements would mitigate decline in property value and potentially increase value. It was acknowledged that while there was a risk of devaluation, the value of the building may fluctuate over time regardless of investment.

Further discussion referred to cost considerations involved with transferring a building to the community. Committee considered potential cost savings the community might achieve through volunteer work or local contacts. However, the significant scale of the required work and the challenges involved in modifying a listed building, which would incur substantial expenses regardless of the methodology used, were highlighted.

Question arose regarding fire safety concerns and whether addressing them would be one of the initial tasks to ensure compliance with fire regulations. Members were reassured that the building had been used for Youth Services previously, mainly through the Sea Cadets, and had emergency access that met requirements.

Information on expectations and service provision was provided, including the potential impact if the project was not sustainable. The Youth Club currently provided services to approximately 40 young people, with a waiting list. It was anticipated, that if the project was approved, the capacity to deliver services to young people would increase to around 200. However, the concern was that if the project failed, there would not be another facility of the same size available.

Councillor Dickinson moved, seconded by Councillor Petrie, that the Council grant the Asset Transfer request as the challenge and risks were manageable. The mover acknowledged that the applicant intended to work in a phased basis prioritising expenditure, would apply for funding, would ensure that there was strong support for young people and would encourage strong social wellbeing.

As an amendment, Councillor Owen, seconded by Councillor Adams, moved to refuse the Asset Transfer request based on the officer's recommendations.

Members of the Committee voted:-

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|--------------------|-----|--|
| for the Motion: | (9) | Councillors Chou-Turvey, Crowson, Dickinson, Goodhall, Mair, Mason, McKail, Petrie, Victor |
| for the Amendment: | (2) | Councillors Owen, Adams Findlater, and Miller. |

The motion was therefore carried and the Committee **agreed** to: -

- (1) grant the Asset Transfer Request for the former Sea Cadet Building, Stonehaven; and
- (2) instruct the Area Manager to issue a Decision Notice.

6. BUSINESS SERVICES FINANCIAL PERFORMANCE AS AT 31 DECEMBER 2023

There was circulated a report dated 2 February 2024, 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 31 December 2023. There was a projected underspend of £930,000. Factors enabling that underspend included vacancy management, estates and property construction services. The report noted that there were many significant challenges and issues.

During the discussion, members asked for clarification about the likelihood of further voluntary severance savings in the next financial year. It was acknowledged that while there may be further voluntary severance opportunities, they may be aligned with transformation projects.

There was discussion on the release of funds from the digital strategy reserve. Details of the expenditure would be provided later, but no further expenditure was expected this year.

Members heard an update on the LACER project, which confirmed that funds did not have to be returned to the Scottish Government. However, intentions were to honour the original agreement. Further information would be presented in a report to Aberdeenshire Council.

After consideration, 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 to the report;
- (2) approve the progress of Budget Savings associated with these budgets;
- (3) approve the Earmarked Reserves associated with this Committee and their use; and
- (4) note the approved revenue budget virements as detailed in Appendix B to the report.

7. BUSINESS SERVICES COMMITTEE ANNUAL POLICY REVIEW

There was circulated a report dated 9 February 2024, by the Director of Business Services that detailed the current position of policies that were delegated to the Committee. This was in line with Part 4B Scheme of Governance – Policy Development & Review Framework. As of December 2023, 18 policies were delegated to Business Services Committee. Of these, 12 policies had been recently

reviewed, and six were overdue review. All overdue reports were scheduled for review during 2024/25.

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

- (1) acknowledge the policies delegated to the Business Services Committee that had been reviewed during 2023, as outlined in Appendix 1 to the report;
- (2) agree the proposed plans for review for those policies that had expired as well as those that were approaching their review date, to be considered at future committees; and
- (3) identify any gaps or review requirements as part of the agreed annual overview of the Council's Policy Framework, as per section 3.5 of the Policy Development and Review Framework in Part 4B of the Scheme of Governance.

8. THE MEWS DEVELOPMENT, MAR ROAD, BRAEMAR

There was circulated a report dated 1 February 2024, by the Director of Business Services providing an update on The Mews Development at Mar Road, Braemar, detailing an Options Appraisal Study undertaken by officers.

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

- (1) that the general presumption against disposal of the existing buildings within the Braemar Mews Development should apply and they should not be sold; and
- (2) to market the additional land to the South of The Mews Development.

9. BUSINESS SERVICES DIRECTORATE ANNUAL PROCUREMENT PLAN

There was circulated a report dated 13 February 2024, by the Director of Business Services that presented the Annual Procurement Plan for 2024/25 for the Business Services' Directorate. The Scheme of Governance's Financial Regulations required each Director to report "to their relevant Committee prior to the beginning of the financial year with a proposed Procurement Plan for all procurements falling within the jurisdiction of the Committee with a Contract Value of £50,000 or more". The Committee considered the items of the Procurement Plan which were identified as falling within their remit.

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

- (1) note the Directorate Annual Procurement Plan as detailed in Appendix 1 to the report;
- (2) approve the items on the Annual Procurement Plan identified as falling within the remit of the Committee;

- (3) note the current utilities contracts providers and forecast expenditure for 2024/25 as detailed in the Annual Procurement Plan;
- (4) not reserve approval of the Procurement Approval Form for any item on the Procurement Plan where the value of the matter is between £50,000 and £1,000,000;
- (5) approve the Procurement Approval Forms for Construction Design Services Framework, Occupational Health Services, and Utilities attached as Appendices 3, 4 and 5; and
- (6) not reserve the award of the final contract for those items over £1,000,000 and note that if not reserved the Head of Property & Facilities Management and Head of Legal & People had the delegated powers to award the final contracts.

10. MINUTE OF MEETING OF LICENSING-SUB-COMMITTEE ON 8 December 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 on 8 December 2023

LICENSING SUB-COMMITTEE

FRIDAY, 8TH DECEMBER, 2023

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

Officers: Kelly Bissett (Trainee Solicitor), Nicole Chidester (Committee Officer), and Fiona Stewart (Senior Solicitor).

Also in attendance: Sergeant Neil Grant (Police Scotland).

2 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 4, 5 and 6 of the business below on account of the likely disclosure of confidential information in breach of the obligation of confidence.

4 MINUTE OF THE MEETING OF 13 OCTOBER 2023

There had been circulated and was **approved** as a correct record the Minute of the Meeting of the Licensing Sub-Committee of 13 October 2023.

5 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1089)

There had been circulated a report dated 9 November 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.

This application was presented to the Sub-Committee on 13 October 2023, but was deferred until 8 December 2023 to allow for any further evidence and to seek clarification on details surrounding the charge, if possible.

Members were informed that following publication of committee papers, officers received information from Police Scotland to say that the court hearing was not scheduled until January 2024. Officers recommended that this application be deferred until after January 2024 due to the pending outstanding court case.

Members were also informed that the Chair and Vice-Chair were consulted on this new recommendation and the applicant had been given an indication that this deferral may take place.

Having considered the above, and with the understanding that this case must be determined by May 2024, Members **agreed** to note the application and formally agree to the deferral until 2 February 2023.

5 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1091)

There had been circulated a report dated 7 November 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. 1091), 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** that there was sufficient evidence before them to allow a determination to be made.

With a majority decision, the Sub-Committee **agreed** in principle to grant the license for 3 years, subject to satisfactory evidence of group 2 medical standards and with an added condition that the applicant's specified tattoo be covered at all times while driving as a taxi driver.

6 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1092)

There had been circulated a report dated 1 November 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. 1092), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

Members confirmed that they have received the written submissions which were circulated prior to the committee.

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 taxi driver's licence for a period of 3 years.

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