

PERTH AND KINROSS COUNCIL  
COUNCIL MEETING  
30 June 2010

## **PERTH AND KINROSS COUNCIL**

Minute of Meeting of Perth and Kinross Council held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 30 June 2010 at 2.00pm.

Present: Provost J Hulbert; Councillors K Baird, M Barnacle, B Band, P Barrett, L Caddell (up to and including Art. 391), I Campbell, A Cowan, R Ellis, J Flynn, A Gaunt, C Gillies, A Grant, E Grant, T Gray, G Hayton, K Howie, A Jack (up to and including Art. 391), J Kellas, K Lyall (up to and including Art. 391), M Lyle, E Maclachlan, A MacLellan, H McDonald, D Melloy, I Miller, S Miller, P Mulheron, M Roberts, W Robertson, D Scott, A Stewart, H Stewart, B Vaughan, W Wilson, A Wylie and A Younger.

In Attendance: B Malone, Chief Executive; J Irons, Depute Chief Executive; I Innes, A Nairn, J Symon, G Taylor, M Cochlan, L Dott, L Brown (all Chief Executive's Service); D Burke, Executive Director (Housing and Community Care); John Walker, Housing and Community Care; J Fyffe, Executive Director (Education and Children's Services); M Walker, Education and Children's Services; J Valentine, R Bean, J Low and P Marshall (all The Environment Service); Carol Calder, Audit Scotland; Cathie Wyllie, Henderson Loggie.

Apologies: Councillors J Coburn, W Lumsden, C Shiers and L Simpson

Provost Hulbert, Presiding.

### **European Diploma**

Prior to the commencement of business Provost Hulbert reported that the European Diploma which had been awarded to Perth by the Council of Europe on 29 April 2010 in recognition of the city's efforts to propagate European ideas had now been received. The Diploma had been signed by the Chairman of the Council of Europe's Environment, Agriculture and Local and Regional Affairs Committee and the Chairman of the Europe Prize Sub-Committee.

### **380. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made in terms of the Councillors' Code of Conduct.

### **381. MINUTES**

The Minute of the Council Meeting of 11 May 2010 (Arts. 255-267) was submitted, approved as a correct record and authorised for signature.

### **382. MINUTES OF COMMITTEES**

#### **Minutes of Committees from 22 April 2010 to 16 June 2010**

The decisions recorded in Arts. 222-254 and 268-351, copies of which had been circulated to all members of the Council, were submitted and noted/approved as necessary.

### **383. UPDATE OF MEDIUM TERM FINANCIAL PLAN**

There was submitted a report by the Head of Finance (10/356) (1) updating the Medium Term Financial Plan, originally approved by the Strategic Policy and Resources Committee at its meeting on 10 June 2009 (Article 310/10 Report 09/287 refers); (2) summarising the implications of the latest projections on future Council funding, and (3) making recommendations for the preparation of the 2011/12 - 2013/14 General Fund Revenue Budget.

The Executive Directors answered a number of questions from members on the report.

#### **Resolved:**

- (i) The contents of Report 10/356 be noted.
- (ii) The Corporate Savings targets for 2011-14 as set out in section 3.3 of Report 10/356 be approved as a basis for the preparation of Service 3 Year Provisional Revenue Budget submissions, subject to the requirement to review such targets in light of subsequent announcements by the UK and Scottish Governments.
- (iii) The assumptions and approach to preparing the 3 Year Provisional Revenue Budget 2011-14 as set out in sections 3.4 and 3.5 of Report 10/356 be approved.
- (iv) The amendment to the Council's Revenue Budget Flexibility Scheme as set out in section 3.7 of Report 10/356 be approved.
- (v) The proposals for political engagement with elected members on the budget process as set out in section 8 of Report 10/356 be approved.

### **384. SECURING THE FUTURE – TOWARDS 2015 AND BEYOND**

There was submitted a report by the Chief Executive (10/357) setting out the Council's continued strategy to secure the future for its communities and to support the delivery of savings through revised service delivery models and ongoing improvement activities within the Council.

#### **Resolved:**

- (i) The approach to Securing the Future Towards 2015 and Beyond as set out in Appendix 1 to Report 10/357 be approved.
- (ii) The service review programme as set out in Appendix 2 to Report 10/357 be approved.
- (iii) It be remitted to Executive Directors to report the outcomes of each of the specified reviews to appropriate committees of the Council.
- (iv) The Chief Executive be:-

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- (a) authorised to progress a communications and engagement plan to support the strategy and;
- (b) requested to report on progress as appropriate.

**385. CORPORATE IMPROVEMENT PLAN REVIEW**

There was submitted a report by the Head of Business Transformation and Improvement (10/358) (1) outlining the context for the review of the Council's Corporate Improvement Plan (CIP), (2) reporting progress made on the CIP actions, and (3) recommending a rationalised CIP aligned with the Council's strategy as referred to at Article 384 above.

**Resolved:**

The Corporate Improvement Plan review and progress report as detailed in Appendix 1 and the revised CIP as detailed in Appendix 2 to Report 10/358 be approved.

**386. ANNUAL PERFORMANCE REPORT 2009/10**

There was submitted a report by the Chief Executive (10/359) presenting the Council's Annual Performance Report 2009/10 and providing an overview of the Council's performance against the Corporate Plan 2009-12, the Single Outcome Agreement 2009-11 and the delivery of Best Value during 2009/10. Representatives from the Council's external auditors, Henderson Loggie, and also Audit Scotland were in attendance to answer questions from members on the report.

**Resolved:**

- (i) The Council's Annual Performance Report 2009/10 as detailed in Appendix A to Report 10/359 be approved.
- (ii) The Single Outcome Agreement Annual Report 2009/10 as detailed in Appendix 1 to Appendix A to Report 10/359 be approved, subject to a further update being provided prior to submission to the Scottish Government in September 2010.

**387. SHARED RISK ASSESSMENT – ASSURANCE AND IMPROVEMENT PLAN 2010-2013**

There was submitted a report by the Chief Executive (10/360) outlining the Shared Risk Assessment Assurance and Improvement Plan prepared by the Local Area Network of audit, inspection and regulation bodies to inform the Council of the strategic scrutiny activity planned for 2010 to 2013.

The Chief Executive advised that in recognition of the Council's self-evaluation and performance management practices the Council had received a low scrutiny risk rating.

**Resolved:**

The Shared Risk Assessment Assurance and Improvement Plan for 2010-2013 as detailed in Report 10/360 be noted.

**388. ANNUAL TREASURY REPORT 2009/10**

There was submitted a report by the Head of Finance (10/361) summarising the Council's treasury activities for the 2009/10 financial year and contrasting actual performance with the approved Treasury Strategy for 2009/10.

**Resolved:**

The content of the Annual Treasury Report 2009/10, submitted in accordance with the Council's approved Treasury Management Practices be noted.

**389. ANNUAL PROPERTY INVESTMENT STRATEGY (Art. 260 Report 10/234)**

There was submitted a report by the Executive Director (Environment) (10/362) detailing the Council's proposed Property Investment Strategy for 2010/11 as a result of the Local Government Investments (Scotland) Regulations 2010.

**Resolved:**

- (i) The Property Investment Strategy contained at Appendix 1 to Report 10/362 be approved.
- (ii) An additional category of "Investment Property", as detailed in Report 10/362, be added to the list of Permitted Investments 2010/2011.

**390. TAYplan MAIN ISSUES REPORT (MIR): CONSULTATION RESPONSE**

There was submitted a report by the Executive Director (Environment) (10/363) seeking authorisation to submit the Council's formal response to the TAYplan Strategic Development Planning Authority (SDPA) public consultation on the Main Issues Report and related documents. The report contained an analysis of the Main Issues Report and provided a proposed response indicating what should be included in the proposed Dundee, Perth, Angus and North Fife Strategic Development Plan. In general the report had suggested that the Proposed Plan should have a high level approach, leaving the majority of the detail to be developed through the Local Development Plan process.

**Resolved:**

The Executive Director (Environment) be instructed to respond to the TAYplan SDPA public consultation in the terms outlined in Report 10/363.

**391. PROPOSED ENERGY FROM WASTE PLANT AT SHORE ROAD, PERTH**

**(i) Update on Appeal**

There was submitted a report by the Head of Planning (10/364) providing an update on the progress of the appeal against the Council's refusal of the energy from waste plant at Shore Road, Perth.

**Resolved:**

- (i) The current position regarding the Shore Road, Perth appeal be noted.

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- (ii) A further report be submitted to the Council in the Autumn of 2010 once the appeal decision is known.

**(ii) Independent Investigation and Review of the Handling of the Planning Applications**

There was submitted a report by the Chief Executive (10/365) detailing the outcomes of an independent investigation and review undertaken into the granting of outline planning consent for an energy from waste plant at Shore Road, Perth and the handling of the subsequent reserved matters application.

The Chief Executive answered a number of questions from members on the report.

**Resolved:**

- (i) The outcome of the independent investigation and review of the granting of outline planning consent and the handling of the subsequent reserved matters application as detailed in Appendix 1 of Report 10/365 be noted.
- (ii) The implementation of improvements as detailed in Appendix 2 to Report 10/365 be noted.
- (iii) It be noted that the Executive Director (Environment) will report on a regular basis to the Planning, Etc. (Scotland) Act 2006 Member Officer Working Group on further progress with the implementation of the consultants' recommendations.

COUNCILLORS L CADDELL, A JACK AND K LYALL LEFT THE MEETING AT THIS POINT.

**392. NUCLEAR FREE LOCAL AUTHORITIES**

There was submitted a letter dated 12 May 2010 from the Nuclear Free Local Authorities (NFLA) requesting the Council consider taking up membership of the NFLA.

**Motion (Councillors P Mulheron and P Barratt)**

**The Council take up membership of Nuclear Free Local Authorities.**

Amendment (Councillors W Robertson and A Cowan)

The Council should not take up membership of Nuclear Free Local Authorities.

In terms of Standing Order 44 a roll call vote was requested.

16 members voted for the Amendment as follows:-

Councillors K Baird, M Barnacle, I Campbell, A Cowan, J Flynn, A Gaunt, C Gillies, M Lyle, A MacLellan, H McDonald, D Melloy, M Roberts, W Robertson, A Stewart, H Stewart, B Vaughan.

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17 members voted for the Motion as follows:-

Councillors R Band, P Barrett, R Ellis, A Grant, E Grant, T Gray, G Hayton, K Howie, Provost J Hulbert, Councillors J Kellas, E Maclachlan, I Miller, S Miller, P Mulheron, W Wilson, A Wylie, A Younger.

1 Member abstained as follows:-

Councillor D Scott

**Resolved:**

In accordance with the Motion.

**393. AMENDMENTS TO SCHEME OF ADMINISTRATION**

**Resolved:**

The following amendments be made to the Scheme of Administration:-

**(i) Enterprise and Infrastructure Committee**

**Sustainable Development Planning**

In recognition of the role of the Dundee, Perth, Angus and North Fife Strategic Development Plan Authority, the following wording be added to paragraph 5.2.3.1:

*with the exception of those functions conferred on the Council as a Joint Strategic Development Planning Authority which are subject to the provisions of the Minute of Agreement among Angus, Dundee City, Perth and Kinross, and Fife Councils in relation to the Dundee, Perth, Angus and North Fife Strategic Development Plan Authority.*

**(ii) Lifelong Learning Committee**

**Review Sub-Committee**

In recognition of the recommendation agreed by the Audit Sub-Committee on 9 June 2010, the wording of paragraph 9.3.4(d) be amended to read as follows:

*Appeals on safety grounds against the refusal of the withdrawal of education transport.*

**394. APPOINTMENTS TO COMMITTEES**

**(i) Environment Committee**

**Resolved:**

Councillor T Gray be appointed to the Environment Committee to replace the late Councillor J Law.

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**(ii) Enterprise and Infrastructure Committee**

**Resolved:**

- (a) Councillor T Gray be appointed to the Enterprise and Infrastructure Committee to replace the late Councillor J Law.
- (b) Councillor R Band and be appointed to the Enterprise and Infrastructure Committee to replace Councillor A Wylie.

**(iii) Scrutiny Committee**

**Resolved:**

- (a) Councillor A Wylie be appointed to the Scrutiny Committee to replace the late Councillor J Law.
- (b) Councillor W Lumsden be appointed Vice-Convenor of the Scrutiny Committee.

**(iv) Auchterarder Common Good Fund Committee**

**Resolved:**

Councillor T Gray be appointed to the Auchterarder Common Good Fund Committee to replace the late Councillor J Law.

**395. APPOINTMENTS TO OUTSIDE BODIES**

**(i) Perth Prison Visiting Committee**

**Resolved:**

Mr Robert Mangto be appointed to the Perth Prison Visiting Committee as a non-Council Member.

**(ii) Scotland Excel**

**Resolved:**

Councillor K Howie be appointed to Scotland Excel to replace the late Councillor J Law.

**(iii) Cairngorms National Park Board**

**Resolved:**

Councillor K Howie be appointed to the Cairngorms National Park Board.

**396. CHARITABLE AND PUBLIC TRUSTS ADMINISTERED BY THE COUNCIL**

**Resolved:**

The Head of Finance be appointed as an ex-officio Trustee on the Charitable and Public Trusts Administered by the Council to replace the former Executive Director (Corporate Services).

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**397. VALEDICTORY**

On behalf of the Council, Provost Hulbert paid tribute to the dedicated service rendered by Jim Dean, Head of Community Care and Alan Nairn, Head of Shared Support Services over many years. In recognition of their service to Perth and Kinross Council both were presented with gifts. Jim Dean and Alan Nairn replied in appropriate terms.

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