

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 29 September 2010 at 2.00pm.

Present: Provost J Hulbert; Councillors K Baird, M Barnacle, B Band, P Barrett, L Caddell, I Campbell, J Coburn, A Cowan, R Ellis, J Flynn, A Gaunt, C Gillies, A Grant, E Grant, T Gray, G Hayton, K Howie, A Jack, J Kellas, K Lyall, M Lyle, E Maclachlan, A MacLellan, H McDonald, D Melloy, I Miller, S Miller, P Mulheron, M Roberts, W Robertson, D Scott, C Shiers, L Simpson, 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,, G Taylor, H MacKenzie, T Yuill, C Flynn, F MacKay, A O'Brien, (to Art. 552) and M Kay (all Chief Executive's Service); D Burke, Executive Director (Housing and Community Care); J Fyffe, Executive Director (Education and Children's Services); J Valentine, R Bean, R Thomson, J Low, B Murray and P Marshall (all The Environment Service)

Also Attending: C Wyllie, Henderson Loggie, External Auditors.

Apologies: Councillor W Lumsden

Provost Hulbert, Presiding.

547. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillors K Baird, S Miller and W Robertson each declared a non - financial interest in Item P1 on the agenda (Art. 560) in relation to the Former Kinross Town Hall and Library, 108-114 High Street, Kinross – Disposal.

548. MINUTES

(a) Special Meeting of 16 June 2010

The Minute of the Special Meeting of the Council of 16 June 2010 (Arts. 355-358) was submitted, approved as a correct record and authorised for signature.

(b) Meeting of 30 June 2010

The Minute of the Council Meeting of 30 June 2010 (Arts. 380-397) was submitted, approved as a correct record and authorised for signature.

549. REQUEST FOR DEPUTATION

In terms of Standing Orders 19 and 59, the Council was advised that a request for a deputation to be heard had been received from Mr Alisdair Stewart on behalf of the Kinross-shire Partnership in relation to Item P1 on the Agenda (Art. 560) for this meeting – Former Kinross Town Hall and Library, 108-114 High Street, Kinross – Disposal.

The Head of Legal Services advised that in accordance with normal practice, as offers to purchase the former town hall and library had been by sealed bid, and, if the Council agreed to hear a deputation on behalf of one bidder, then departed from normal practice, this could affect the integrity of the process and judged as unfair. In the interests of fairness, he considered that it would be necessary for both parties to be offered the opportunity to make representations.

Motion (Councillors W Robertson and W Barnacle) – The Council agree to defer consideration of the item to allow both parties to make representations to the Council.

Amendment (Councillors I Miller and G Hayton) – The Council do not hear the deputation from Mr Stewart.

Amendment – 33 votes

Motion – 5 Votes

Resolved:

In accordance with the Amendment.

550. MINUTES OF COMMITTEES

Minutes of Committees from 16 June 2010 to 15 September 2010

The decisions recorded in Arts. 352-354, 359-379 and 398 – 528, copies of which had been circulated to all members of the Council, were submitted and noted/approved as necessary.

551. TREASURY ACTIVITY AND COMPLIANCE REPORT

There was submitted a report by the Head of Finance (10/507) (1) providing a summary of the Loans Fund transactions for the quarter ending 30 June 2010 and (2) reporting on compliance with the Council's Treasury Management Policy Statement, Treasury Management Practices, Investment Strategy and Prudential Indicators for the same period.

Resolved:

- (i) The contents of Report 10/507, submitted in accordance with the Council's approved Treasury Management Practices, be noted.
- (ii) The proposed amendment to the individual counterparty limit for Money Market Funds, as detailed at Section 6.1 of Report 10/507, be approved.
- (iii) The proposed amendment to the Treasury Management Daily Limitations to Authority, as detailed at Section 6.2 and shown in Appendix IV to Report 10/507, be approved.

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- (iv) The proposed revised Prudential Indicators, as detailed at Section 9.1 and 9.2 of Report 10/507, be approved.

552. AUDITED STATEMENT OF ACCOUNTS 2009/10

There was submitted a report by the Head of Finance (10/521) accompanying the Council's Audited Statement of Accounts for the financial year 2009/10.

Resolved:

- (i) The contents of Report 10/521, be noted.
- (ii) The Audited Statement of Accounts be submitted to a future meeting of the Audit Sub-Committee for detailed consideration.
- (iii) The International Standard on Auditing (ISA) 260, "Report to those Charged with Governance on the Audit of Perth and Kinross Council", be submitted to a future meeting of the Audit Sub-Committee.
- (iv) The External Auditors' Report to Members and the Controller of Audit be considered at the Council Meeting on 15 December 2010.

A O'BRIEN LEFT THE MEETING AT THIS POINT.

553. SINGLE OUTCOME AGREEMENT - ANNUAL PERFORMANCE REPORT 2009/10

There was submitted a report by the Chief Executive (10/508) introducing the review of the performance of the Perth and Kinross Community Planning Partnership against the Single Outcome Agreement 2009-2011 for the period 1 April 2009 to 31 March 2010.

Officers answered members' questions in relation to (1) action being taken to address the impact of the retiral of award leaders on the number of young people achieving Duke of Edinburgh Awards; (2) the difficulty in making like for like comparisons between Councils attainment results due to the aggregation of results of the higher proportion of ASN pupils in mainstream education in Perth and Kinross; (3) the issue of including economic indicators which were outwith the control of the Council, although every effort was made to support the local economy with initiatives such as the Retail Academy; and (4) action to be taken to compile a report on the issues raised by the level of pregnancy rates for under 16 year olds in deprivation areas.

Resolved:

The Single Outcome Agreement Annual Performance Report 2009/10 be approved.

554. LOCAL DEVELOPMENT PLAN: MAIN ISSUES REPORT AND DEVELOPMENT PLAN SCHEME UPDATE

There was submitted a report by the Executive Director (Environment) (10/509) (1) seeking approval for the publication of and consultation on a Main Issues Report and publication of an updated Development Plan Scheme as a key stage in the preparation of the new Local Development Plan and (2) seeking views

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on which policy and development options could be included in the Proposed Local Development Plan, due to be published in December 2011.

Note – The undernoted decision was reached following a Motion by Councillor I Miller, seconded by Councillor G Hayton, which was unanimously accepted, together with the points covered at (i) (f) to (i) which were raised during discussion.

Resolved:

- (i) The publication of the Main Issues Report be approved for a 14 week consultation period from 8 October 2010 to 14 January 2011, subject to the following amendments:-
 - (a) the allocation of Perth West be increased to 1500 houses and be shown as Option 1.
 - (b) Almond Valley village be Option 2.
 - (c) The green belt boundary be amended to exclude the Perth West site.
 - (d) The mixed use development site identified on Map 11 (Perth Airport) be reduced by 50%, the development area should be contained south of the east to west runway and the suggested number of houses be reduced from 150 to 75.
 - (e) A comment be added to ensure that the primary purpose of Perth Airport is for aviation and employment purposes and that any additional residential development in this area should be part of a package of measures to enhance the long-term sustainability of this area as a local airport and for future employment.
 - (f) A question be included on the exclusion of a proposal for a new settlement at Craighend.
 - (g) A question be included to raise the issue of whether former farm steadings should be retained for farming or other employment uses.
 - (h) The wording of Question 15 be amended to question whether new tourism businesses should be required to make provision for dedicated staff accommodation or affordable housing in the local area.
 - (i) The Head of Planning be requested to check the accuracy of the housing land figures at Key Issue 1 and in Figures 12 & 13.
- (ii) The contents of the Environmental Report on the Main Issues Report, the Monitoring Reports on the adopted Local Plans and the Main Issues Report accompanying document containing the assessments and potential sites submitted be noted.
- (iii) The amendments proposed to the Development Plan Scheme, previously circulated to Members, including an update to the proposed consultation process, and amendment to the area to be covered by the Local Development Plan to exclude the area which will be within the Cairngorms National Park, be approved.
- (iv) The Head of Planning be authorised to make changes to the format, appearance and technical details of the Main Issues Report and associated documents prior to the commencement of the public consultation exercise.
- (v) The Executive Director (Environment) be remitted to report the results of the consultation back to the Council.
- (vi) Approve a more northerly option for the Cross Tay Link as the preferred option emerging from the Strategic Environmental Assessment.

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555. TIMETABLE OF MEETINGS – 2011/12

There was submitted a report by the Head of Democratic Services (10/510) providing an update on the operation of the Committee meeting cycle during 2010 and seeking approval of a timetable for meetings for 2011 and the period up to the local government elections in May 2012.

Resolved:

The timetable of meetings for 2011/2012 as set out in Appendix 1 to Report 10/510 be approved.

556. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR SCOTLAND – INTERIM REVIEW OF ELECTORAL ARRANGEMENTS FOR WARD 11 (PERTH CITY NORTH)

There was submitted a report by the Head of Democratic Services (10/511) advising that, in a letter to the Chief Executive dated 6 August 2010, the Local Government Boundary Commission for Scotland had sought the Council's views on the Commission's interim decision not to make any proposals for changes to the electoral arrangements in respect of Ward 11 (Perth City North) of Perth and Kinross Council.

Resolved:

- (i) The interim decision by the Local Government Boundary Commission for Scotland not to make any proposals for changes in respect of the electoral arrangements for Ward 11 (Perth City North) of Perth and Kinross Council as set out in Appendix 1 of Report 10/511 be noted.
- (ii) The Head of Democratic Services be remitted to advise the Commission accordingly.

557. REVIEW OF PARLIAMENTARY CONSTITUENCY POLLING DISTRICTS AND POLLING PLACES

There was submitted a report by the Head of Democratic Services (10/512) seeking the Council's approval to consult on proposed changes to the Parliamentary Constituency Polling Districts and Polling Places within the area of Perth and Kinross following a review which has considered discontinuing the use of (i) schools as polling places and (ii) polling places with an electorate of less than 100.

Resolved:

It be remitted to the Head of Democratic Services to undertake statutory consultation on the proposals for the designation of polling districts and polling places as set out in the appendices to Report 10/512.

558. APPOINTMENTS TO COMMITTEES

(i) Lifelong Learning Committee

Resolved:

- (a) Councillor C Gillies be appointed to the Lifelong Learning Committee to replace Councillor A MacLellan.

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- (b) Councillor C Shiers be appointed to the Lifelong Learning Committee to replace Councillor D Melloy.

(ii) Community Safety Committee

Resolved:

Councillor D Melloy be appointed to the Community Safety Committee to replace Councillor C Shiers.

559. APPOINTMENTS TO OUTSIDE BODIES

(i) Extension of Appointments to 2012

Resolved:

The appointment of members to outside bodies be extended to May 2012, where appropriate.

(ii) Perthshire Area Tourism Partnership (Art. 495(iii))

Resolved:

Councillors T Gray, W Wilson and M Lyle be appointed to the Perthshire Area Tourism Partnership.

(iii) Highland Perthshire Ltd (Art. 495(iv))

Resolved:

Councillor K Howie be appointed to the Board of Directors of Highland Perthshire Ltd.

COUNCILLOR C GILLIES LEFT THE MEETING AT THIS POINT.

IT WAS AGREED THAT THE PUBLIC AND PRESS BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH WAS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT, 1973.

It was agreed that Councillors W Robertson, S Miller and K Baird be allowed to make short statements at this point.

Councillor W Robertson expressed his regret that the provisions of the Councillors' Code of Conduct required the local members to leave the Chambers during consideration of the following item, which he considered left them unable to represent their constituents; he noted that the Kinross Partnership was financially supported by the Council and that the Partnership had received assistance from officers in preparing their bid and that the building in question was of extreme importance to the people of Kinross.

Councillor S Miller also referred to the building's importance, part of which is listed, to the townscape of Kinross, the risk of non development due to market conditions, and the building's value to the community.

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Councillor K Baird referred to the importance of the Partnership's work to the local community, noting the support of the Kinross Community Council, and expressed concern that, if local members had been aware of more of the detail of the disposal process, they could have stepped back from involvement in local discussions which would have enabled them to represent their constituents in consideration of this matter.

COUNCILLORS K BAIRD, S MILLER AND W ROBERTSON, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE CHAMBERS AT THIS POINT.

Councillor M Barnacle stated that he had not declared an interest as he did not attend the Kinross Partnership meetings, although he did receive the minutes of the meetings.

560. FORMER KINROSS TOWN HALL AND LIBRARY, 108-114 HIGH STREET, KINROSS – DISPOSAL

There was submitted a report by the Executive Director (Environment) advising the Council of the outcome of the marketing of the former Kinross Town Hall and Library and seeking instructions to accept the recommended offer, which complied with the requirements of the Disposal of Land by Local Authorities (Scotland) Regulation 2010 and the terms of the Sheriff's interlocutor of February 2008.

Resolved:

The former Kinross Town Hall and Library at 108-114 High Street, Kinross be sold to Simon Wilson or his nominee on the basis of his offer and instruct the Head of Property and the Head of Legal Services be instructed to finalise terms to their satisfaction and conclude a bargain.

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