

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
18 February 2009

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 18 February 2009 at 2.00pm.

Present: Provost Hulbert, Councillors K Baird, R Band, M Barnacle, P Barrett, L Caddell, I Campbell, J Coburn, A Cowan, B Ellis, J Flynn, A Gaunt, C Gillies, A Grant, E Grant, G Hayton, K Howie, A Jack, J Kellas, J Law, W Lumsden, 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 Fyfe, Executive Director (Education and Children's Services); G Stevenson, Executive Director (Corporate Services); Dave Roberts, Executive Director (Housing and Community Care); J Valentine, Depute Director (The Environment Service); I Innes, (Head of Legal Services); G Taylor, C Carlin, F MacKay, P Graham, and S Thornton (all Chief Executive's);

Also Attending: G Cunningham (Members Support); S Watson (Chief Executive's)

Provost Hulbert, Presiding.

93. DECLARATIONS OF INTEREST

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

94. MINUTE OF PREVIOUS MEETING

The Minute of the Council Meeting of 17 December 2008 (Arts. 720-735) was submitted, and, subject to the undernoted amendment, approved as a correct record and authorised for signature.

The note to Art. 726 be amended to read:

'Councillor Barnacle requested that it be recorded that he did not support the level of housing growth proposed (and predicated on these latest government projections) as the basis for altering our Structure Plan'.

95. NOTICE OF MOTION

In terms of Standing Order 26, there was submitted the following Motion.

Motion (Councillors A Stewart and H Stewart)

Perth City Hall

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Due to the growing public debate regarding the future of the Perth City Hall, we request that a detailed report be submitted to a future meeting of the Full Council outlining:

1. The current situation regarding the approved developer of the City Hall.
2. The time scale involved and the costs the Council have incurred to date on this project.
3. The options that are available on the future development of the building should it not progress as planned.

This information is important to ensure that we continue to take all possible steps to provide some certainty as to the future of the building.

Amendment (Councillors I Miller and G Hayton)

The request for the detailed report be deferred as it is premature because matters are governed by an existing agreement which still has time to run and there is also an imminent court action.

In terms of Standing Order 42, Councillor A Grant, seconded by Councillor K Howie, moved that the question be now put. On a vote being taken, 29 voted in favour with 12 voting against. Accordingly, the Council proceeded to vote on the motion and amendment.

Amendment – 29 votes

Motion – 12 votes

Resolved:

In accordance with the Amendment.

96. MINUTES OF COMMITTEES

Minutes of Committees from 10 December 2008 to 4 February 2009

The decisions recorded in Arts. 696-719 and 1-68, copies of which had been circulated to all members of the Council, were submitted and noted/approved as necessary.

97. DRAFT SINGLE OUTCOME AGREEMENT

There was submitted a report by the Chief Executive (09/101) seeking the Council's approval of the draft Single Outcome Agreement 2009-2011 prepared for Perth and Kinross as part of the arrangements between the Scottish Government and Local Government as agreed in the Concordat with COSLA.

Resolved

- (i) The draft Single Outcome Agreement (SOA) attached as Appendix 1 to Report 09/101 be approved.
- (ii) The draft SOA be submitted to the Community Planning Partnership for approval on 27 February 2009.

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- (iii) Subject to approval as above, the draft SOA be submitted to the Scottish Government on 27 February 2009 for comment.
- (iv) The Chief Executive bring forward a report to the Council meeting on 6 May 2009 detailing the views of the Scottish Government, together with the final SOA.

98. AMENDMENTS TO SCHEME OF ADMINISTRATION

(a) Private Landlord Registration

There was submitted a report by the Head of Legal Services (09/100) requesting the Council delegate the necessary powers to the Licensing Committee and to the Head of Legal Services to enable the Private Landlord Registration provisions of the Anti-Social Behaviour etc (Scotland) Act 2004 to be implemented.

Resolved:

The Scheme of Administration be amended as follows:

- (i) to delegate to the Licensing Committee, the local authority's powers under part 8 of the Anti-Social Behaviour etc (Scotland) Act 2004 and
- (ii) to further delegate to the Head of Legal Services the powers to register landlords where there are no adverse reports and to issue rent penalty notices under Section 94 of the Act and notices of revocation under Section 95 of the Act.

(b) Amendments to the Scheme of Administration

(i) Retirement Scheme (Art. 51)

In terms of the Retirement Scheme agreed by the Strategic Policy and Resources Committee on 4 February 2009 the Council was asked to agree the undernoted amendments to the Scheme of Administration.

Resolved:

The following be added to the Scheme of Administration.

11.3.1 Executive Sub-Committee of Strategic Policy and Resources

It shall be delegated to the Sub-Committee to determine requests from Chief Officers for flexible retirement, voluntary early retirement and early retirement on grounds of efficiency of the service or redundancy.

13. General Provisions Regarding Delegation to all Officials

13.16 The Chief Executive or any Executive Director may approve requests to work beyond planned retirement age or to work under flexible retirement provisions where there is no cost to the pension fund.

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14. Delegation to the Chief Executive

14.7 To approve requests from Chief Officers to work beyond planned retirement age.

19. Delegation to Executive Director (Education and Children's Service)

19.1.10 To approve requests from teachers to leave between the ages of 50 and 59 or to wind down and to take phased retirement, where there are no costs to the Council.

(ii) Proper Officers and Statutory Appointees

Resolved:

The following amendments be made to the Scheme of Administration.

22.1 Proper Officers

Where reference is made to Senior Solicitors in this section, this should be read to refer to Legal Managers.

22.2 Statutory Appointees

22.2.1 Chief Social Work Officer

Replace Depute Director (Housing and Community Care) with Head of Children and Families, Education and Children's Services.

22.2.2 Clerk to the District Court

Delete with effect from 1 March 2009

99. ECONOMIC LEADERSHIP BOARD

The Council was asked to agree the appointment of five representatives to the Economic Leadership Board established following the Economic Summit meeting on 5 February 2009.

Resolved:

The four political group leaders and Councillor John Kellas be appointed as the Council representatives on the Economic Leadership Board.

100. SCHOOL LETS MEMBER/OFFICER WORKING GROUP

The Council was asked to agree to the establishment of a short-life Member/Officer Working Group to consider the position in relation to school lets having regard to the new Community Campuses.

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Resolved:

A short-life Member/Officer Working Group be established to consider the position in relation to school lets consisting of Councillors B Band, E Grant, G Hayton, A MacLellan and B Vaughan and a representative from Perth and Kinross Leisure, together with appropriate officers.

101. APPOINTMENT TO COMMITTEE

Development Control Committee

Resolved:

It was agreed that Councillor C Gillies be appointed to the Development Control Committee to replace Councillor A MacLellan.

102. VALEDICTORY

On behalf of the Council, the Provost paid tribute to the dedicated service rendered by Dave Roberts, Executive Director (Housing and Community Care) who was due to retire at the end of the week. He recounted Mr Roberts' lengthy career and invited him to join him on the podium for a presentation in recognition of his service to Perth and Kinross Council. Mr Roberts then replied in appropriate terms.