

COUNCIL MEETING

Minute of Council Meeting held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 28 March 2007 at 2.00pm.

Present: Provost Scott, Councillors Baird, Barnacle, Barr, Barrett, Bushby, Caddell, Cowan, Crabbie, Culliven, Doig, Dow, Ellis, Flynn, Gillies, A Grant, E Grant, Hayton, Howie, Hulbert, Hunter (until Art. 243), Jack, Lennie, Livingstone, Lloyd, Lumsden, Lyall, Mair, McDonald, McEwen, MacLellan, Miller, Mulheron, Robertson, D Scott, Simpson, Stewart, Telfer, Wilson and Young.

Also Attending: B Malone (Chief Executive), G Taylor, T Yule and M Kay (all Chief Executive's); A R McArthur (Executive Director – Corporate Services); D Roberts (Executive Director – Housing and Community Care); S Powell (Executive Director – Education and Children's Services); A Taylor, A Cook, S Rattray and H Richardson (all Education and Children's Services); S Nicoll and L Fernie (both Environment Service) (until Art. 244); G Fogg (Corporate Services) and G Stevenson (Executive Director – Corporate Services (Designate))

Apologies: Councillor Coburn

Provost Scott, Presiding.

238. RETIRAL OF MR A R McARTHUR

The Provost paid tribute to Mr Roddy McArthur, Executive Director (Corporate Services), who would be retiring after 30 years of local government service and wished him and his wife well in their retirement. He welcomed to the meeting Mr Gavin Stevenson, Executive Director (Corporate Services) (Designate) who would be taking up post on 1 June 2007.

239. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor Lyall declared a financial interest in Art.241 in relation to Ambulance Services.

240. MINUTES OF PREVIOUS MEETINGS

The Minutes of the Special Council Meeting of 8 February 2007 (Arts. 75-77) and Council Meeting of 21 February 2007 (Arts. 106-112) were submitted, approved as a correct record and authorised for signature.

COUNCILLOR LYALL, HAVING DECLARED A FINANCIAL INTEREST IN THE FOLLOWING ITEM IN TERMS OF STANDING ORDER 6, WITHDREW FROM THE MEETING AND LEFT THE COUNCIL CHAMBERS.

241. NOTICE OF MOTION

Ambulance Services

In terms of Standing Order 26, the Council considered and agreed the following Motion by Councillors Hunter and Hulbert. The Proposer, with the agreement of the Seconder, accepted additions to the Motion from Councillors MacLellan and Young as detailed below.

Resolved:

The Council agree to:

- (i) write to the First Minister, Jack McConnell MSP, the Deputy First Minister, Nicoll Stephen MSP, and the Health Minister, Andy Kerr MSP:-
 - (a) Raising the Council's concerns about the reductions in ambulance services in Perthshire and Kinross,
 - (b) Asking for an enquiry into the Scottish Ambulance Service's decisions, specifically regarding the method of ascertaining the appropriate cover in relation to population and geographical area.
 - (c) Strongly urging that the Scottish Ambulance Service be given sufficient funds to ensure that, not only are there no further reductions in ambulance services, but that there can be a reinstatement of the withdrawn cover in Perthshire.

- (d) Referring to the recent change in the ambulance transport service to a central control and the additional pressure on hospital transfers.
- (ii) write to the Chief Executive of the Scottish Ambulance Service, Adrian Lucas, in terms of 1(a) and (b) above, and offer the Council's support to assist in seeking sufficient grants from the Scottish Executive referred to in 1(c).

COUNCILLOR LYALL RETURNED TO THE MEETING AT THIS POINT.

242. MINUTES OF COMMITTEES

Minutes of Committees from 14 February 2007 to 21 March 2007

The decisions recorded in Arts. 78-105 and 113-202, copies of which had been circulated to all members of the Council, were submitted and approved.

Enterprise and Infrastructure Committee

(i) Investigations into Milnathort Flooding in December 2006 (Art. 167)

In response to a request for an update from Councillor Robertson, the Executive Director (Environment) reported that the Consultants' final report should be submitted to an Executive Sub-Committee of the Enterprise and Infrastructure Committee and confirmed that a commitment had been given for the report to be made available to those affected in the community.

(ii) TACTRAN Regional Transport Strategy: Draft for Consultation (Art. 174)

In response to a request from Councillor Barnacle for an update, Councillor Livingstone confirmed that the comments referred to in Art. 174 had been included in the Draft Regional Transport Strategy.

COUNCILLOR HUNTER LEFT THE MEETING AT THIS POINT.

243. ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006 – DELEGATION OF AUTHORITY

There was submitted a report by the Executive Director (Environment) (07/265) introducing the provisions of the Animal Health and Welfare (Scotland) Act 2006 and recommending delegation of the enforcement functions contained in the Act to the Community Safety Committee and the Executive Director (Environment).

Resolved:

- (i) The functions contained in the Animal Health and Welfare (Scotland) Act 2006 be delegated to the Community Safety Committee.
- (ii) The Executive Director (Environment) be authorised to exercise the functions contained in the Act and related subordinate legislation and to appoint and authorise appropriate officers.
- (iii) The Head of Democratic Services be instructed to amend the Scheme of Administration accordingly.

244. 2007 COMBINED SCOTTISH PARLIAMENT AND LOCAL GOVERNMENT ELECTIONS – UPDATE

There was submitted a report by the Returning Officer (07/271) providing information on the current position in relation to planning for the 2007 Combined Scottish Parliament and Local Government Elections.

Resolved:

- (i) The position set out in Report 07/271 in relation to planning for the 2007 Combined Scottish Parliament and Local Government Elections be noted.
- (ii) The Executive Director (Corporate Services) be authorised to sign the contract documentation with the following contractors (1) DRS Data Services Ltd in respect of the provision of e-counting services; and (2) Electoral Reform Services in respect of the production and issue of postal votes.

245. CORPORATE GOVERNANCE – CORPORATE RULES AND STANDARDS – STANDING ORDERS AND SCHEME OF ADMINISTRATION – REVISIONS AND AMENDMENTS

There was submitted a report by the Head of Democratic Services (07/272) presenting for approval consolidated and revised versions of the Council's Scheme of Administration and Standing Orders reflecting changes already approved by the Council, together with requests for further amendments.

Resolved:

- (i) The revised Scheme of Administration as contained in Appendix 1 to Report 07/272 be approved.
- (ii) The revised Standing Orders as contained in Appendix 2 to Report 07/272 be approved.
- (iii) The recommendations of the Development Control Decision Making Member/Officer Working Group in relation to the delegation to the Executive Director (Environment) and the operation of the Development Control Committee as set out in Appendix 3 to and Paragraph 3.4 of Report 07/272 respectively be approved and incorporated into the Scheme of Administration and Standing Orders.
- (iv) The recommendations of the Strategic Policy and Resources Committee in relation to Following the Public Pound as set out in Paragraph 3.6 of Report 07/272 be approved and incorporated within the Scheme of Administration.
- (v) The additional amendments to the Scheme of Administration in relation to Animal Health and Welfare as set out in Paragraph 3.7 of Report 07/272 and Art. 243 above be approved.

246. POLITICAL DECISION-MAKING STRUCTURES

There was submitted a discussion paper by the Chief Executive (07/273) setting out some of the key issues to be considered in developing political decision-making structures after the Local Government Election on 3 May 2007.

Resolved:

- (i) The terms of discussion paper (07/273) and the potential options for political decision-making structures be noted.
- (ii) The Chief Executive be instructed to ensure that copies of discussion paper (07/273) are made available to all elected members immediately following the Local Government Election on 3 May 2007.

247. VALEDICTORIES

This being the last meeting of the Council before the Local Government Elections to be held on 3 May 2007, the Provost paid tribute to the contribution made to the work of the Council by members and staff and thanked all members, in particular the Provost Depute, Councillor Flynn, for their assistance during his period of office. He thanked the Chief Executive for her leadership role, the Executive Director (Environment), Councillor McEwen in her capacity as his Vice-Convenor on Roads and Transport, Councillor Wilson for his advice and Councillor Doig for his long and honourable service. He wished all those not standing for re-election well.

Councillor Doig thanked all officers and staff, in particular Members' Support, for their assistance over many years.

Councillor Miller added his thanks particularly to those members retiring and highlighted the benefit displayed by elected members working together for the common good. He paid tribute to former Provost Councillor Culliven and his wife, and also to Provost Scott who had acted as an excellent ambassador for Perth and Kinross and to Councillor Doig for his 40 years of service and dedication to local government.

Councillors Wilson, Stewart and MacLellan added their thanks and tributes and wished all well in the future.

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,

248. INVESTMENT IN LEARNING PROGRAMME – PROGRESS TO FINANCIAL CLOSE

There was submitted a report by the Executive Director (Corporate Services) (07/279) (1) updating the Council on the progress made in negotiations with the preferred bidder (Axiom Education (Perth and Kinross) Limited, (2) seeking authority to continue the negotiations and, subject to a range of factors and the agreement of the Scottish Executive Financial Partnerships Unit, remit the decision to a special meeting of the Council, and (3) recommending that the Programme Sponsor be authorised to sign the Financial Close documents.

THERE WAS THEN A 15 MINUTE RECESS TO ALLOW COUNCILLORS THE OPPORTUNITY TO READ REPORT 07/279.

THE COUNCIL RE-CONVENED AT 3.15PM.

The Council heard a presentation from A R McArthur, H Richardson and S Rattray on the various issues relating to the Programme.

Resolved:

- (i) The progress made to date in negotiations with Axiom Education be noted and the final decision be remitted to a special meeting of the Council.
- (ii) The recommendation of the School Estate Strategy Board that the option of basecase of six schools with biomass at three sites and vocational accommodation (shell and core) at four secondaries be pursued.
- (iii) The Programme Sponsor be authorised to negotiate with Axiom Education through to Financial Close status subject to satisfactory completion of Scottish Executive Financial Partnerships Unit Pre Financial Close Key Stage Review and Final Business Case within the parameters of recommendation (ii) of Report 07/279.
- (iv) The Programme Sponsor be authorised to conclude negotiations and sign Financial Close with Axiom Education on the basis of recommendations (i) and (ii) of Report 07/279.
- (v) The Programme Sponsor be authorised to:-
 - (a) Conclude negotiations with Perth and Kinross Leisure regarding the sports and leisure management service within the project facilities;
 - (b) Conclude negotiations on the site and property matters in relation to Blairgowrie access road and the acquisition of Aberfeldy Leisure Centre;
 - (c) Agree to appropriate media coverage of the Financial Close announcement (in conjunction with Axiom Education) following the signing of the Financial Close documents by all parties;
- (vi) The Executive Director (Education and Children's Services) be instructed to report to a future meeting of the Lifelong Learning Committee on the relocation of the Aberfeldy Decant accommodation as future school accommodation within Perth and Kinross;
- (vii) The revised governance arrangements set out in Report 07/279 be approved.