

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
17 December 2008

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 17 December 2008 at 10.30am.

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, J Kellas, J Law, W Lumsden, K Lyall, M Lyle, E Maclachlan, A MacLellan, D Melloy, I Miller, S Miller, P Mulheron, M Roberts, 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; G Taylor, J Dickson and P Anderson (all Chief Executive's); G Stevenson, Executive Director (Corporate Services), J Symon and G Fogg (both Corporate Services); J Valentine (Depute Director (Environment), R Bean, P Marshall, T Brydone, G Esson, K McWilliam and A Clegg (all Environment Service); D Roberts, Executive Director (Housing and Community Care) and D Burke, Depute Director Housing and Community Care); and J Fyffe, Executive Director (Education and Children's Services).

Also Attending: C Wyllie, Henderson Loggie.

Apologies: Councillors A Jack, H McDonald, W Robertson, C Shiers and L Simpson.

Provost Hulbert, Presiding.

COUNCILLOR CAROLINE SHIERS

Prior to the commencement of business, the Provost reported that Councillor Caroline Shiers had been admitted to the Maternity Ward at Ninewells Hospital awaiting the birth of her baby and, on behalf of the Council, wished her well and a safe delivery.

720. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor J Law declared a financial interest in Art. 725.

721. MINUTE OF PREVIOUS MEETING

The Minute of the Council Meeting of 1 October 2008 (Arts. 547-560) was submitted, approved as a correct record and authorised for signature.

722. DEPUTATION

In terms of Standing Order 59(b), the Council agreed to hear a deputation in respect of the New Supermarket Site in Crieff (Art. 725)

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723. NOTICE OF MOTION

In terms of Standing Order 26, the Council considered and agreed the following Motion by Councillors A Cowan and A Stewart.

Armed Forces

Perth and Kinross has a strong association with the armed forces and to this end we believe that the Council should acknowledge and support those men and women who are returning from active duties in Iraq or Afghanistan by providing appropriate recognition.

We would therefore propose that Perth and Kinross Council welcomes them home by providing a parade and civic reception. Thus celebrating both their bravery and commitment under difficult and dangerous circumstances and the continuing strong links the armed forces have with the area. Many towns and cities across the United Kingdom are proposing to welcome home those who have served with such distinction.

Resolved:

It be remitted to the Provost, in consultation with the Lord Lieutenant, to make the necessary arrangements to welcome the armed forces home at the appropriate time.

724. MINUTES OF COMMITTEES

Minutes of Committees from 24 September 2008 to 3 December 2008

The decisions recorded in Arts. 520-546 and 561-695, copies of which had been circulated to all members of the Council, were submitted and noted/approved as necessary.

COUNCILLOR J LAW, HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, WITHDREW FROM THE CHAMBERS.

725. NEW SUPERMARKET SITE IN CRIEFF (Arts 613/05 and 419/06)

There was submitted a report by the Executive Director (Environment) (08/652) reviewing the decision by the Enterprise and Infrastructure Committee in August 2005 to identify the Duchlage Farm site as the preferred location for a new supermarket in Crieff in the light of new or additional information, together with the development brief for the area which the Enterprise and Infrastructure Committee approved on 7 June 2006 as supplementary planning guidance.

Mr N Martin, Turley Associates, representing Sainsbury's Supermarkets Limited and Mr P Turek, representing Crieff Highland Gatherings, addressed the Council and following their representations, withdrew to the public benches.

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Motion - Councillors I Miller and G Hayton

- (i) **The contents and issues highlighted in Report 08/652 be noted.**
- (ii) **The decision taken by the Enterprise and Infrastructure Committee on 24 August 2005 that Duchlage Farm be the preferred location for a new supermarket in Crieff be reaffirmed.**
- (iii) **The development brief for the Duchlage Farm area, approved by the Enterprise and Infrastructure Committee on 7 June 2006, in particular that the land to the east of the farm be identified for educational purposes, be reaffirmed.**

Amendment - Councillors A Cowan and B Vaughan

- (i) The contents and issues highlighted in Report 08/652 be noted.
- (ii) The decision taken by the Enterprise and Infrastructure Committee on 24 August 2005 that Duchlage Farm be the preferred location for the new supermarket in Crieff in planning terms be rescinded.
- (iii) The Market Park site be the preferred site for a new supermarket in Crieff.
- (iv) In light of the preference of the Market Park site, the Enterprise and Infrastructure Committee be required to reconsider the development brief for the Duchlage Farm area as necessary.

A roll call vote having been requested in terms of Standing Order 44,

12 Members voted for the Amendment as follows:

Councillors K Baird, M Barnacle, I Campbell, A Cowan, J Flynn, C Gillies, M Lyle, D Melloy, M Roberts, A Stewart, H Stewart, and B Vaughan.

23 Members voted for the Motion as follows:

Councillors B Band, P Barrett, L Caddell, J Coburn, B Ellis, A Gaunt, A Grant, E Grant, G Hayton, K Howie, Provost Hulbert, Councillors J Kellas, W Lumsden, K Lyall, E Maclachlan, A MacLellan, I Miller, S Miller, P Mulheron, D Scott, W Wilson, A Wylie and A Younger.

Resolved:

In accordance with the Motion.

COUNCILLOR J LAW REJOINED THE MEETING AT THIS POINT.

COUNCILLORS GILLIES AND FLYNN LEFT THE MEETING AT THIS POINT AND REJOINED THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

**726. PERTH AND KINROSS STRUCTURE PLAN DRAFT ALTERATION:
POPULATION AND HOUSEHOLDS (Art. 297/06)**

There was submitted a report by the Executive Director (Environment) (08/653) reviewing the projected population and housing projections for Perth and

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Kinross and proposing a draft Alteration to the Structure Plan to accommodate the projected increased growth rates.

Resolved:

- (i) The draft Structure Plan Alteration: Population and Households together with the associated draft alterations to the Report of Survey, detailed in Appendices 1 and 2 to Report 08/653, be approved as a basis for consultation.
- (ii) The contents of the Environmental Report and Appropriate Assessment for the draft Structure Plan Alteration: Population and Households, as detailed in Appendices 3 and 4 to Report 08/653, be noted.
- (iii) It be remitted to the Executive Director (Environment) to submit a report to the Council on 6 May 2009 on the results of the consultation.
- (iv) It be remitted to the Executive Director (Environment) to bring forward a preliminary report to a meeting of the Enterprise and Infrastructure Committee in Spring 2009 on the steps to be taken to meet the additional housing requirements.

Note: Councillor Barnacle requested that it be recorded that he did not support the projected population growth figures.

COUNCILLOR K LYALL LEFT THE MEETING AT THIS POINT AND COUNCILLOR S MILLER LEFT AND REJOINED THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

727. FINAL SOCIAL WORK INSPECTION AGENCY PERFORMANCE INSPECTION REPORT

There was submitted a report by the Chief Social Work Officer (08/654) summarising the key findings of the Social Work Inspection Agency (SWIA) in their follow-up inspection visit which measured the achievements of the inspection improvement plan submitted by Housing and Community Care and Education and Children's Services on social work services.

Resolved:

The contents of the Report 08/654 be noted, and the significant improvements and achievements within social services be recognised.

728. EXTERNAL AUDIT – FINAL REPORT TO MEMBERS 2007/2008

There was submitted a report by the Head of Finance (08/655) presenting the External Auditor's Final Report to Members for financial year 2007/08.

Resolved:

- (i) The contents of Report 08/655 be noted.
- (ii) The External Auditor's Final Report to Members and the Controller of Audit be submitted to a future meeting of the Audit Sub-Committee for detailed consideration.

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729. REVIEW OF PARLIAMENTARY CONSTITUENCY POLLING STATIONS AND POLLING PLACES

There was submitted a report by the Head of Democratic Services (08/656) updating members on the findings of the review of Parliamentary Constituency Polling Districts and Polling Places within the area of Perth and Kinross and proposing the redesignation of polling places in Crieff and Bankfoot.

Resolved:

The designation of polling districts and polling places, as set out in Appendix I to Report 08/656, be approved.

730. AMENDMENTS TO THE SCHEME OF ADMINISTRATION

(a) Affordable Housing Credits

There was submitted a report by the Executive Director (Environment) (08/657) proposing that authority be delegated to the Executive Director (Environment) to agree, in certain prescribed circumstances, to developers accruing affordable housing credits.

Resolved:

- (i) Authority be delegated to the Executive Director (Environment) in consultation with Local Members and the Conveners of the Enterprise and Infrastructure Committee and Housing and Health Committee to:
 - (1) agree to proposals from developers to build up affordable housing credits on particular sites.
 - (2) agree to the use of accrued affordable credits to offset the affordable housing requirement on other sites within the same housing market area; and
 - (3) extend the period for which credits can be held, up to a maximum period of 10 years.
- (ii) The decision to delegate authority in relation to the above be reviewed in one year's time.

(b) Depute Chief Executive

Resolved:

The following be added to Section 15 of the Scheme of Administration – Depute Chief Executive:

In the event that the Chief Executive is indisposed, the Depute Chief Executive be authorised to act as Returning Officer for all elections and referenda.

731. MEMBERSHIP OF THE IMPROVEMENT SERVICE

The Council was advised that all Scottish Councils had been invited and encouraged to become members of the Improvement Service – to date membership having been restricted to CoSLA and SOLACE. It was noted that membership would incur no cost to the Council nor would there be any liability to the Council.

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Resolved:

The invitation to the Council to become a Member of the Improvement Service be accepted.

732. APPOINTMENTS TO COMMITTEE

(a) Environment Committee

Resolved:

Councillor A Younger be appointed to the Environment Committee to replace Councillor M Barnacle.

(b) Environment Executive Sub-Committee

Resolved:

Councillor J Law be appointed to the Environment Executive Sub-Committee to replace Councillor M Barnacle.

THE PROVOST RULED THAT, IN HIS OPINION, ITEMS ART. 732(C) AND ART. 732(D) SHOULD BE CONSIDERED AS A MATTER OF URGENCY IN TERMS OF SECTION 50(B)(4)(b) OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 DUE TO THE NEED TO APPOINT MEMBERS TO THESE COMMITTEES

(c) Housing and Health Committee

Resolved:

Councillor B Band be appointed to the Housing and Health Committee to replace Councillor M Barnacle.

(d) Licensing Committee

Resolved:

Councillor B Ellis be appointed to the Licensing Committee to replace Councillor M Barnacle.

733. APPOINTMENT TO MEMBER/OFFICER WORKING GROUPS

(a) Strategic Waste Management Member/Officer Working Group

Resolved:

Councillor J Law be appointed to the Strategic Waste Management Member/Officer Working Group to replace Councillor M Barnacle.

(b) Planning etc. (Scotland) Act 2006 Member/Officer Working Group

Resolved:

The elected member representation on the Planning etc (Scotland) Act 2006 be reviewed and nominations submitted to the Head of Democratic Services.

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734. APPOINTMENTS TO OUTSIDE BODIES

(a) Open Estate Visiting Committee

Resolved:

Councillor B Vaughan be appointed to the Open Estate Visiting Committee to replace Councillor C Shiers.

(b) Perth Prison Visiting Committee

Mr Stephen Blackwood be appointed as a non-Council member of the Perth Prison Visiting Committee.

(c) Perth Civic Trust - Executive Committee

Councillor A Stewart be appointed to the Perth Civic Trust Executive Committee to replace Councillor H Stewart.

(d) Forth Estuary Transport Authority

Councillor W Robertson be appointed to the Forth Estuary Transport Authority to replace Councillor M Barnacle, and consequently Councillor S Miller be appointed as the named substitute.

(e) East of Scotland European Consortium (ESEC)

Councillor J Kellas be appointed to the East of Scotland European Consortium (ESEC) to replace Councillor A Wylie.

735. VALEDICTORY – RETIRAL

The Provost referred to Jean Dickson's retiral from the Council at the end of December 2008 and, on behalf of the Council, presented her with a bouquet of flowers and a gift and wished her well in her retirement.

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