

COUNCIL MEETING

Minutes of Council Meeting held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 21 September 2005 at 2.00pm.

Present: Provost Scott, Councillors Baird, Barnacle, Barr, Barrett, Bushby, Caddell, Coburn, Cowan, Crabbie, Culliven, Doig, Ellis, Flynn, Gillies, E Grant, Hayton, Hulbert, Hunter, Jack, Lloyd, Lumsden, Lyall, Mair, McDonald, McEwen, MacLellan, Miller, Mulheron, Robertson, D Scott, Stewart, Wilson and Young.

In Attendance:: B Malone (Chief Executive), K MacDonald, P Wallace (from Art. 687 to Art. 690), T Yule, P Graham and M Cochlan (Chief Executive's); A R McArthur (Executive Director, Corporate Services); I Innes, G Taylor, J Simpson, M Kay and S Rattray (all Corporate Services); L McConnell (Interim Executive Director, Education & Children's Services); A Taylor, H Richardson and K Giblin (all Education & Children's Services); J Irons (Executive Director, Planning & Transportation); R Bean (Planning & Transportation); D Roberts (Executive Director, Housing & Community Care)

Apologies for Absence: Councillors Lennie and Livingstone;

Provost Scott, Presiding.

687. DECLARATIONS OF INTEREST

Councillor Ellis declared a non-financial interest in Art. 691 below.
Councillor Gillies declared a non-financial interest in Art. 698 below.

688. MINUTE OF PREVIOUS MEETING

The Minute of the Council Meeting of 29 June 2005 (Arts. 518-529) was submitted, approved as a correct record and authorised for signature.

689. MINUTES OF COMMITTEES

The Minutes of Committees from 24 June 2005 to 7 September 2005.

The decisions recorded in Arts. 501-517 and 530-672, copies of which had been circulated to all members of the Council, were submitted and approved, except as undernoted::

(1) Perth & Kinross Council – 29 June 2005

(a) Membership of Committees (Art. 524(b))

Article 524(b) should read Councillor Bushby not Councillor Cowan.

(b) Membership of Licensing Board (Art. 525)

The following resolution be added to the minute:

Councillor Cowan replace Councillor Dow on the Licensing Board.

(2) Environment Committee – 24 August 2005

Public Toilet Review: Update on Implementation (Art. 602)

Resolution (v) be amended to read: to adopt Appendix 3 Option 3 with regard to Mill Street, Perth, and the disposal of the public toilet building be in terms of Section 19.1.3 of the Council's Scheme of Administration.

(3) Standards & Scrutiny Committee – 31 August 2005

It be noted that Councillor Hunter left the meeting following Article 641 and not 643.

COUNCILLOR YOUNG LEFT THE MEETING DURING DISCUSSION OF THE FOLLOWING ITEM.

690. ANNUAL PERFORMANCE REPORT 2004/05

There was submitted a report by the Chief Executive (05/589) outlining the structure, purpose and key performance findings of Perth and Kinross Council's new Annual Performance Report 2004/05.

The Council heard a presentation from the Chief Executive on the successes to date and the challenges to be faced in delivering a diverse range of services and in particular highlighting the importance of partnership working in achieving the outcomes of the Council's corporate priorities.

The Chief Executive also reported that Perth City had been awarded the Champion of Champions Rosebowl and the Nicolson Trophy in the Beautiful Scotland in Bloom Awards.

Resolved:

- (i) The structure, purpose and key performance findings of Perth and Kinross Council's new Annual Performance Report as detailed in Report 05/589 be approved.
- (ii) Report 05/589 be submitted to the next meeting of the Standards and Scrutiny Committee on 26 October 2005.
- (iii) All Council staff be commended for their efforts in achieving the successes highlighted in the Chief Executive's report.

691. DECISION OF THE STANDARDS COMMISSION FOR SCOTLAND INTO AN ALLEGED BREACH OF THE COUNCILLORS' CODE OF CONDUCT BY COUNCILLOR ROBERT ELLIS

There was submitted a report by the Head of Legal Services (05/590) (1) fulfilling the statutory obligation on the part of the Council to consider the decision of the Standards Commission for Scotland in respect of a complaint relating to a member of Perth and Kinross Council and (2) recommending further reinforcement of the terms of the Councillors' Code of Conduct.

Resolved:

- (i) The decision of the Standards Commission for Scotland be noted.
- (ii) The Head of Legal Services be instructed to issue an advice note to all members of the Council addressing the issues raised by the decision and containing a statement to the effect that all members should be familiar with Section 7 of the Councillors' Code of Conduct – Taking Decisions on Individual Applications.
- (iii) A copy of Report 05/590 together with the relative minute be forwarded to the Commission for their information.
- (iv) Paragraph 10.2.9.4 be deleted from the Council's Scheme of Administration for the reasons set out in Report 05/590.

692. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR SCOTLAND – REVIEW OF ELECTORAL ARRANGEMENTS – PROVISIONAL PROPOSALS FOR THE PERTH AND KINROSS COUNCIL AREA

There was submitted a report by the Council Secretary (05/591) advising (1) that on 30 June 2005, the Local Government Boundary Commission for Scotland had published its provisional proposals for twelve multi-member wards within the Perth and Kinross Council area and (2) that the Council had until 22 September 2005 to make representations to the Commission.

Motion (Councillors Wilson and Miller)

- (i) **The provisional proposals published by the Local Government Boundary Commission for Scotland be noted.**
- (ii) **The Council reaffirm its view that democracy is best served by the creation of eleven multi-member wards, (8 of 4 members and 3 of 3 members) as set out in paragraph 2.1(iii) of Report 05/591.**

(iii) The Chief Executive be instructed to advise the Commission of the Council's position by 22 September 2005.

Amendment (Councillors Stewart and Baird)

The Local Government Boundary Commission for Scotland's proposals in respect of Perth and Kinross be accepted.

Amendment – 13 votes

Motion – 19 votes

Resolved:

In accordance with the Motion.

COUNCILLOR LYALL LEFT THE MEETING AT THIS POINT.

COUNCILLOR HUNTER LEFT THE MEETING DURING DISCUSSION OF THE FOLLOWING ITEM.

693. WHITE PAPER "MODERNISING THE PLANNING SYSTEM"

There was submitted a report by the Executive Director (Planning & Transportation) (05/592) (1) outlining the provisions of the White Paper "Modernising the Planning System" which is likely to result in a new Planning Bill coming before the Scottish Parliament and (2) containing a proposed response, largely supportive, and (3) briefly analysing the potential resource implications of the proposals.

Resolved:

- (i) The contents of the white paper as set out in Report 05/592 be noted and it be remitted to the Executive Director (Planning & Transportation) to respond to the Scottish Ministers as outlined in Report 05/592.
- (ii) It be remitted to the Executive Director (Planning & Transportation) to report back to the Enterprise and Infrastructure Committee on resource implications, the implications for the current programme of local plan reviews and a programme for implementation of the proposals once the Planning Bill is published.

694. SCHEME OF ADMINISTRATION – PROPOSED AMENDMENT

There was submitted a joint report by the Council Secretary and Head of Legal Services (05/593) proposing an amendment to the Scheme of Administration regarding the composition of the Audit Sub-Committee of the Standards and Scrutiny Committee.

Resolved:

Clause 10.3.2 of the Scheme of Administration be amended to the effect that the Audit Sub-Committee shall comprise five members of the Standards and Scrutiny Committee, together with one non-Council member appointed by the Council on the basis of that person's financial expertise and to be nominated in such a manner as may be determined by the Council.

695. ANNUAL TIMETABLE OF MEETINGS FOR 2006

There was submitted a report by the Council Secretary (05/594) proposing a detailed timetable of meetings of the Council and its Committees for 2006 and suggesting an indicative timetable of meetings for 2007.

Resolved:

- (i) The detailed timetable of meetings of the Council and its Committees for 2006 contained in Appendix 1 to Report 05/594 be agreed.
- (ii) The indicative timetable of meetings for 2007 contained at Appendix 2 to Report 05/594 be noted.
- (iii) It be remitted to the Local Governance Member/Officer Working Group to keep the timetable of meetings under review.

696. COMMUNITY COUNCILS – PROPOSED AMENDMENTS TO BOUNDARIES

There was submitted a report by the Council Secretary (05/595) seeking approval to amend the Scheme for the Establishment of Community Councils by boundary adjustments to (1) Bridgend, Gannochy and Kinnoull Community Council and Scone and District Community Council, (2) Meigle

Community Council and Coupar Angus, Ardler and Bendochy Community Council, (3) Killiecrankie and Fincastle Community Council and Pitlochry and Moulin Community Council and (4) Killiecrankie and Fincastle Community Council and Rannoch and Tummel Community Council.

Resolved:

The Scheme for the Establishment of Community Councils be amended as follows:-

- (i) The area known as Corsiehill be transferred from Scone and District Community Council to the area served by Bridgend, Gannochy and Kinnoull Community Council.
- (ii) The area known as Longleys be transferred from Coupar Angus, Ardler and Bendochy Community Council to the area served by Meigle Community Council.
- (iii) The area from the west bank of the River Garry to the top of Ben Vrackie be transferred from Pitlochry and Moulin Community Council to the area served by Killiecrankie and Fincastle Community Council.
- (iv) The area previously known as Tressit and Grennich farmland be transferred from Rannoch and Tummel Community Council to the area served by Killiecrankie and Fincastle Community Council.

697. SCOTTISH NATIONAL WAR MEMORIAL

Resolved:

Councillor Culliven be nominated as the Council's representative to the Scottish National War Memorial.

698. COMMUNITY BENEFIT: THE PERTH AND KINROSS SUSTAINABLE ENERGY SCHEME

There was submitted a report by the Executive Director (Corporate Services) (05/597) (1) on the possibility of establishing a sustainable energy scheme using possible community benefit monies gained from windfarm developers and (2) setting out the issues and preferred mechanism for the administration and dispersal of the scheme, together with guidelines to assist local communities and developers and (3) instructing the Head of Economic Development to consult with these groups and publish the guidelines at the earliest opportunity.

Resolved:

- (i) It be remitted to a short-life Member/Officer Working Group to consider proposals in full and report back its findings to the Executive Sub-Committee of the Strategic Policy and Resources Committee.
- (ii) The Member/Officer Working Group comprise one member of each political group, one independent member, together with representatives from Legal Services, Forward Planning and Economic Development.
- (iii) Elected members should forward comments on the proposals to their representative on the Member/Officer Working Group.

NOTE: COUNCILLOR HULBERT MOVED AN AMENDMENT THAT THE COUNCIL DISCUSS THE PROPOSALS AT THIS TIME, BUT FAILED TO SECURE A SECONDER.

699. APPOINTMENTS TO COMMITTEES

(a) Housing and Health Committee

Resolved:

Councillor I Miller replace Councillor J Culliven on the Housing and Health Committee.

700. APPOINTMENTS TO EXTERNAL BODIES

(a) Tayside Contracts Joint Committee

Resolved:

Councillor A Grant replace Councillor E Grant on the Tayside Contracts Joint Committee.

(b) Friends of Cognac Management Committee

Resolved:

Councillor P Barrett replace Councillor W Wilson on the Friends of Cognac Management Committee.

(c) Pitlochry Festival Theatre Board

Resolved:

Councillor J Culliven replace Councillor A Barr on the Pitlochry Festival Theatre Board.

(d) UHI Millennium Institute Foundation

Resolved:

Councillor G Hunter replace Councillor E Howie as an alternate member on the UHI Millennium Institute Foundation.

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 IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

The Head of Legal Services advised that it in terms of the Councillors' Code of Conduct, members appointed to Tayside Contracts Joint Committee did not require to declare an interest in the following item.

701. INVESTMENT IN LEARNING PROGRAMME – UPDATE

There was submitted a report by the Executive Director (Corporate Services) (05/632) updating members on the current position on the Investment in Learning Programme and requesting approval of the proposed action to be taken, as required by the Scottish Executive.

THERE WAS THEN A TEN MINUTE RECESS TO ALLOW COUNCILLORS THE OPPORTUNITY TO READ REPORT 05/632.

THE COUNCIL RECONVENED.

COUNCILLOR YOUNG REJOINED THE MEETING AT THIS POINT.

The Council heard a presentation from H Richardson on the evaluation stage of the Investment in Learning Programme and the next steps to be taken.

Resolved:

- (i) The recommendations contained in Report 05/632 be approved.
- (ii) The considerable level of work involved to date of all those involved be recognised.