

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 30 September 2009 at 2.00pm.

Present: Provost Hulbert, Councillors K Baird, B Band, M Barnacle, P Barrett, L Caddell, I Campbell, A Cowan, B Ellis, J Flynn, A Gaunt, C Gillies, G Hayton, K Howie, A Jack, J Law, K Lyall, M Lyle, E Maclachlan, A MacLellan, H McDonald, D Melloy, I Miller, S Miller, M Roberts, W Robertson, D Scott, C Shiers, L Simpson, A Stewart, H Stewart, B Vaughan, W Wilson and A Younger.

In Attendance: J Irons (Depute Chief Executive); J Fyffe, Executive Director (Education and Children's Services); D Burke, Executive Director (Housing and Community Care); B Atkinson (Education and Children's Services); J Walker, (Housing and Community Care); J Valentine and R Bean, (Environment Services); G Taylor, F Mackay and C Irons (all Chief Executive's) and I Innes, J Symon and A O'Brien (up to and including Art. 500 (all Corporate Services)).

Also Attending: C Wylie (Henderson Loggie)

Apologies: Councillors J Coburn, A Grant, E Grant, J Kellas, W Lumsden, P Mulheron and A Wylie.

Provost Hulbert, Presiding.

497. DECLARATIONS OF INTEREST

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

498. MINUTES

(a) Meeting of 24 June 2009

The Minute of the Council Meeting of 24 June 2009 (Arts. 347-363) was submitted, approved as a correct record and authorised for signature.

(b) Special Meeting of 2 September 2009

The Minute of the Special Council Meeting of 2 September 2009 (Arts. 446-448) was submitted, approved as a correct record and authorised for signature.

499. MINUTES OF COMMITTEES

Minutes of Committees from 10 June 2009 to 16 September 2009

The decisions recorded in Arts. 302-346, 364-445 and 449-479, copies of which had been circulated to all members of the Council, were submitted and noted/approved as necessary.

500. AUDITED STATEMENT OF ACCOUNTS

There was submitted a report by the Head of Finance (09/465) accompanying the Council's Audited Statement of Accounts for the financial year 2008/2009, together with the "Report to those Charged with Governance on the Audit of Perth and Kinross Council, by the Council's External Auditors, Henderson Loggie, in accordance with the International Standard on Auditing (ISA) 260.

Resolved:

- (i) The contents of Report 09/465 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 16 December 2009.

J SYMON AND A O'BRIEN LEFT THE MEETING AT THIS POINT.

501. CHIEF SOCIAL WORK OFFICER'S ANNUAL REPORT

There was submitted a report by the Chief Social Work Officer (09/456) providing the Council with his view on the effective functioning of the social work and social care services within Perth and Kinross.

Resolved:

The contents of Report 09/456 be noted.

502. AUDIT OF BEST VALUE AND COMMUNITY PLANNING – IMPROVEMENT PLAN PROGRESS UPDATE

There was submitted a report by the Chief Executive (09/457) updating the Council on progress made to date on the Audit of Best Value and Community Planning Improvement Plan which was approved by the Council at its meeting on 1 October 2008.

Resolved:

- (i) The progress report on the Audit of Best Value and Community Planning Improvement Plan as detailed in Appendix 1 to Report 09/457, be noted.

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- (ii) A progress update on the actions relevant to partners be submitted for discussion and approval to the next meeting of the Perth and Kinross Community Planning Partnership;
- (iii) A copy of the progress report be provided to the Council's External Auditors, Henderson Loggie, to inform work linked to the Priorities and Risks Framework and the Annual Report.

503. IMPLEMENTATION OF PLANNING ETC (SCOTLAND) ACT 2006 – UPDATE

There was submitted a joint report by the Head of Democratic Services, Head of Legal Services and Head of Planning (09/458) updating members in relation to the implementation of the Planning etc (Scotland) Act 2006 and seeking approval for necessary actions.

Resolved:

- (i) The Scheme of Delegation approved by Scottish Ministers as detailed in Appendix 1 to Report 09/458 be noted, and the action taken by the Head of Democratic Services to amend the Scheme in accordance with the advice of Scottish Ministers, as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 be approved.
- (ii) Further revisals to the Council's Scheme of Administration in relation to pre-determination hearings and clarification of valid applications in terms of timescales to reflect further changes resulting from the implementation of the Planning etc (Scotland) Act 2006 be approved.
- (iii) The Standing Orders for the Local Review Body as contained in Appendix 2 to Report 09/458 be approved.
- (iv) The Guidance Note on Procedures to be put in place for the first meeting of the Local Review Body, as set out in Appendix 3 to Report 09/458 be approved for the Local Review Body to consider and revise as appropriate.
- (v) The appointment of a Planning Adviser as proposed in Paragraph 5 of Report 09/458 be approved.
- (vi) Councillor Murray Lyle be appointed as Depute Convener of the Local Review Body as proposed in Paragraph 5 of Report 09/458.
- (vii) To comply with Section 38A of the Town and County Planning (Scotland) Act 1997 and Regulation 27 of the Town and County Planning (Development Management Procedure) (Scotland) Regulations 2008, a Pre-Determination Committee of the Council be established comprising all elected members.
- (viii) The Head of Democratic Services, in consultation with the Head of Planning and the Head of Legal Services, be instructed to make any further necessary arrangements to support the work of the Local Review Body and the Planning Adviser.
- (ix) It be noted that further training for Councillors on the implementation of the Planning Etc (Scotland) Act 2006 will be held on the morning of 20 October 2009.

504. PROPOSALS TO GRANT THE FREEDOM OF THE CITY OF PERTH TO THE 7TH BATTALION, THE ROYAL REGIMENT OF SCOTLAND (TERRITORIAL ARMY BASED AT QUEEN'S BARRACKS, PERTH)

There was submitted a report by the Head of Democratic Services (09/459) relating to a proposal to grant the Freedom of the City of Perth to the 7th Battalion, the Royal Regiment of Scotland and to arrange a celebratory event to include this occasion as part of the Perth800 civic programme

Resolved:

- (i) It be agreed that the 7th Battalion, the Royal Regiment of Scotland be granted the Freedom of the City of Perth in May 2010.
- (ii) Arrangements be made to organise a ceremonial event in honour of the 7th Battalion, the Royal Regiment of Scotland on 8 May 2010
- (iii) A Member/Officer Group be established comprising the Provost and one member from each of the Administration and the Opposition and relevant officers to undertake the detailed planning for this event and report back to the Council on the finalised arrangements and associated costs.

505. THE BLACK WATCH, 3RD BATTALION THE ROYAL REGIMENT OF SCOTLAND – HOMECOMING PARADES IN ABERFELDY AND PERTH

There was submitted a report by the Head of Democratic Services (09/460) relating to a proposal to support homecoming parades by The Black Watch, 3rd Battalion The Royal Regiment of Scotland in Aberfeldy and Perth on the 10th and 12th December 2009 respectively.

Resolved:

- (i) The homecoming parades by The Black Watch, 3rd Battalion The Royal Regiment of Scotland through Aberfeldy and Perth on 10th and 12th December 2009 respectively be noted and supported;
- (ii) It be remitted to the Head of Democratic Services to make arrangements for the Council to host a civic reception in honour of The Black Watch in Perth Concert Hall Foyer immediately following the parade in Perth on Saturday 12 December 2009.

506. ESTABLISHMENT OF INTERNATIONAL OUTREACH MEMBER/OFFICER WORKING GROUP

There was submitted a report by the Head of Democratic Services (09/461) outlining proposals to establish an International Outreach Member / Officer Working Group to support and develop the extensive international element in the Council's activities.

Motion (Councillors W Wilson and Provost Hulbert)

- (i) **An international Outreach Member/Officer Working Group be established with the primary aim of developing innovative international partnerships and initiatives that benefit Perth and Kinross and its international partners educationally, socially and economically.**

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- (ii) **The group comprise the Provost as Convener, the Depute Provost and 5 other Elected Members, being 3 from the Administration and 2 from the Opposition, together with appropriate officers.**
- (iii) **The draft remit of the Group, as contained in the Appendix to Report 09/461, be approved.**

Amendment (A Stewart and B Vaughan) – That whilst the Council recognises the varied international activities undertaken by departments of the Council and a variety of groups within the Perth and Kinross area, and acknowledges the benefits that these bring to the community, it does not proceed with the formation of an International Outreach Member/Officer Working Group on the grounds of additional financial resources that the Group would require and the unnecessary bureaucratic burden that it would impose on the development of future international initiatives.

Amendment: 9 votes

Motion: 22 votes

Resolved:

In accordance with the Motion.

507. TIMETABLE OF MEETINGS FOR 2010

There was submitted a report by the Head of Democratic Services (09/462) (1) updating members on the operation of the eight week Committee cycle during 2009; and (2) seeking approval of a timetable of meetings for 2010.

Resolved:

The timetable of meetings for 2010, as detailed in the Appendix to Report 09/462, be approved, subject to the Common Good Fund Committee and Council meetings scheduled for Wednesday 15 December 2010 be held in the morning rather than the afternoon.

508. APPOINTMENTS TO COMMITTEES

Enterprise and Infrastructure Committee

Councillor Jack addressed the meeting.

Motion (Councillors A Jack and J Flynn) – The proposal to replace Councillor A Jack on the Enterprise and Infrastructure Committee be withdrawn.

1st Amendment (Councillors A Stewart and K Baird) – Councillor B Vaughan replace Councillor A Jack on the Enterprise and Infrastructure Committee.

Following a ten minute recess a roll call was requested but failed to gain the two-fifths required.

2nd Amendment (Councillors I Miller and G Hayton) – As agreement had not been reached between the Opposition parties that the status quo prevail and that Councillor A Jack remain on the Enterprise and

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Infrastructure Committee, pending further consideration by Opposition Members of representation on that Committee.

Councillors Jack and Flynn agreed to withdraw the Motion.

Following the withdrawal of the Motion a vote was taken between the two amendments.

2nd Amendment: 23 votes

1st Amendment: 11 votes

Resolved:

In accordance with the 2nd Amendment.

J WALKER AND C WYLIE LEFT THE MEETING DURING DISCUSSION OF THE ABOVE ITEM.

509. APPOINTMENTS TO OUTSIDE BODIES

(i) Perth and Kinross Leisure Executive Committee

Resolved:

Councillor A Jack remain a member of Perth and Kinross Leisure Executive Committee.

(ii) Perth and Kinross Sports Council

Resolved:

It was agreed that Councillor L Simpson be appointed to the Perth and Kinross Sports Council to replace Councillor P Barrett.

(iii) Perth Prison Visiting Committee

Resolved:

It was agreed (1) that Councillor D Scott be appointed to the Perth Prison Visiting Committee to replace Councillor B Band and (2) Miss Sarah Brand, Mr Stuart Brown, Mrs Maren Caldwell and Ms Shona Sinclair all be appointed to the Perth Prison Visiting Committee.

(iv) Pitlochry Festival Theatre

Resolved:

It was agreed that the Council representation on the Pitlochry Festival Theatre Board of Governors be reduced from four to three as requested by the Secretary of the Board

(v) Tayside Association for the Deaf

Resolved:

It was agreed that Councillor P Barrett be appointed to the Tayside Association for the Deaf to replace Councillor L Simpson.

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510. APPOINTMENT OF VETERANS' CHAMPION

Resolved:

It was agreed that Councillor K Howie be appointed as the Council's Veterans' Champion.

511. AMENDMENT TO SCHEME OF ADMINISTRATION

(i) The Local Government Pension Scheme (Art 473)

Following the Strategic Policy and Resources Committee decision on 16 September 2009 in the above regard, the Council was asked to agree the undernoted addition to the Scheme of Administration.

Resolved:

The following be added to the Scheme of Administration:-

18 Executive Director (Corporate Services)

18.1.2 In relation to the Local Government Pension Scheme (Benefit, Membership and Contributions) (Scotland) Regulations 2008 to determine pension discretions other than those contained in Appendix 1 to Report 09/434.

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