

# COUNCIL MEETING

Minute of Council Meeting held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 21 December 2005 at 10.30am.

Present: Provost Scott, Councillors Baird, Barnacle, Barr, Barrett, Bushby, Caddell, Cowan, Crabbie, Culliven, Doig, Ellis, Flynn, Gillies, A Grant, Hayton, Howie, Hulbert, Hunter, Lennie, Livingstone, Lyll, Mair, McDonald, MacLellan, Miller, Robertson, D Scott, Stewart, Telfer and Wilson.

In Attendance: B Malone (Chief Executive); A R McArthur (Executive Director – Corporate Services); G Taylor, I Innes, and M Kay (all Corporate Services); J Irons (Executive Director – Planning & Transportation); L McConnell (Interim Executive Director – Education & Children’s Services) D Burke (Depute Director Community Care) and D Stewart (Environment Services).

Apologies for Absence: Councillors Coburn, Dow, E Grant, Lloyd, McEwen and Mulheron.

Provost Scott, Presiding.

## THE CONVENER RULED THAT IN HIS OPINION THE FOLLOWING ITEM SHOULD BE CONSIDERED AS A MATTER OF URGENCY IN TERMS OF SECTION 50(B)(4)(B) OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

### 966. CHANGE OF TIMING OF DEVELOPMENT CONTROL COMMITTEE

**Resolved:**

Meetings of Development Control Committees commence at 9.30am instead of 10.00am.

### 967. DECLARATIONS OF INTEREST

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

### 968. MINUTE OF PREVIOUS MEETING

The Minute of the Council Meeting of 16 November 2005 (Arts. 828-837) was submitted, approved as a correct record and authorised for signature.

### 969. NOTICES OF MOTION IN TERMS OF STANDING ORDER 26

#### (a) Proposed Introduction of Compulsory ID Cards to the UK

In terms of Standing Order 26, the Council considered and agreed the following Motion by Councillors Barrett and Hunter:-

**Resolved:**

- (1) Council notes the recent government bill to introduce compulsory ID cards to the UK.
- (2) Council believes that the disadvantages of the scheme far outweigh any benefits to the people of Perth and Kinross.
- (3) Council resolves to:-
  - (i) Make representations at every possible stage stating its opposition to the introduction of ID cards;
  - (ii) Take no part in any pilot scheme or feasibility work in relation to the introduction of the National Identity Card.
  - (iii) Make it a policy of the Council to ensure that National Identity Cards would not be required to access Council services or benefits unless specifically called to do so by an Act of Parliament;
  - (iv) Only co-operate with the national identity scheme where specifically required to do so by law;
  - (v) Write to the Home Secretary expressing our views and asking him to reconsider his decision to push forward with this legislation;
  - (vi) Inform the Perth and Kinross Parliamentary Forum of its position regarding the National Identity Scheme.

Note:- Members of the Labour Group present, being Councillors Flynn, Gillies, Lennie and MacLellan asked that their dissent be recorded.

**(b) Proposed Introduction of the Water Environment (Controlled Activities, Scotland) Regulations**

In terms of Standing Order 26, a Motion had been received from Councillors Robertson and Telfer. This Motion was withdrawn by Councillors Robertson and Telfer due to announced changes to Scottish Environmental Protection Agency charges, which addressed their concerns.

**970. MINUTES OF COMMITTEES**

**The Minutes of Committees from 25 October 2005 to 14 December 2005**

The decisions recorded in Arts. 794-827 and 838-945, copies of which had been circulated to all members of the Council, were submitted and approved.

**971. SMOKE FREE LEGISLATION – DELEGATION OF AUTHORITY**

There was submitted a report by the Head of Environmental and Regulatory Services (05/876) introducing the provisions of the Smoking Health and Social Care (Scotland) Act 2005 and recommending delegation of duties to the Housing and Health Committee and the Executive Director (Environment Services).

**Resolved:**

- (i) The functions of the Council in terms of Part 1 of the Smoking Health and Social Care (Scotland) Act 2005 be delegated to the Housing and Health Committee.
- (ii) The Executive Director (Environment Services) be authorised to exercise the Council's functions contained in Part 1 of that Act and related subordinate legislation.
- (iii) The Council Secretary be instructed to amend the Scheme of Administration accordingly.
- (iv) It be noted that a further report will be presented to the appropriate Committee on the detailed administrative arrangements arising from the Prohibition of Smoking in Certain Premises Scotland Regulations 2006 when these are published.

**972. AMENDMENT TO SCHEME OF ADMINISTRATION**

**Criminal Justice**

**Resolved:**

Where the Scheme of Administration delegates authority to the Executive Director (Education and Children's Services) in respect of Criminal Justice, this be taken with effect from 1 January 2006 as a reference to the Executive Director (Housing and Community Care).

**973. PROTECTION OF CHILDREN (SCOTLAND) ACT 2003**

There was submitted a report by the Head of Legal Services (05/884) explaining the provisions of the Protection of Children (Scotland) Act 2003 and how this will affect Perth and Kinross Council.

**Resolved:**

- (i) The Head of Legal Services issue guidance to all Services on the requirements of the Protection of Children (Scotland) Act 2003.
- (ii) Services have systems in place to ensure that all posts subject to the requirements of the Act are identified and that checking and notification systems are in place.
- (iii) In respect of Members:-
  - (1) the Council Secretary determine and monitor which Committees and Sub-Committees are affected by the Act;
  - (2) the Council Secretary monitor the use of substitutes;
  - (3) a guidance note be issued to Members by the Head of Legal Services;

- (4) "standard" checks be undertaken on Members but only where the Act allows that to be done;
  - (5) the process of checking be carried out in the name of the Chief Executive,
  - (6) any "positive" returns be dealt with by the Chief Executive and Monitoring Officer meeting the Member concerned.
- (iv) The Chief Executive continue to make representations through CoSLA on the need to accelerate processing of Disclosure Scotland checks.
- (v) A report be submitted to the Local Governance Member/Officer Working Group on the implementation of the Act.