

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
24 APRIL 2019

COUNCIL MEETING

Minute of meeting of Perth and Kinross Council held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 24 April 2019 at 11.00am.

Present: Provost D Melloy, Councillors C Ahern, H Anderson, A Bailey, K Baird, B Band, M Barnacle, P Barrett, B Brawn, R Brock, A Coates, H Coates, S Donaldson, D Doogan, E Drysdale, J Duff, A Forbes, T Gray, D Illingworth, I James, A Jarvis, G Laing, M Lyle, R McCall, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, C Reid, W Robertson, F Sarwar, C Shiers, L Simpson, C Stewart, R Watters, M Williamson and W Wilson.

In Attendance: K Reid, Chief Executive; J Valentine, Depute Chief Executive; S Devlin, Executive Director (Education and Children's Services); B Renton, Executive Director (Housing and Environment); J Pepper, Depute Director (Education and Children's Services); K McNamara, Depute Director (Housing and Environment); L Simpson, S Hendry, S MacKenzie, R Fry, L Potter, C Flynn and S Walker (all Corporate and Democratic Services); G Paterson, Chief Officer/Director - Integrated Health & Social Care, Perth & Kinross Health and Social Care Partnership.

Provost D Melloy, Presiding.

The Provost led the discussion for Arts. 222-223, 225-232) and the Depute Provost for Art. 224.

222. WELCOME AND APOLOGIES

The Provost welcomed all those present to the meeting. No apologies were submitted.

223. DECLARATIONS OF INTEREST

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

224. NOTICE OF MOTIONS IN TERMS OF STANDING ORDER 39

(i) Instrumental Music Service Fees

The Depute Provost referred to the decision of the Strategic Policy and Resources Committee of 17 April 2019 (Art. 183 refers) where it was agreed that the proposed urgent Motion on Instrumental Music Service Fees be deferred for consideration by full Council at the earliest opportunity.

In terms of Standing Order 29(b), the Provost had ruled that the Motion be included on the agenda and considered as a matter of urgency in respect of an increase of music service fees due to be implemented

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from 21 August 2019. In terms of Standing Order 4, the Depute Provost confirmed that Standing Orders required to be suspended for this item only in order to consider the Motion.

Councillor M Lyle, seconded by Councillor P Barrett, moved that Standing Orders be suspended for this item only in order to consider the Motion.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 11.20AM

In terms of Standing Orders 4 and 58, a roll call vote was taken.

31 members voted for the suspension of Standing Orders as follows:
Councillors C Ahern, H Anderson, K Baird, B Band, P Barrett, B Brawn, A Coates, H Coates, D Doogan, J Duff, A Forbes, T Gray, D Illingworth, I James, A Jarvis, M Lyle, R McCall, S McCole, T McEwan, Provost D Melloy; A Parrott, B Pover, J Rebbeck, C Reid, W Robertson, F Sarwar, C Shiers, L Simpson, R Watters, M Williamson and W Wilson.

8 members voted against the suspension of Standing Orders as follows:
Councillors A Bailey, M Barnacle, R Brock, S Donaldson, E Drysdale, G Laing, X McDade and C Purves.

1 member abstained from the vote as follows:
Councillor C Stewart.

Resolved:

Standing Orders be suspended to allow consideration of the Motion.

Motion (Councillors M Lyle and K Baird)

The 2019/20 Final Revenue Budget which was approved in February 2019 included a proposal from the previous year's 2019/20 Provisional Revenue Budget to increase Instrumental Music Charges for the forthcoming academic year.

The financial implications of this increase in 2019/20 are £50,000.

Council is asked to approve that the 2019/20 increase in charges for the Instrumental Music Service is not applied.

The loss of income associated with this proposal will be funded from Reserves during 2019/20 with the recurring impact factored into the Administration's Budget for 2020/21 when the Council next sets its Revenue Budget in February 2020.

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Following a suggestion by Councillor D Doogan, the Mover and Seconded of the Motion agreed to incorporate the following additional wording into the Motion:

In order to ensure sufficient resource, particularly to meet need over the school holiday period when Council is in recess, that the Council allocate a further sum of £26k from reserves on a non-recurring basis to provide targeted assistance where needed to tackle periods of food insecurity for children, young people and their families.

Resolved:

In accordance with the revised Motion.

(ii) Reduction in Tourism Value-Added Tax

Motion (Councillors C Purves and C Stewart)

The tourism sector accounts for 12 per cent of the Perth and Kinross economy and plays a vital role in creating employment and economic growth locally. In the UK, the standard level of Value-Added Tax (VAT) of 20 per cent is currently levied on tourism-related products, such as accommodation, restaurants and entertainment tickets, and the Council believes that this has a detrimental effect on the local tourism sector. The Council therefore supports the cross-party campaign 'Cut Tourism VAT' to bring it into line with competitor destinations in other European countries and requests that the Leader of the Council write to the Chancellor of the Exchequer, informing him of the Council's position.

Amendment (Councillors A Bailey and A Parrott)

Reject the proposals set out in the Motion.

In terms of Standing Order 58 a roll call vote was taken.

29 members voted for the Motion as follows:

Councillors C Ahern, K Baird, M Barnacle, P Barrett, B Brawn, R Brock, A Coates, S Donaldson, D Doogan, J Duff, A Forbes, D Illingworth, I James, A Jarvis, G Laing, M Lyle, R McCall, S McCole, X McDade, T McEwan; Provost D Melloy; B Pover, C Purves, C Reid, C Shiers, L Simpson, C Stewart, R Watters, and W Wilson.

11 members voted for the Amendment as follows:

Councillors H Anderson, A Bailey, B Band, H Coates, E Drysdale, T Gray, A Parrott, J Rebbeck, W Robertson, F Sarwar, and M Williamson.

Resolved:

In accordance with the Motion.

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(iii) Voting rights of representatives on the Lifelong Learning Committee

Motion (Councillors X McDade and M Barnacle)

Background

Currently the Council is required under the terms of the Local Government (Scotland) Act 1973 to appoint certain representatives to the Lifelong Learning Committee established by the Council to discharge their responsibilities as an education authority. In the case of Perth & Kinross Council this is the Lifelong Learning Committee.

A Scottish Government spokesperson recently clarified the Scottish Government's interpretation of the Local Government (Scotland) Act 1973 in recent press articles where they state, "where an education authority appoints a committee to discharge their functions, the Local Government (Scotland) Act 1973 requires councils to appoint members to that committee, including religious representatives." they go on to state "voting rights on committees are a matter for each local authority".

Proposed Changes

In line with the above clarification statement by the Scottish Government, the following is proposed:

That the Council agrees to amend the Scheme of Administration with effect from 1st May 2019 to agree that only elected members of the Council with a mandate from the electorate should be allowed to vote on the Lifelong Learning Committee.

Implementation

The Council instructs the Head of Legal & Governance Services to implement the agreed changes to all relevant Council documentation so that they take effect from the 1st May 2019.

Amendment (Councillors C Shiers and J Duff)

Delete the Motion and replace with: The Council believes that the issue of voting right of religious representatives on Lifelong Learning Committee should be considered as part of a wider review of the Scheme of Administration and Council Standing Orders. Council remits the issue for consideration by the Modernising Governance Member/Officer Working Group and instructs the Chief Executive to report back to Council with the recommendations of the review by the end of 2019.

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In terms of Standing Order 58 a roll call vote was taken.

21 members voted for the Motion as follows:

Councillors H Anderson, A Bailey, B Band, M Barnacle, R Brock, S Donaldson, D Doogan, E Drysdale, T Gray, G Laing, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, F Sarwar, C Stewart, R Watters and M Williamson.

19 members voted for the Amendment as follows:

Councillors C Ahern, K Baird, P Barrett, B Brawn, A Coates, H Coates, J Duff, A Forbes, D Illingworth, I James, A Jarvis, M Lyle, R McCall; Provost D Melloy; C Reid, W Robertson, C Shiers, L Simpson and W Wilson.

Resolved:

In accordance with the Motion.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 2.00PM.

225. MINUTES

(i) Minute of meeting of 20 February 2019

The minute of the meeting of Perth and Kinross Council of 20 February 2019 (Arts. 77-82) was submitted, approved as a correct record and authorised for signature.

(ii) Minute of meeting of 27 February 2019

The minute of the meeting of Perth and Kinross Council of 27 February 2019 (Arts. 103-118) was submitted, approved as a correct record and authorised for signature.

226. MINUTES OF MEETINGS OF COMMITTEES FROM 13 FEBRUARY 2019 to 2 APRIL 2019

The decisions recorded in Arts. 71-76, 83-102 and 119-170, copies of which had been circulated to all members of the Council, were submitted and noted.

227. TREASURY ACTIVITY AND COMPLIANCE REPORT – 2018/19 QUARTER 4

There was submitted a report by the Head of Finance (19/126) (1) providing a summary of Loans Fund transactions for the quarter ending 31 March 2019; and (2) reporting on compliance with the Council's Treasury Management Policy Statement, Treasury Management Practices and the Investment Strategy and Prudential Indicators for the same period.

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Resolved:

- (i) The contents of Report 19/126, submitted in accordance with the Council's approved Treasury Management Practices, be noted.
- (ii) The revised Daily Limitations to Authority, as detailed at Section 6 and shown at Appendix IV to Report 19/126, be approved.

228. CESSATION OF MEMBERSHIP OF DOVETAIL ENTERPRISES (1993) LIMITED

There was submitted a report by the Depute Chief Executive, Chief Operating Officer (19/127) inviting the Council to resign its membership of the enterprise company to enable the company to pursue a merger into a larger company group, the Shaw Trust Group and allow financial stability and growth of the business to be achieved through investment and restructuring.

Resolved:

- (i) It be agreed that the Council resign its membership of Dovetail Enterprises (1993) Limited to enable the merger of the company into the Shaw Trust Group to be completed.
- (ii) It be noted that as a consequence the Council will no longer be entitled to be represented on the Board of Directors/Trustees, its former representative being Councillor Bob Band.
- (iii) The Council, for its interest, agrees to the establishment of the Integration Group, and does not seek to be represented on the Integration Group.

229. AFFORDABLE HOUSING MEMBER/OFFICER WORKING GROUP

There was submitted a proposed remit and membership for an Affordable Housing Member/Officer Working Group.

Motion (Councillors M Lyle and P Barrett)

The Affordable Housing Member / Officer Working Group be established on the basis of the proposed remit and membership as set out on the agenda.

Amendments (Councillors A Bailey and X McDade)

In accordance with the Motion, but that the elected member membership of the Affordable Housing Member/Officer Working Group reflect the composition of other similar groups already in existence, comprising:

**Two representatives of the Scottish Conservative & Unionist Group
Two representatives of the Scottish National Party Group
One representative of the Scottish Liberal Democrat Group
One representative of the Independent & Scottish Labour Group**

In terms of Standing Order 58 a roll call vote was taken.

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19 members voted for the Motion as follows:

Councillors C Ahern, K Baird, P Barrett, B Brawn, A Coates, H Coates, J Duff, A Forbes, D Illingworth, I James, A Jarvis, M Lyle, R McCall; Provost D Melloy; Councillors C Reid, W Robertson, C Shiers, L Simpson and W Wilson

21 members voted for the Amendment as follows:

Councillors H Anderson, A Bailey, B Band, M Barnacle, R Brock, S Donaldson, D Doogan, E Drysdale, T Gray, G Laing, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, F Sarwar, C Stewart, R Watters and M Williamson.

Resolved:

In accordance with the Amendment

230. APPOINTMENT TO COMMITTEE

Resolved:

Councillor J Duff be appointed as an additional Vice-Convener of the Lifelong Learning Committee.

231. AMENDMENTS TO SCHEME OF ADMINISTRATION

Resolved:

The following changes to the Scheme of Administration be agreed:

24. Chief Officer/Director – Integrated Health and Social Care

- 24.1 The Perth and Kinross Integration Joint Board is obliged to appoint a Chief Officer/Director – Integrated Health and Social Care in accordance with Section 10 of the Public Bodies (Joint Working)(Scotland) Act 2014.

232. TIMETABLE OF MEETINGS OF 2019

Resolved:

The Licensing Committee meeting of 23 May 2019 to now take place on 16 May 2019 commencing at 10.00am.

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