

PERTH AND KINROSS COUNCIL

Minute of hybrid meeting of Perth and Kinross Council held in the Council Chamber, 2 High Street, Perth on Wednesday 10 May 2023 at 10:00am.

Present: Provost X McDade, Depute Provost A Parrott, Bailies C Ahern, A Bailey, R Brock, C McLaren and M Williamson, Councillors K Allan, H Anderson, L Barrett, P Barrett, B Brawn, S Carr, A Chan, D Cuthbert, S Donaldson, E Drysdale, J Duff, A Forbes, M Frampton, N Freshwater, K Harvey, D Illingworth, I James, N Khogali (up to and including Item 5(v)), G Laing, B Leishman, I MacPherson, I Massie (up to and including Item 5(v)), S McCole, T McEwan, J Rebbeck, C Reid, W Robertson, C Shiers, F Smith, C Stewart, G Stewart, R Watters and J Welch.

In Attendance: T Glen, Chief Executive; L Simpson, Head of Legal and Governance Services; B Renton, Executive Director (Communities), F Robertson, Head of Culture and Communities Services; S MacKenzie, Head of Finance; K Donaldson, Chief Operating Officer; S Walker, K Molley, J Guild, A Brown and M Pasternak (all Corporate and Democratic Services).

Provost X McDade, Presiding.

1. WELCOME AND APOLOGIES

Provost McDade welcomed all those present to the meeting.

Prior to the commencement of business, the Provost paid tribute to the late John Bullough, Perthshire businessman and charity founder, who sadly passed away the previous week and passed on condolences to the family.

2. DECLARATIONS OF INTEREST

There were no Declaration of Interests in terms of the Councillors' Code of Conduct.

3. MINUTES

(i) MINUTE OF MEETING OF PERTH AND KINROSS COUNCIL OF 8 FEBRUARY 2023 FOR APPROVAL

The minute was submitted and approved as a correct record.

(ii) MINUTE OF SPECIAL MEETING OF PERTH AND KINROSS COUNCIL OF 1 MARCH 2023 FOR APPROVAL

The minute was submitted and approved as a correct record.

4. OUTSTANDING BUSINESS STATEMENT

The Outstanding Business Statement was noted, and it was agreed to remove the completed actions.

5. NOTICE OF MOTIONS

(i) Motion on Events Using Fireworks

Motion by Councillors B Leishman and E Drysdale

The Council agrees that:

- Where fireworks/pyrotechnics displays are held on Council owned property or land or are to be managed, sponsored or funded by the Council, these will be restricted to the following existing annual events:
 - Bonfire and Fireworks Event held on the South Inch, Perth in November, or such other venue as may be used for that purpose;
 - Christmas Lights Switch On in Perth in November;
 - Bonfire & Fireworks Event held in Pitlochry in November
 - Braemar Day Fireworks Event held in Blairgowrie on the Saturday of the Braemar Highland Games
- Religious festivals such as Chinese New Year and Diwali also take place within Perth and Kinross and are permitted to have fireworks/pyrotechnics display.
- Event organisers will be required to publicise the location and timings of the fireworks/pyrotechnics display in the local printed media, on local radio and on any social media accounts the event run.
- Event organisers will also be required to notify the Council of the location and timings of the fireworks/pyrotechnics display so that these may be publicised through the Council's social media channels in advance.
- The use of fireworks at these events to be limited to a maximum period of 30 minutes.
- Applications can be made for use of Council property or land or funding or sponsorship for events which will involve use of fireworks or pyrotechnics. In such cases consideration would be given to whether the circumstances justify departure from the general policy position, and that such a decision would require approval of Council. In the event of approval, the same requirements in relation to advance publicity would apply.

Proposed Amendment by Councillor P Barrett

In accordance with the Motion but to also incorporate the following:
The Council to examine the feasibility of introducing a 90 decibel limit on fireworks used in displays supported by the Council.

The Mover and Seconder of the Motion agreed to incorporate this amendment into the Motion.

Resolved:

In accordance with the Revised Motion.

(ii) Motion on Single Use Vapes in Perth and Kinross

Motion by Councillors L Barrett and R Watters

Council notes:

- “Disposable vapes”, also known as nicotine vapour products (NVPs), are battery operated single-use devices to provide puffs of nicotine to users. Although currently believed to be safer than cigarettes, vapes still contain nicotine and many on sale contain more than the legal limit. Compared to reusable vapes, which are rechargeable and refillable, single use vapes only last for around 600 puffs, at which point they require complete replacement. PKC Trading Standards Officers have found illegal vapes on sale with up to 3500 puffs, containing significantly more than the 2ml of liquid allowed by the legislation.
- It is widely reported that the popularity of brightly coloured and sweetly flavoured single use vapes is increasing among those who have not previously smoked, including younger generations. Action on Smoking and Health Scotland have warned that their marketing and widespread availability is driving a huge increase in youth experimentation with vaping. They have pointed out that nicotine is highly addictive and many single use vapes include toxic chemicals that have not been safety tested for inhalation and could seriously damage health over time – a particular risk for young people whose lungs are still growing.
- Under Scots law, it is illegal for anyone under 18 to buy e-cigarettes or vapes. This also means anyone buying NVPs for those underage will also be breaking the law.
- Vapes are made of plastic and powered by a lithium battery containing corrosive and flammable chemicals. These should be disposed of under small waste electrical and electronic equipment (WEEE) regulations, to mitigate risks of fire in waste facilities, but are usually put into general waste or dumped as litter.

- Cigarette litter in general makes up the biggest chunk of litter recorded by Keep Scotland Beautiful across Scotland, and they advise that that single use vapes are increasing as a new, unnecessary litter type. The shift from reusable vapes to single use versions is also worrying for marine life, as single use vapes are being littered on streets and beaches, finding their way into the sea and polluting our marine environment.
- Last year, Waitrose announced it could no longer justify selling single use vapes and removed two types of e-cigarettes from its stock. Keep Scotland Beautiful, ASH Scotland, Marine Conservation Society are urging retailers to follow Waitrose in a ban of the single-use products.
- The Scottish Government is currently conducting a review, led by Zero Waste Scotland, of the environmental impacts and management of single use vapes. This includes consideration of a ban.
- Several local authorities in Scotland, including Dundee, Falkirk and Glasgow, have voiced support for a ban.
- The UK Government has recently announced a crackdown on the supply and sale of vapes, and the Department for Health and Social Care has pledged £3m funding to support Trading Standards to tackle the issues of non-compliance.

Council resolves:

- To instruct the Council Leader to write to the Scottish Government (a) to express Perth & Kinross Council's support for the introduction of new legislation banning the sale of single-use vapes in Scotland due to the impact on the environment of the resources used in their production, on the future health of young people, the rising environmental impact of littering, and the risks associated with their safe disposal; and (b) to provide additional funding to Scottish local authorities to support Trading Standards to tackle the issues of non-compliance with legislation on the supply and sale of vapes.
- Through our schools, to continue to educate pupils and their parents and carers about the dangers of vaping, and the fact that it is illegal to purchase vapes for those under 18.
- Through social media and other communication channels, to highlight the risks to health and the environment, and to ask those who do use a vaping product to switch to a reusable option and always ensure they dispose of vaping products correctly through takeback schemes or designated WEEE recycling points.

Amendment Councillors C Shiers and N Khogali

In accordance with the Motion but to also incorporate the following:
Through our Trading Standards Officer team, to continue a programme of information to retailers and enforcement of the current legislation to reduce access to all vaping products for those under 18.

The Mover and Seconder of the Motion agreed to incorporate this amendment into the Motion.

Resolved:

In accordance with the Revised Motion.

(iii) Motion on Grand National Winner

Motion by Councillors G Laing and R Watters

Perth and Kinross Council wishes to acknowledge formally the magnificent achievement of the partnership of Lucinda Russell, Peter Scudamore and all their dedicated team involved in training their second Grand National winner. Their achievements have been recognised amongst professionals and commentators within the sport as a fantastic training achievement, a sentiment shared within the local community in Kinross-shire and within Perth and Kinross as a whole.

We ask that Council agrees that Lucinda Russell and Peter Scudamore be awarded Freedom of the City of Perth on behalf of their team, and all be invited to a civic reception to celebrate their achievement.

Resolved:

In accordance with the Motion.

(iv) Motion on School Pupils to Select Name for Cross Tay Link Road to Mark the Coronation

Motion by Councillors G Laing and J Duff

To mark the significant event of the coronation of a new head of state, King Charles III, and the return of the Stone of Destiny to Perth & Kinross it is proposed that the new bridge and road be named to reflect these momentous events.

The Council resolves that all Perth & Kinross primary and secondary school pupils will be given the opportunity to choose the name for the new bridge and road from the following options:

1. Coronation Crossing & Destiny Road
2. King's Bridge & Destiny Road
3. Destiny Bridge & New Kingsway

This will be done via an electronic survey/ballot organised in May 2023. The preferred names will be announced in June 2023.

The naming of the bridge and road in this way reflects not only a significant event in our lifetimes, but also reflects the history of Scone as the home of the Stone of Destiny and its important role in the coronation.

It will also help promote the importance of the Stone of Destiny to the area ahead of its return next year to the new Perth Museum.

There is no additional cost to the Council as a result of this motion.

Resolved:

In accordance with the Motion.

(v) Motion on A9 Dunkeld

Motion by Bailie C McLaren and Councillor I James

I call upon the leader of the Council, Councillor Grant Laing to write to the Transport Minister, Kevin Stewart MSP.

The announcement that the promised dualling of the A9 has stalled and won't be delivered by 2025 as promised by the Scottish government has been met with dismay by the residents and businesses in Dunkeld, Birnam and Strathbraan.

It is very difficult and dangerous for locals and visitors to exit onto the A9 from Dunkeld and Birnam because of frequent heavy traffic flows on the A9.

Fatality numbers highlight the urgent need for road safety measures for this section of the A9. I ask the leader to demand a timetable of deliverance of greatly improved road safety measures. I would request at the very minimum the installation of a roundabout to allow all road users to exit, enter or cross the A9 road.

We would request that the installation of traffic control measures to allow road users safe and easy access to enter, exit or cross the A9 road be instigated urgently.

Councillors C Reid and K Allan put forward an amendment regarding extension of the motion to consider the whole A9, however this was subsequently ruled incompetent.

Proposed Amendment by Councillor G Laing

In accordance with the Motion but to also incorporate the following:

A joint letter from the Leader of the Council and fellow Strathtay Ward Members be sent to the Transport Minister requesting a meeting to discuss the potential installation of traffic control measures to allow road users safe and easy access to enter, exit or cross the A9 road at Dunkeld.

The Mover and Seconder of the Motion agreed to incorporate this amendment into the Motion.

Resolved:

In accordance with the Revised Motion.

(vi) Motion to amend Standing Order 9.1

In line with Standing Order 2.7 (a) notice of intention be given to Council for the following Motion to be discussed at the following meeting of Council on 28 June 2023.

Motion by Councillors P Barrett and G Laing

9.1 Meetings of the Council, Committees or Sub-Committees are ordinarily held in the Council Chamber at 2 High Street, Perth. These meetings are open to the public in terms of Section 50A of the Local Government (Scotland) Act 1973 and are generally recorded for broadcast online after the meeting (except for the Licensing Committee).

Propose deletion of the text “(except for the Licensing Committee)”.

THERE FOLLOWED A 10 MINUTE RECESS AND THE MEETING RECONVENED AT 11:50AM.

6. STRATEGIC PRIORITIES FOR CULTURE AND PHYSICAL ACTIVITY/SPORT 2023-2028

There was submitted a report by Head of Cultural and Community Services (34/133) presenting the final strategies for culture and physical activity/sport 2023-28 for approval, following approval of draft strategies in December 2022, and a consultation and development phase approved by Council in June 2022.

DUE TO TECHNICAL ISSUES, MEMBERS AGREED TO A FURTHER RECESS AND THE MEETING RECONVENED AT 1:15PM.

Resolved:

- (i) The final strategies for culture, physical activity and sport attached at Appendix 1, be approved.
- (ii) Monitoring and reporting arrangements outlined in Section 5, be approved.
- (iii) The potential structural implications outlined in Section 6, be noted.

7. UPDATE OF FINANCIAL REGULATIONS

There was submitted a report by Chief Accountant (23/134) seeking approval to update the Council's approved Financial Regulations to ensure they remain fit for purpose.

Resolved:

- (i) The contents of the report 23/134, be noted.
- (ii) The updated Financial Regulations set out in Appendix 1, be approved.

**8. TREASURY & INVESTMENT STRATEGY and PRUDENTIAL INDICATORS
2023/24 – 2027/28**

There was submitted a report by Head of Finance (23/135) detailing the Council's proposed Treasury Strategy for 2023/24 to 2027/28, the Investment & Property Strategy for 2023/24 and Prudential Indicators for 2023/24 to 2027/28.

Resolved:

- (i) The contents of this report 23/135, be noted.
- (ii) The five-year Treasury Strategy for 2023/24 to 2027/28, as detailed in this report, which is submitted in accordance with the Council's approved Treasury Management Practices (TMP), be approved.
- (iii) The Permitted Investments and Investment Strategy for 2023/24 outlined at Section 7 and detailed at Appendix III of this report, be approved.
- (iv) The Property Investment Strategy for 2023/24 outlined at Section 8 and detailed at Appendix IV of this report, be approved.
- (v) The proposed Prudential Indicators for 2023/24 to 2027/28, as outlined at Section 11 and detailed at Appendix V of this report, be approved.

**9. ESTABLISHMENT OF SHORT-TERM MEMBER/OFFICER WORKING GROUP
– NATIONAL PARK WITHIN PERTH AND KINROSS**

Remit

Agree a name and the geographic area to be covered by the proposed National Park within Northern Perthshire.

Agree a communications and engagement plan for the community and stakeholder consultation process. Develop the draft submission for the creation of a new National Park to the Scottish Government for agreement by Council.

Membership

Provost Xander McDade (Convener)
Councillor Grant Laing (Vice Convener)
Bailie Alasdair Bailey
Bailie Claire McLaren
Councillor John Duff

Resolved:

The remit and membership, be agreed.

10. APPOINTMENT TO COMMITTEES/OUTSIDE BODIES

Resolved:

- (i) Council agreed that Councillor E Drysdale be replaced by Councillor K Harvey on Planning and Placemaking Committee
- (ii) Council agreed that Councillor E Drysdale be replaced by Councillor M Frampton on Licencing Committee
- (iii) Council agreed that Councillor M Frampton be replaced by Councillor J Welch on Scrutiny and Performance Committee
- (iv) Council agreed that Provost X McDade be replaced by Councillor D Cuthbert on Learning and Families Committee
- (v) Council agreed that Councillor D Cuthbert to replace Provost X McDade on Learning and Families Executive Sub Committee
- (vi) Council agreed that Councillor K Harvey be replaced by Councillor G Laing Tayside Contracts
- (vii) Council agreed that Councillor A Parrott be replaced by Councillor K Harvey on Perth Harbour Board
- (viii) Council agreed that Bailie A Bailey be replaced by Councillor B Leishman as the representative of Friends of Bydgoszcz - Management Committee

11. ELECTED MEMBERS BRIEFING NOTES

The Elected Members Briefing Notes, issued since the previous Council meeting and as set out on the agenda, be noted.