

PERTH AND KINROSS COUNCIL

Minute of hybrid meeting of Perth and Kinross Council held in the Council Chambers, 2 High Street, Perth on Wednesday 21 December 2022 at 10.30am.

Present: Provost X McDade, Depute Provost 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, G Laing, B Leishman, I MacPherson, I Massie, 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; B Renton Executive Director (Communities), C Maller, Executive Lead (Strategic Planning and Transformation); J Pepper, Chief Officer – Health and Social Care Partnership/Chief Social Work Officer, S Devlin Executive Director (Education and Children's Services); F Robertson, C Guild, D Stokoe, S Crawford and F Crofts (all Communities); G Boland and B Reid (both Education and Children's Services); K Donaldson, S Mackenzie, L Simpson S Walker, S Hendry, A Brown and A Taylor (all Corporate and Democratic Services).

Provost X McDade, Presiding

The Depute Provost led discussion on Item 5(i), 5(ii), 6 and 7, the Provost led discussion on all other items of business.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

There were no declarations of interests in terms of the Councillors' Code of Conduct.

3. DEPUTATIONS

In terms of Standing Order 13, the Council agreed to hear deputations in relation to the motion on Alternative Methods of Celebration.

In terms of Standing Order 11, it was agreed to reorder business to hear the Motion on Alternative Methods of Celebration before the other Motions on the agenda.

4. MINUTE OF MEETING OF PERTH AND KINROSS COUNCIL OF 9 NOVEMBER 2022 FOR APPROVAL

The minute was submitted and approved as a correct record.

5. MOTIONS

(iii) Motion on Alternative Methods of Celebration

Ms K McCandless-Thomas, Missing Pets Perth & Kinross; followed by Ms A Ferguson, Perth Autism Support, addressed the Committee and answered Members' questions.

Motion by Councillors B Leishman and E Drysdale

As a Council, we know that individuals, families, and local businesses are facing huge pressures in these difficult and challenging times. We therefore recognise the importance and the positive benefits, in terms of personal wellbeing and bolstering the local economy in bringing our communities together to celebrate events such as Bonfire Night or our Christmas lights switch on. It is important however that everyone can participate in the fun and celebration – but unfortunately our continuing reliance on traditional fireworks makes that impossible. We know now that for many people fireworks are the opposite of fun - they mean fear and distress. If we think about children, young people and adults living with autism – our veterans who having bravely served our country and are now living with stress and trauma – for refugees who have settled here looking to rebuild their lives after fleeing war. We also claim to be a nation of animal lovers, yet we regularly frighten and traumatise our pets and wildlife by our use of fireworks. We recognise the importance of our environment and are committed to tackling climate change but ironically, we then choose to deliberately release significant amounts of Carbon Dioxide and Carbon Monoxide into the atmosphere and a cocktail of chemicals such as Barium, Strontium and Cadmium, that are detrimental to air, land and water.

As a Council we are continuously looking to improve services and the “customer experience” for want of a better phrase. We have to move with the times, and I would suggest that the time for the traditional firework is up! I therefore propose the following Motion.

Council is asked to:

- Acknowledge the importance and the benefit to our communities in bringing them together to have fun and to celebrate key events in the calendar;
- Note that the use of traditional fireworks can cause distress and upset to many individuals and animals and has a detrimental impact on the environment;
- Lead by example and move away from the use of traditional fireworks and adopt a more contemporary and sustainable method of marking events and celebrations.

Procedural Motion (Councillors G Laing and T McEwan)

To defer the item to the next meeting of Perth and Kinross Council being held in February 2023.

In terms of Standing Order 17.3 a simple majority agree/disagree vote was taken.

26 Members voted agree as follows:

Bailie C Ahern, K Allan, H Anderson, L Barrett, B Brawn, Bailie R Brock, S Carr, A Chan, S Donaldson, J Duff, A Forbes, M Frampton, N Freshwater, D Illingworth, I James, N Khogali, G Laing, I MacPherson, I Massie, S McCole, T McEwan, Bailie C McLaren, C Reid, W Robertson, C Shiers and F Smith.

12 Members voted disagree as follows:

Bailie A Bailie, P Barrett, D Cuthbert, E Drysdale, K Harvey, B Leishman, J Rebbeck, C Stewart, G Stewart, R Watters, J Welch and Bailie M Williamson.

2 Members abstained from the vote as follows:

Provost X McDade and Depute Provost A Parrott.

Resolved:

In accordance with the Procedural Motion.

DEPUTE PROVOST PARROTT LED DISCUSSION FOR THE FOLLOWING ITEMS.

(i) Motion on Payment of Living Wage Rate

Motion by Councillor B Leishman and Bailie A Bailey

Council notes that an increase in the Real Living Wage to £10.90 per hour was announced by the Living Wage Foundation on 22 September 2022.

As an accredited Living Wage Employer, the Council would ordinarily pass on the new rate effective from 1 April 2023.

Council instead agrees to pay the new £10.90 per hour Real Living Wage rate effective from 1 October 2022. The costs of doing so will be approximately £2,500 which will be funded from the projected under spend in staff cost budgets across Council Services that was reported to the Finance & Resources Committee on 30 November 2022. Around 58 members of staff will benefit from this change.

This position will be kept under review in future years.

Councillor P Barrett suggested that the Mover and Seconder agree to expand the final sentence to request that officers bring a report to the October meeting of Perth and Kinross Council or the November meeting of the Finance and Resources Committee in 2023 with a recommendation on whether to update the Real Living Wage from the beginning of December 2023 or provide technical reasons as to why this would not be appropriate to do so.

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

Resolved:

In accordance with the Revised Motion.

(ii) Motion On Loch Leven

Motion by Councillors W Robertson and D Cuthbert

This Council introduced planning guidance in relation to the Loch Leven Protection Area, and Ramsar site, covering phosphorus and foul drainage in the catchment area, as a consequence of new development, conversions or extensions.

However, this Guidance can only mitigate the impact of phosphorus generated by buildings and the waters flowing out of Loch Leven were a bright green colour (in November) due to a wider discharge issue leading to high concentrations of blue/green algae in the Loch.

This Council is very concerned about the deterioration in water quality in the loch, which is one of our most important sites and a very popular tourist attraction. Loch Leven is designated as a Site of Special Scientific Interest (SSSI), a RAMSAR site (Wetland of International Importance), a Nature Reserve and a Special Protection Area (SPA).

The water in the loch is being enriched by phosphates entering the loch from agricultural run-off and treated effluent from the Milnathort and Kinross Waste Water Treatment Plants. This is leading to growing instances of algal blooms, some of which are toxic, making it unsafe for humans and animals alike.

However, there is a further problem. Because of the shared sewage systems (carrying both sewage and road water) in Milnathort and Kinross, in periods of heavy rain, Scottish Water are forced to divert untreated sewage directly into the loch. This is a further major factor in the degradation of the water quality.

We ask that the Leader of the Council writes to the Minister for Environment and Land Reform asking for the following;

- That SEPA be instructed to introduce a weight limit on the amounts of phosphorous permitted to be deposited into Loch Leven. There is currently no limit set.
- That far tighter controls are introduced to stop Scottish Water depositing untreated sewage into Loch Leven and that all such overspill events are recorded and reported. Currently there appears to be no real records kept.

Loch Leven is one of most popular visitor attraction which is estimated to attract nearly 250,000 visits per year. It makes a big contribution to our local economy and we believe all efforts should be taken to protect it and reverse the current decline in water quality.

Resolved:

In accordance with the Motion

6. OUTSTANDING BUSINESS STATEMENT

Resolved:

The Outstanding Business Statement be noted and updated accordingly.

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

There was submitted a report by the Head of Cultural and Community Services (22/309) presenting final draft strategies for culture and physical activity/sport 2023-2028.

Resolved:

- (i) The final draft strategies, attached as Appendix 1 and Appendix 2 to Report 22/309, be approved.
- (jj) It be noted a final engagement phase with stakeholders on the draft priorities and Year 1 Action Plans will be carried out January-February 2023 with final Strategies reverting to Council for approval thereafter.
- (iii) Monitoring and reporting arrangements, as outlined in Section 7 of Report 22/309, be approved.
- (iv) The potential structural implications, as outlined in Section 8 of Report 22/309, be noted.

THE PROVOST LED DISCUSSION FOR THE REMAINDER OF THE BUSINESS.

THERE FOLLOWED AN HOUR RECESS AND THE MEETING RECONVENED AT 13.30.

8. REVENUE AND CAPITAL BUDGET UPDATE

There was submitted a report by the Head of Finance (22/310) providing an update on (1) progress with the preparation of the provisional Revenue Budgets for 2023/24, 2024/25 and 2025/26; (2) the current financial gap facing the Council and outlining several measures which may contribute towards closing the gap; and (3) the funding of the Council's Capital Budget.

Motion (Councillors G Laing and E Drysdale)

- (i) The revenue budget update, as presented in Section 4 of Report 22/310, and the proposals illustrated which could potentially be adopted in managing the Council's budget position be noted.
- (ii) The mid-range scenario on the Council's forecast consolidated loans fund rate as the basis for decision making on the Capital Budget at the Council meeting on 1 March 2022, as presented in Paragraph 5.11 of Report 22/310, be approved.

Amendment 1 (Councillors N Khogali and A Forbes)

In the wake of the Scottish Budget of the 15th of December, the Institute for Fiscal Studies has raised serious concerns about the reality of the Budget's impact on local government funding.

Whilst it suggests that local government budget cuts will be 0.2%, this is, in fact, not representative of the true picture. The figures used to measure the increase/decrease are the original budget allocations for this year, ignoring the top ups that many sectors have received. In terms of local government, this equates to

£260 million that was found for pay awards this year alone. These pay awards are, of course, continuing into the next year, but this funding has been excluded from the comparison.

Once this has been taken into account, the 0.2% cut announced by John Swinney MSP becomes, in reality, a much larger real terms cut in local government funding.

As a Council, we have a duty to the people that we represent to act with their best interests in mind, and fight, to the best of our ability, to protect the services that they rely on.

Council is asked to:

- Recognise the very real impact that this unnecessary real terms cut will have on service delivery for the most needy in our area.
- Ask the Leader of the Council to write an open letter to the Deputy First Minister reminding him of the importance of the work that Councils do, and asking him to reverse his large real terms cut.

Amendment 2 (Councillors P Barrett and L Barrett)

In accordance with the Motion but an additional recommendation 2.1 (iii) Perth and Kinross Council agree the following response to the Scottish Government budget announcement:

Perth and Kinross Council expresses its extreme disappointment with the budget settlement for Local Government and with its presentation which lacks consistency with a partnership approach.

Council notes

- 1) That most of the head-line £550m additional funding for Local Government is for existing commitments and that the £71m of uncommitted funding goes no way towards meeting the identified budget gap in council funding of £612m due to inflation, energy prices and demand pressures, and the requirement for more than £400m likely to be needed for pay settlements in the coming year to address recruitment and retention issues and avoid understandable industrial action by trade unions.
- 2) This budget settlement means another massive real terms cut in Councils' core funding, after more than 10 years of real terms cuts, and will lead to socially harmful cuts to vital local services, the loss of jobs within Perth and Kinross Council and for local companies that rely on Perth and Kinross Council for their employment.
- 3) The impact of inflation, the UK Government's mini-budget and global economic factors that continue to weigh heavily on budgets and the Scottish Government.

Perth and Kinross Council therefore agrees:

1. To make a robust public response to the budget statement, challenging in the strongest possible terms the presentation of the £550m as additional funding.
2. To call upon the Deputy First Minister to attend a Special CoSLA Leaders meeting to hear first-hand the concerns of Council Leaders;

3. That the Leader of the Council writes to the First Minister highlighting the massive real terms cut to Council funding and the impact this budget settlement will have on vital local services and on the most vulnerable in our communities;
4. To call on the Scottish Government to pause the current plans for structural change required to set up the National Care Service and to redirect the funding allocated within the Scottish Budget into social care and preventative services through Local Government.

THERE FOLLOWED A 10 MINUTE RECESS AND THE MEETING RECONVENED AT 2.37PM.

The Mover and Seconder of the Motion agreed to incorporate Amendment 2 into a Revised Motion. Amendment 1 therefore became the substantive Amendment.

Revised Motion (Councillors G Laing and E Drysdale)

- (i) **The revenue budget updated, as presented in Section 4 of Report 22/310, and the proposals illustrated which could potentially be adopted in managing the Council's budget position be noted.**
- (ii) **The mid-range scenario on the Council's forecast consolidated loans fund rate as the basis for decision making on the Capital Budget at the Council meeting on 1 March 2022, as presented in Paragraph 5.11 of Report 22/310, be approved.**
- (iii) **A robust public response to the budget statement, challenging in the strongest possible terms the presentation of the £550m as additional funding be made.**
- (iv) **The Deputy First Minister be called upon to attend a Special CoSLA Leaders meeting to hear first-hand the concerns of Council Leaders.**
- (v) **The Leader of the Council to write to the First Minister highlighting the massive real terms cut to Council funding and the impact this budget settlement will have on vital local services and on the most vulnerable in our communities.**
- (vi) **The Scottish Government be called upon to pause the current plans for structural change required to set up the National Care Service and to redirect the funding allocated within the Scottish Budget into social care and preventative services through Local Government.**

Under Standing Order 21.3 a roll call vote was taken:

24 members voted in accordance with the Revised Motion as follows:

Councillors L Barrett, P Barrett, Bailie R Brock, S Carr, D Cuthbert, S Donaldson, E Drysdale, M Frampton, K Harvey, G Laing, I MacPherson, I Massie, S McCole, Provost X McDade, T McEwan, Bailie C McLaren, A Parrott, J Rebbeck, W Robertson, C Stewart, G Stewart, R Watters, J Welch and Bailie M Williamson.

16 members voted in accordance with the Amendment as follows:

Bailie C Ahern, K Allan, H Anderson, Bailie A Bailie, B Brawn, A Chan, J Duff, A Forbes, N Freshwater, D Illingworth, I James, N Khogali, B Leishman, C Reid, C Shiers and F Smith.

Resolved:

In accordance with the Revised Motion.

9. CORPORATE PLAN 2022/23 – 2027/28

There was submitted a report by the Executive Lead (Strategic Planning and Transformation) (22/311) presenting the final draft Corporate Plan 2022-27 for Perth and Kinross Council.

Resolved:

- (i) The Corporate Plan 2022-27, attached as Appendix 1 to Report 22/311, be approved.
- (ii) The Corporate Plan 2022-27 Feedback Report, attached as Appendix 2 to Report 22/311, be noted.

10. PERTH HIGH SCHOOL REPLACEMENT UPDATE REPORT

There was submitted a report by the Executive Director (Education and Children's Services) (22/312) (1) providing the Full Business Case and an update on the project to replace Perth High School in advance of reaching Financial Close; and (2) seeking a decision on whether to proceed with an increased capital budget of £80.2 million or to pause and review the project due to the current financial position of the Council.

Resolved:

- (i) The current situation and consequential financial impact for the project to replace Perth High School, as set out in Report 22/312, be noted.
- (ii) The contents of the Full Business Case for the project, attached as Appendix A to Report 22/312, be noted.
- (iii) An increase of £11.5 million be approved to the project budget giving a total of £80.2 million for the project.
- (iv) The Head of Legal and Governance Services be authorised to enter into a Letter of Intent with the main contractor prior to Financial Close to secure prices.

11. ESTABLISHMENT OF AFFORDABLE HOUSING MEMBER/OFFICER WORKING GROUP

Resolved:

- (i) Re-establishment of the Affordable Housing Member/Officer Working Group, for a period of 6 months and in line with the circulated remit, be agreed.
- (ii) Councillor T McEwan (as Convener of the Housing and Social Wellbeing Committee), Provost X McDade and Councillors B Leishman, B Brawn and P Barrett be appointed as members of the Affordable Housing Member/Officer Working Group.

12. UPDATE TO 2023 COMMITTEE TIMETABLE

Deferred to meeting of Perth and Kinross Council being held on 8 February 2023.

13. ELECTED MEMBERS BRIEFING NOTES

Resolved:

The Elected Members Briefing Notes that have been issued to elected Members since the previous Council meeting were noted.

14. APPOINTMENTS TO COMMITTEES

(i) Housing and Social Wellbeing Committee

It be agreed that Councillor N Khogali replace Councillor A Chan.

(ii) Climate Change and Sustainability Committee

It be agreed that Councillor A Forbes replace Councillor C Reid.