

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
11 APRIL 2018

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 11 April 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale (Art 180(2)(ii) onwards), T Gray, I James, A Jarvis, W Robertson (substituting for Councillor W Wilson), L Simpson and R Watters.

In Attendance: N Brian, A Condliffe, D Niven, J Scott, G Bissett, M Lee, L Reid, D Salman, C Stewart and R Stewart (all The Environment Service); C Elliott and D Williams (Corporate and Democratic Services).

Apologies: Councillor W Wilson.

Councillor R McCall, Convener, Presiding.

176. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting and apologies were noted as above.

177. DECLARATIONS OF INTEREST

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

178. MINUTES

The minute of meeting of the Planning and Development Management Committee of 14 March 2018 (Arts. 125-129) was submitted, approved as a correct record and authorised for signature.

179. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning application:

Planning Application No.
17/01886/FLL
17/02118/FLL

Art. No.
180(2)(i)
180(2)(ii)

180. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 17/00946/IPL – AUCHTERARDER – Formation of business park (class 4, 5 and 6) and associated works (allocated site E25) (in principle), land south of Field View, Windsole, Auchterarder – D King Properties (Scotland) Ltd**

J Scott, Team Leader, advised members that should the application be granted, with regards to Condition 1 of Report 18/118, reference to the 'Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008' should instead read 'Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013'.

Resolved:

Grant, subject to the following terms, amended conditions and informatives:

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (17/00088/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 10 years.

Conditions

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
2. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with

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the approved Delivery Plan unless otherwise agreed in writing by the Planning Authority. The phasing plan shall ensure the early delivery of the landscaping works.

3. The proposed site layout and phasing plan as submitted are indicative and are not approved.
4. No development shall commence on any phase until further planning application/applications have been submitted to the Planning Authority in respect of the following matters to coincide with the delivery and phasing plan referred to in condition 2.
 - a) The delivery of the development in agreed phases
 - b) Details of any cut and fill operations.
 - c) Full details of the proposed means of disposal of foul water to serve the development.
 - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System for during construction and for the completed development.
 - e) The siting, design, height and external materials of all buildings or structures.
 - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
 - g) Details of any screen walls/fencing/planting to be provided.
 - h) Details of all landscaping, planting including structural planting and screening associated with the development.
 - i) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide). This scheme shall also ensure an access road provides a vehicular link to the remainder of the E25 allocation in the Perth and Kinross Local Development Plan 2014 which extends to the south west boundary of the application site.
 - j) Detailed specification of all street, footpath and other lighting including light spill details and mitigation
 - k) Detailed plan of connection between the site and adjacent footway networks and core paths
 - l) A detailed Construction Management Plan which includes monitoring and mitigation measures for the control of noise dust and vibration
 - m) A detailed Noise Impact Assessment prepared by a suitably qualified consultant

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- n) A detailed Air Quality Assessment
- o) A detailed Energy Statement
- p) A detailed Protected Species and Breeding Bird survey
- q) A detailed Design Statement

The development shall be implemented in accordance with the planning application(s).

5. Notwithstanding the terms of condition 3, the maximum Class 4 Office floor space on site is restricted to a gross floor space of 2992sqm.
6. All trees on site shall be retained. A 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) of all retained trees on site shall be submitted as part any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. This plan shall ensure all protective tree fencing adheres to BS 5837:2012 Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during the construction of the development.
7. A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. The surveys shall include appropriate mitigation to protect identified species.
8. In pursuance of condition 4 b), and prior to the commencement of any works, full details of the finalised foul drainage scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Scottish Water. All work must be capable of connection with the main drainage system and shall be carried out in accordance with the approved scheme.
9. In pursuance of condition 4 c) and prior to the commencement of any works, full details of the finalised SUDS scheme for both during construction operations and for the completed development shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme.
10. In pursuance of condition 4 (e, f and g), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-
 - a) Existing and proposed finished ground levels relative to a fixed datum point.
 - b) Existing landscape features and vegetation to be retained.

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- c) Existing and proposed services including cables, pipelines, substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

11. In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:

- a) The submission of sustainability checklists
- b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
- c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 - Sustainability'

Following written approval from the Planning Authority each development phase shall be undertaken in accordance with the approved details.

12. In pursuance of condition 4 (o) and prior to the commencement of any works an Energy Statement, shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. The statement shall adhere to the advice contained within SEPA's consultation response dated 12 March 2018. All work shall be carried out in accordance with the approved statement.

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13. The development of the site shall fully accord with the findings of the Flood Risk Assessment (FRA), dated February 2018 (doc ref: 17/00946/27 and 17/00946/28) to the satisfaction of the Council as Planning Authority. No built development or land raising shall occur within the 1 in 200 year plus climate change water level and finished floor levels shall be set no lower than 0.6m above the 1 in 200 year plus climate change water level indicated in the FRA.
14. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.
15. No site clearance or removal of vegetation, including trees and shrubs will take place between 1 March and 31 August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.
16. No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. Applicants are advised that should their application(s) for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
2. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing

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road or footway prior to the commencement of works.

Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

3. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
8. The applicant should be aware of the guidance available in relation to Japanese Knotweed which is outlined in SEPA consultation response dated 12 March 2018.

(2) Local Applications

(i) 17/01886/FLL – RHYND – Erection of a clubhouse, formation of parking and associated works, land 70 metres north east of The Workshop, Rhynd – Tay Rowing Club

Mr G Houston, President of Tay Rowing Club, supporter on behalf of the applicant, addressed the Committee, and, following his representation withdrew to the public benches.

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Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
2. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.
3. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
4. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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6. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day
7. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.
8. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.
9. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.
10. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
11. No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property.
12. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.
13. The premises shall be used solely for the purposes of a rowing club. The use of the premises for any other purpose, including another purpose in Class 11 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997 or any Order revoking and re-enacting that Order will require to be the subject of a further planning application to the Council as Planning Authority.

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Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
6. Existing buildings or structures may contain nesting birds between 1 March and 31 August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. Perth and Kinross Council Environmental Health Team advise that noisy construction working should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noisy working on a Sunday.
8. The applicant is advised to review the consultation responses received on the application from Environmental Health, the Bio-Diversity Officer and Scottish Natural Heritage when preparing the Construction Environmental Management Plan.

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9. Scottish Water Records indicate that there is a 1145mm Concrete Combined sewer running in the north of the site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. It is your responsibility to accurately locate the position of the pipe for line and depth on site and annotate this information onto your plans. This information should be sent to the Scottish Water Asset Impact Team for review and acceptance using the email address below. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works. The stand-off distance for this sewer is 5 – 6.5 metres (dependent on depth) in every direction on the horizontal plane. No building, private garden or other obstruction should be located within the stand-off distance of a sewer.
Service.Relocation@scottishwater.co.uk.

(ii) 17/02118/FLL – PERTH – Erection of 26 flats, land at Allison Crescent, Perth – GS Brown Construction

Mr Wilson, objector on behalf of several residents of Pullar Terrace, addressed the Committee, and, following his representation withdrew to the public benches.

Motion (Councillors B Band and H Anderson) – Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
2. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
 - I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed

- III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.
3. Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.
 4. The footpath link to the south of the site shall be completed prior to the occupation of the first unit on site. The footpath shall maintained thereafter to the satisfaction of the Council as Planning Authority.
 5. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.
 6. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of any unit on site on site. The SUDS system shall accord with the details outlined in approved documents 17/02118/10, 14, 16, 17 and 18.
 7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented. The treatment facility shall accord with the details outlined in approved documents: 17/02118/12, 13 and 15 and shall also include a sampling and observation point at the post

treatment/prior to discharge to the surface water sewer point. Prior to development commencing on site, the applicants shall provide written confirmation from Scottish Water that they will accept drainage from the construction phase SUDS directly into their surface water network. If this confirmation cannot be provided, the applicants must provide an alternative means of draining the construction phase SUDS which shall be submitted to and agreed in writing by the Council, in consultation with SEPA, prior the commencement of any development on site. The system shall adhere to these approved details.

8. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
9. All construction operations on site shall strictly adhere to the Construction Method Statement hereby approved (doc ref:17/02118/11) to the satisfaction of the Council as Planning Authority.
10. The landscaped open space within the site shall be retained and maintained in perpetuity to the satisfaction of the Council as Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

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3. **As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.**
4. **No work shall be commenced until an application for building warrant has been submitted and approved.**
5. **The developer should be aware of the regulatory requirements outlined within SEPA's consultation response dated 13 March 2018.**

Amendment (Councillors W Robertson and M Barnacle) – Refuse the application, as it is contrary to Perth and Kinross Local Development Plan 2014, Policies PM1A and PM1B(c), as the development does not contribute positively to the area due to the three story element not respecting the character of the immediate area.

In accordance with Standing Order 55, a roll call vote was taken.

8 members voted for the Motion as follows:
Councillors H Anderson, B Band, H Coates, T Gray, I James, A Jarvis, R McCall and R Watters.

4 members voted for the Amendment as follows:
Councillors M Barnacle, B Brawn, L Simpson and W Robertson.

Resolved:

In accordance with the Motion.

COUNCILLOR DRYSDALE ENTERED CHAMBERS DURING THE COURSE OF THIS APPLICATION BUT DID NOT PARTICIPATE NOR VOTE.

- (iii) **17/02161/FLL – ABERFELDY – Erection of 5 dwellinghouses and garages (revised layout and change of house types), site of former Cruachan House Residential Home, Kenmore Street, Aberfeldy – Kailneath Ltd.**

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
2. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme

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for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
4. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
5. The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.
6. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain Road Construction Consent from the Council as Roads Authority if they wish to offer the Road up for adoption by the Council.

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PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
12 APRIL 2018

## **LICENSING COMMITTEE**

Minute of Meeting of the Licensing Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Thursday 12 April 2018 at 10.00am.

Present: Councillors I James (Vice-Convener), C Ahern, B Brawn, A Coates, D Illingworth, A Jarvis, A Parrott and R Watters.

In Attendance: PC L Gregge (Police Scotland); L Cormack (up to and including Art (Item 5)), M McLaren, S Michie, L Brown and A Taylor (all Corporate and Democratic Services).

Apologies for Absence: Councillors R Brock, B Pover, J Rebbeck, F Sarwar and L Simpson.

Councillor I James (Vice-Convener), Presiding.

### **181. WELCOME AND APOLOGIES**

The Vice-Convener welcomed all present to the meeting. Apologies for absence were noted as above.

### **182. DECLARATIONS OF INTEREST**

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

### **183. MINUTES**

The Minute of Meeting of the Licensing Committee of 22 February 2018 was submitted and approved as a correct record.

### **184. REVIEW OF TAXI AND PRIVATE HIRE VEHICLES**

There was submitted a report by the Head of Legal and Governance Services (18/122) providing an update on the results of the consultation recently carried out regarding the restrictions on the age of the taxi and private hire fleet.

#### **Resolved:**

The conditions agreed by the Licensing Committee at its meeting on 26 October 2017 continue.

### **185. RENEWAL OF A SECOND HAND MOTOR VEHICLE DEALER'S LICENCE NO. MD235**

There was submitted a report by the Head of Legal and Governance Services (18/123), together with letters of objection dated 19, 20 and 21 February 2018, regarding a Renewal of Second Hand Motor Dealers Licence No. MD235.

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The applicant was in attendance and was accompanied by his partner.

The applicant addressed the Committee and answered members' questions. The Licensing Officer, Corporate and Democratic Services, Perth and Kinross Council, also addressed the Committee and answered Members' questions.

**Resolved:**

Second Hand Motor Vehicle Dealer's Licence MD235 be renewed for a period of 3 years with effect from 12 April 2018.

L CORMACK LEFT THE MEETING AT THIS POINT.

**IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.**

**186. CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD88**

There was submitted a report by the Head of Legal and Governance Services (18/124) together with a letter of objection from Police Scotland dated 19 March 2018 in terms of Schedule 1, Paragraph 11 of the Civic Government (Scotland) Act 1982 regarding continued suspension of Taxi/Private Hire Car Driver's Licence (TD88).

The Committee noted that this item had been withdrawn from the agenda at the request of the applicant.

**187. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1451**

There was submitted a report by the Head of Legal and Governance Services (18/125) together with a letter of objection from Police Scotland dated 22 January 2018 in terms of Schedule 1, Paragraph 11(2)(a) of the Civic Government (Scotland) Act 1982 regarding suspension of Taxi/Private Hire Car Driver's Licence (TD1451).

**Resolved:**

Consideration of suspension of Taxi/Private Hire Car Driver's Licence TD1451 be deferred to the next meeting of the Licensing Committee.

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS

**188. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1726**

There was submitted a report by the Head of Legal and Governance Services (18/127) together with letter of objection from Police Scotland dated 16 March 2018 regarding application for grant of a Taxi/Private Hire Car Driver's Licence TD1726.

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The applicant was in attendance.

The representative of Police Scotland addressed the Committee and answered Members' question. The applicant also addressed the Committee and answered Members' questions.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1726 be granted for a period of 3 years with effect from 12 April 2018.

**189. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1738**

There was submitted a report by the Head of Legal and Governance Services (18/128) together with letter of objection from Police Scotland dated 21 March 2018 regarding application for grant of a Taxi/Private Hire Car Driver's Licence TD1738.

The Committee noted that this item had been withdrawn from the agenda at the request of Police Scotland.

**190. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1723**

There was submitted a report by the Head of Legal and Governance Services (18/129) regarding application for grant of a Taxi/Private Hire Car Driver's Licence TD1723.

The applicant was in attendance, addressed the Committee and answered Members' questions.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1723 be granted for a period of 3 years with effect from 12 April 2018.

**191. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1718**

There was submitted a report by the Head of Legal and Governance Services (18/126) together with letter of objection from Police Scotland dated 26 February 2018 regarding application for grant of a Taxi/Private Hire Car Driver's Licence TD1726.

The applicant failed to attend.

The representative of Police Scotland addressed the Committee and answered Members' questions.

**Motion (Councillors A Parrott and C Ahern) – Application for grant of Taxi/Private Hire Car Driver's Licence TD1718 be refused on the grounds that the applicant is not a fit and proper person to hold a Licence.**

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Amendment (Councillors B Brawn and D Illingworth) – The application for grant of Taxi/Private Hire Car Driver's Licence TD1718 be deferred to the next meeting of the Licensing Committee.

In terms of Standing Order 44, a roll call vote was taken.

3 Members voted for the Amendment as follows:  
Councillors B Brawn, D Illingworth and A Jarvis.

5 Members voted for the Motion as follows:  
Councillors C Ahern, A Coates, I James, A Parrott and R Watters.

**Resolved:**

In accordance with the Motion.

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STRATEGIC POLICY AND RESOURCES COMMITTEE

Minute of meeting of the Strategic Policy and Resources Committee held in the Council Chamber, Council Building, 2 High Street, Perth on Wednesday 18 April 2018 at 10.00am.

Present: Councillors M Lyle, P Barrett, C Stewart, A Bailey, B Band, S Donaldson, D Doogan, A Forbes, G Laing, R McCall, S McCole, A Parrott, C Purves, C Shiers and L Simpson.

In Attendance: B Malone, Chief Executive; J Valentine, Depute Chief Executive and Chief Operating Officer; V Francis, S MacKenzie, C Mackie, L Simpson, G Taylor, S Walker and C Irons (all Corporate and Democratic Services); S Devlin (Education and Children's Services); B Renton, F Crofts, S D'all, C Haggart, C Mailer, P Marshall, K McNamara, A Strang, J Wharrie and W Young (all Housing and Environment Service).

Apologies for Absence: Provost D Melloy

Councillor M Lyle, Convener, Presiding.

192. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting and an apology was noted as above.

193. DECLARATIONS OF INTEREST

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

194. MINUTES OF PREVIOUS MEETINGS

(i) Strategic Policy and Resources Committee

The minute of meeting of the Strategic Policy and Resources Committee of 7 February 2018 (Arts.59 - 68) was submitted, approved as a correct record and authorised for signature.

In relation to Article 66, the Committee noted that the statutory guidance on Placemaking and on Renewable & Low Carbon Energy will now be presented to the meeting of the Committee on 28 November 2018, in association with the remaining supplementary guidance to be adopted with LDP2. This is to avoid public confusion over the consultation for the suite of statutory guidance to be adopted for LDP2 which is scheduled to begin in June 2018.

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(ii) Corporate Health, Safety and Wellbeing Consultative Committee

The minute of meeting of the Corporate Health, Safety and Wellbeing Consultative Committee of 11 December 2017 was submitted and noted. **(Appendix I)**

(iii) Perth and Kinross Integration Joint Board

The minute of meeting of the Perth and Kinross Integration Joint Board of 26 January 2018 was submitted and noted. **(Appendix II)**

195. REVENUE BUDGET 2017/18 – MONITORING REPORT NUMBER 4

There was submitted a report by the Head of Finance (18/133), providing an update (1) on progress with the 2017/18 General Fund Revenue Budget based on the January 2018 ledger, updated for subsequent known material movements; and (2) on the projected financial position of the Housing Revenue Account.

Resolved:

- (i) The contents of Report 18/133 be noted.
- (ii) The adjustments to the 2017/18 Management Revenue Budget, as detailed in Sections 2 and 3 of and Appendix 1 to Report 18/133, be approved.
- (iii) The 2017/18 Service virements, as summarised in Appendices 2 and 4 to Report 18/133, be approved.
- (iv) The adjustments to the 2018/19 Council approved Revenue Budget, as detailed in Appendix 5 to Report 18/133, be approved.
- (v) The inclusion of figures last reported to Committee for Service Budgets, be approved.

196. COMPOSITE CAPITAL BUDGET 2017/23 & HOUSING INVESTMENT PROGRAMME 2017/22 – MONITORING REPORT NUMBER 4

There was submitted a report by the Head of Finance (18/134), (1) providing a summary position to date for the Composite Capital Programme for 2017/18 to 2022/23 and the Housing Investment Programme 2017/18 to 2021/22 and (2) seeking approval for adjustments to the Programmes.

Resolved:

- (i) The contents of Report 18/134 be noted.
- (ii) The proposed budget adjustments to the six year Composite Capital Budget 2017/18 to 2022/23, as set out in Sections 2 and 3 of and summarised at Appendices 1 and 2 to Report 18/134, be approved.
- (iii) The proposed budget and monitoring adjustments to the Housing Investment Programme Budget 2017/18 to 2021/22, as set out in Section 4 of and summarised at Appendix 3 to Report 18/134, be approved.

197. ANNUAL REVIEW OF CYBER SECURITY

There was submitted and noted a report by the Head of Legal and Governance Services (18/135) providing an overview of Cyber Security in the Council and providing an assurance as to current risks and threats.

198. IMPLEMENTATION OF THE GENERAL DATA PROTECTION REGULATION

There was submitted a report by the Head of Legal and Governance Services (18/136) providing an update on progress towards implementing the General Data Protection Regulation in the Council.

Resolved:

- (i) The contents of Report 18/136, be noted.
- (ii) The appointment of a Data Protection Officer for the Council, be noted.
- (iii) The Council's Scheme of Administration be amended to take account of the appointment of the Data Protection Officer.

199. TRANSFORMATION PROGRAMME 2015-2020

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (18/137), providing (1) an update on the Transformation Programme approved by Council on 1 July 2015 and (2) details of proposals for Phase 4 of the Transformation Programme.

Resolved:

- (i) The progress related to the Transformation Programme, as detailed in Appendices 1 and 2 to Report 18/137, be noted.
- (ii) The allocation of funding to address the existing project cost pressures as detailed in Appendix 3 to Report 18/137, be approved.
- (iii) The initial Phase 4 Transformation Programme be approved, including the allocation of funding from the earmarked Transformation Reserve as detailed in Appendix 4 to report 18/137.
- (iv) Case studies be included in future reports to illustrate projects being undertaken as part of the programme.

200. APPOINTMENTS

(i) JOINT CONSULTATIVE COMMITTEE

The Convener to advise the Head of Democratic Services of the elected member to be appointed to the Joint Consultative Committee.

NOTE: The Head of Democratic Services was later advised that Councillor R McCall had been appointed to the Committee.

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(ii) CHARITABLE AND PUBLIC TRUSTS ADMINISTERED BY THE COUNCIL

The appointment of Councillor C Stewart as Vice-Convener of the Strategic Policy and Resources Committee to the Charitable and Public Trusts Administered by the Council, be noted.

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**PERTH AND KINROSS COUNCIL**  
**STRATEGIC POLICY AND RESOURCES COMMITTEE**  
**CORPORATE HEALTH, SAFETY AND WELLBEING**  
**CONSULTATIVE COMMITTEE**

Minute of meeting of the Corporate Health, Safety and Wellbeing Consultative Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Monday 11 December 2017 at 10.00am.

**Present:**                   **Representing Perth and Kinross Council**  
Councillor C Ahern (substituting for K Baird)  
Councillor P Barrett  
Councillor S McCole  
G Boland (on behalf of Executive Director (Education and Children's Services))  
C Flynn (on behalf of the Chief Executive)  
P Steel (on behalf of Corporate Human Resources Manager)  
J Dixon (on behalf of the Director (Environment))  
A Taylor (on behalf of Director (Housing and Community Safety))

**Trade Union Safety Representatives and Elected Representatives of Employee Safety Committees**  
M Blacklaws, SSTA  
L McLaren, Unite  
S Peddie, EIS  
A Thomas, Unite  
T Todd, UCATT

**In attendance:**       S Crawford, Head of Property Services, The Environment Service  
R Turner, Health, Safety and Wellbeing, The Environment Service  
C Irons, Committee Officer, Corporate and Democratic Service  
L McGeorge, Property Compliance Team Leader, Environment Service  
K Molley, Professional Trainee, Corporate and Democratic Service

**Apologies:**           Councillors K Baird and E Drysdale and J Handling

**1.     APPOINTMENT OF CONVENER**

Nominations were sought for the appointment of Convener.

Councillor S McCole was nominated by Councillor P Barrett and seconded by L McLaren.

**Resolved:**  
Councillor S McCole be appointed as Convener to September 2019.

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Councillor S McCole took the chair.

**2. APPOINTMENT OF JOINT SECRETARY**

M Blacklaws was nominated by S Peddie and seconded by T Todd.

**Resolved:**

M Blacklaws be appointed as Joint Secretary on behalf of the Trade Unions.

**3. DECLARATIONS OF INTEREST**

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

**4. MINUTES**

The Minute of meeting of the Corporate Health, Safety and Wellbeing Consultative Committee of 11 September 2017 was submitted and approved as a correct record.

**5. MATTERS ARISING**

There were no matters arising from the previous minute.

**6. HEALTH AND SAFETY PERFORMANCE INDICATORS – QUARTERLY REPORT**

There was submitted a report by the Transformation and Business Manager, the Environment Service (G/17/203) providing an overview of (i) the Performance Reviews, (ii) the most serious incidents and (iii) a general summary of all incidents affecting employees and non-employees, during quarter 2 of 2017/18, 1 July – 30 September 2017.

It was noted that the Performance Reviews carried out by the Health, Safety and Wellbeing Team during quarter 2 were included in the report for the first time and would be reported to all future meetings.

M Blacklaws asked why Education and Children's Services were not given priority in the performance reviews as they had the highest number of incidents.

R Turner advised that Education and Children's Services had a good system in place for reporting of violence and aggression incidents with discussion at the service committee as well as at the Consultative Committee and in addition, there was a working group set up to consider the area.

P Steel confirmed the teaching unions were involved in the working group.

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**Resolved:**

- (i) Five Performance reviews had been carried out in this quarter, be noted.
- (ii) Two reportable Incidents in the quarter, be noted.
- (iii) The total number of employee incidents was two hundred and thirty-eight, which was an increase compared to quarter 2 in 2016/17. The highest number of employee incidents in this quarter was violence and aggression followed by slips, trips and falls.
- (iv) The total number of non-employee incidents was twenty, which was a decrease compared to quarter 2 in 2016/17. The highest number of non-employee incidents in this quarter was slips, trips and falls followed by moving/falling objects.

**7. FIRE SAFETY PERFORMANCE – QUARTERLY REPORT**

There was submitted a report by the Transformation and Business Manager, the Environment Service (G/17/204) to (1) inform members of the Fire Safety key performance for quarter 2 of 2017/18 and (2) assist the Committee to monitor the Fire Safety performance across Perth and Kinross Council's Estate.

S Crawford highlighted that the number of Education and Children's Services premises with outstanding actions from previous quarters had reduced from twenty-eight to eleven and provided an update on the work being undertaken.

It was noted that fire exit doors at Alyth Primary School had been locked when the audit was carried out by the Scottish Fire and Rescue Service and action had been taken to address this matter.

It was also noted that asbestos removal works had been undertaken at Perth Academy during the summer and October holidays of 2017 and the remaining work will commence in summer of 2018.

It was noted that the report was as at 25 October 2017 and that progress had been made since that date.

**Resolved**

- (i) Four Council premises had their Fire Risk assessment reviewed during quarter 2 of 2017/18.
- (ii) The Scottish Fire and Rescue Service carried out one audit of Council premises.
- (iii) There were no reported incidents of fire or near misses during the quarter.
- (iv) Consideration be given to more up-to-date information being provided to the committee on the outstanding actions.

**8. CORPORATE ANNUAL HEALTH AND SAFETY REPORT**

There was submitted and noted the Corporate Annual Health and Safety Report (G/17/205) reviewing Health and Safety management activities between 1 April 2016 and 31 March 2017.

J Dixon provided a summary of the report and referred to the highlights of the year.

**9. FATAL ACCIDENT INQUIRY RECOMMENDATIONS – UPDATE ON PROGRESS**

There was submitted and noted a report by the Corporate Human Resources Manager (G/17/206) on improvements to Council processes following the recommendations of the Fatal Accident Inquiry into the Glasgow Bin Lorry Crash.

**10. DATE OF NEXT MEETING**

It was noted that the next meeting will be held on Monday 12 March 2018 at 10.00am.

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PERTH AND KINROSS INTEGRATION JOINT BOARD

Minute of Meeting of the Perth and Kinross Integration Joint Board (IJB) held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Friday 26 January 2018 at 9.15am.

Present:

Voting Members

Councillor C Reid, Perth and Kinross Council (Vice-Chair)
Councillor C Ahern, Perth and Kinross Council
Councillor E Drysdale, Perth and Kinross Council
Councillor X McDade, Perth and Kinross Council
L Dunion, Tayside NHS Board (Chair)
S Hay, Tayside NHS Board
J Golden, Tayside NHS Board
S Tunstall-James, Tayside NHS Board

Non-Voting Members

J Pepper, Chief Social Work Officer, Perth and Kinross Council
R Packham, Chief Officer
J Smith, Chief Finance Officer
Professor A Russell, NHS Tayside (on behalf of Dr N Prentice)
J Foulis, NHS Tayside

Additional Members

Dr D Walker, NHS Tayside
Dr A Noble, External Adviser to Board

Stakeholder Members

F Fraser, Staff Representative, Perth and Kinross Council (up to and including Item 7.5)
D Reilly, Staff Representative, NHS Tayside (on behalf of A Drummond)
H MacKinnon, Third Sector Interface
B Campbell, Carer Public Partner (up to and including Item 7.4)
L Lennie, Service User Public Partner

In Attendance:

L McLay, Chief Executive, NHS Tayside; B Malone, Chief Executive, Perth and Kinross Council; D Fraser, E Devine, S Gunnion, M Richmond, P Henderson, A Taylor, M Rapley, D Mitchell and K Sharp (all Perth and Kinross Health and Social Care Partnership); G Taylor, Clerk; S Hendry, L Simpson, P Steel and L Potter (all Perth and Kinross Council); D Huband, B Nicoll, C Rodriguez, C Lamont, K Wilson, B Wilson and V Johnson (all NHS Tayside).

Apologies:

Dr N McLeod, Independent Contractor; Dr N Prentice, NHS Tayside; A Drummond, NHS Tayside.

1. WELCOME AND APOLOGIES

L Dunion welcomed all those present to the meeting and apologies were noted as above.

2. DECLARATIONS OF INTEREST

In terms of the Perth and Kinross Integration Joint Board Code of Conduct, H Mackinnon declared a financial interest in Item 7.5 as an employee of PKAVS, and Councillor E Drysdale declared a non-financial interest in Item 7.5 as a carer.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Perth and Kinross Integration Joint Board of 3 November 2017 was submitted and approved as a correct record.

4. ACTION POINT UPDATE

There was submitted and noted the action point update for the Perth and Kinross Integration Joint Board as at 26 January 2018 (G/18/3).

5. MATTERS ARISING

There were no matters arising from the previous minute.

6. IJB MEMBERSHIP UPDATE – PUBLIC PARTNERS

There was submitted a report by the Chief Officer (G/18/4) seeking agreement of the Service User Public Partner appointments (main and substitute representatives) to the Integration Joint Board.

Resolved:

Linda Lennie be appointed to the Board as the main Public Partner and Sandra Auld as the substitute Public Partner for Service Users, for an initial period of 1 year until October 2018.

7. REDESIGNING CARE

7.1 PERTH AND KINROSS MENTAL HEALTH AND WELLBEING STRATEGY PROGRESS REPORT

There was submitted a report by the Chief Officer (G/18/5) (1) providing an update on the development of Perth and Kinross Mental Health and Wellbeing strategic priorities for 2018-2021; and (2) describing the requirement to develop a Mental Health and Wellbeing Commissioning Plan to ensure the priorities of the Mental Health and Wellbeing Plan are met.

Resolved:

- (i) The progress on the local Strategy and Commissioning Plan for Mental Health and Wellbeing be noted.

- (ii) Further work to take place to review existing community mental health and wellbeing services to ensure they are in line with the priorities laid out in the Mental Health and Wellbeing Strategy and Implementation Plan.
- (iii) The Chief Officer be instructed to bring a draft plan to the Board in 6 months with commissioning priorities for community based services that will compliment the redesign of inpatient mental health inpatient services across Tayside.

7.2 PERTH AND KINROSS LEARNING DISABILITIES PROGRESS REPORT

There was submitted a report by the Chief Officer (G/18/6) outlining the progress being made in delivering the “Keys to Life” strategy.

Resolved:

- (i) The progress on the development of a strategic commissioning plan for people with learning disabilities in Perth and Kinross be noted.
- (ii) The Chief Officer be instructed to update the Board in 12 months to demonstrate progress in the implementation of the strategic commissioning plan.

7.3 MENTAL HEALTH & LEARNING DISABILITY CONSULTATION FEEDBACK REPORT

There was submitted a report by the Chief Officer (G/18/7) (1) presenting the findings of the Mental Health and Learning Disability Service Redesign Transformation (MHLDSRT) Programme Consultation; and (2) seeking approval from the Perth and Kinross Integration Joint Board of the preferred option for future General Adult Psychiatry and Learning Disability Inpatient services following public consultation.

Resolved:

- (i) The process followed in undertaking the three month formal consultation on the preferred option for future General Adult Psychiatry and Learning Disability Inpatient Services and the sharing of feedback received be noted.
- (ii) The preferred option, Option 3A, as set out in Report G/18/7, be approved.
- (iii) The Chief Officer be commissioned to establish an inclusive process for the development of internal and external implementation plans to ensure the key themes highlighted during the consultation are supported and where possible impacts are mitigated.
- (iv) The Chief Officer be commissioned to ensure that further work in implementation will be undertaken in partnership across the Perth & Kinross, Angus and Dundee IJBs, with stakeholder, professional and staff representatives to ensure a smooth transition and consistent pathway of care across inpatient and community services.
- (v) The comments received from the presentation of the report to the Dundee and Angus IJBs and NHS Tayside Area Partnership Forum (APF), NHS Tayside Clinical Care Governance Committee (CCGC) and NHS Tayside Board, as detailed in Appendix 1 to Report G/18/7, be noted.
- (vi) The Chief Officer to seek assurance that prior to any moves from Murray Royal Hospital or Strathmartine Hospital, public transport arrangements must

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be in place for staff, patients and visitors to cover directly the three sites so that service users are not just directed to the nearest public stop to any of the sites.

Note: J Golden abstained from this decision.

THERE FOLLOWED A BREAK AND THE MEETING RECONVENED AT 11.15AM

7.4 REVIEW OF RESIDENTIAL CARE

There was submitted a report by the Chief Officer (G/18/8) providing the results of a formal consultation and options appraisal commissioned by the Board to determine the preferred alternative service delivery model for directly provided in-house adult residential care services.

It was noted that a document had been circulated prior to the meeting with minor revisions to Section 1.3 and Appendix 2 of Report G/18/8.

B CAMPBELL LEFT THE MEETING AT THIS POINT

Motion (L Dunion and Councillor C Ahern)

- (i) The outcome of the option appraisal be noted and the highest scoring option, Option 4, closure of Beechgrove Care Home, be approved.
- (ii) Perth & Kinross Council be directed as the relevant employer to continue the engagement and progress the required consultation with the Trade Unions and employees.
- (iii) It be noted that the implementation of Option 4 generates a saving of £528k leaving a shortfall in the savings target of £168k and the Chief Officer be directed to identify alternative savings options to meet that shortfall.
- (iv) The Chief Officer be directed to report back on the progress of implementation of Option 4 to the Board in 12 months.
- (v) The Chief Officer be directed to monitor and review the new model of residential care provision to ensure that it continues to align with the strategic objectives of the Board.

Amendment (Councillors E Drysdale and X McDade)

Consideration of Report G/18/8 be deferred to allow more detailed financial information to be presented to the Board following completion of the respective budget setting processes by the Scottish Government, Perth and Kinross Council and the Board.

In terms of Standing Orders a vote was taken by a show of hands.

Motion: 4 votes

Amendment: 4 votes

Resolved:

In terms of Standing Order 15.4, as no consensus could be reached, the matter would now be referred to the next meeting of the IJB on 23 March 2018.

COUNCILLOR E DRYSDALE, H MACKINNON AND F FRASER LEFT THE MEETING AT THIS POINT

7.5 IMPLEMENTATION OF CARERS (SCOTLAND) ACT 2017 – LOCAL CARERS ELIGIBILITY CRITERIA FRAMEWORK REVIEW

There was submitted a report by the Chief Officer (G/18/9) (1) updating the Board on the consultation on the draft Local Adult Carers Eligibility Criteria Framework, as part of the implementation of the Carers (Scotland) Act 2016, which comes in force on 1 April 2018; and (2) giving information about the communications plan and engagement of the public consultation, as well as the decisions taken to review the framework in light of feedback received post-consultation.

Resolved:

- (i) The Adult Carers Eligibility Criteria, set out in Appendix 1 of Report G/18/9, be approved.
- (ii) The Chief Officer be directed to implement the Adult Carers Eligibility Criteria across Health and Social Care Services by 1 April 2018.

COUNCILLOR E DRYSDALE AND H MACKINNON RETURNED TO THE MEETING AT THIS POINT.

8. FINANCE AND GOVERNANCE

8.1 2017/18 FINANCIAL POSITION

There was submitted a report by the Chief Finance Officer (G/18/10) providing a summary of the issues impacting on the financial position of the Board in 2017/18.

Resolved:

The forecast financial position of the Board for 2017/18, as set out in Report G/18/10, be noted.

9. DEVELOPING STRATEGIC OBJECTIVES

9.1 STRATEGIC UPDATE

There was submitted a report by the Chief Officer (G/18/11) providing an update on progress against tasks outlined in the rolling actions list.

Resolved:

- (i) Progress on each issued listed within Report G/18/11 be noted.
- (ii) The Chief Officer be requested to submit reports by the due dates as set out in the action point update.

9.2 PROPOSAL TO REVISE ARRANGEMENTS FOR STRATEGIC PLANNING ACROSS PERTH AND KINROSS HEALTH AND SOCIAL CARE PARTNERSHIP

There was submitted a report by the Chief Officer (G/18/12) seeking approval from the IJB for a refreshed approach to Strategic Planning for the Perth and Kinross Health and Social Care Partnership.

Resolved:

- (i) The process of refreshing structures for strategic planning across the partnership, as set out in Report G/18/12, be approved.
- (ii) The Chief Officer be commissioned to refresh the membership of the Strategic Planning Group for approval at the Board in March 2018.
- (iii) The Chief Officer be commissioned to present a refreshed role, remit and terms of reference for each of these groups by March 2018.

9.3 VISUAL IDENTITY FOR THE HEALTH AND SOCIAL CARE PARTNERSHIP

There was submitted a report by the Chief Officer (G/18/13) seeking approval of a new strapline for the Health and Social Care Partnership as part of its visual identity.

Resolved:

The strapline 'Supporting healthy and independent lives' and the final version of the partnership logo as reflected within Report G/18/13, be approved.

9.4 IMPROVING SCOTLAND'S HEALTH: A HEALTHIER FUTURE – ACTIONS AND AMBITIONS ON DIET, ACTIVITY AND HEALTHY WEIGHT

There was submitted a report by the Director of Public Health, NHS Tayside (G/18/14) asking the Board to consider and make comment on The Scottish Government's consultation document 'A Healthier future' to influence the final strategy for Scotland.

Resolved:

- (i) It be recognised that the Scottish Government has firmly identified obesity as a priority for action.
- (ii) Board members to provide any additional comments to the Director of Public Health and the Chief Officer to enable the co-creation of a partnership response from NHS Tayside.
- (iii) A future Board development session to be arranged on the role of public health in the work of the Board.

9.5 DELIVERING THE NEW 2018 GENERAL MEDICAL SERVICES CONTRACT IN SCOTLAND

There was submitted a report by the Chief Officer (G/18/15) outlining (1) the content of the proposed new 2018 General Medical Services (GMS) Contract in Scotland; (2) the Memorandum of Understanding (MoU) between Scottish Government, British Medical Association, Integration Authorities and NHS Boards; and (3) the requirement for Primary Care Improvement Plans to be developed by 1 July 2018.

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Resolved:

- (i) The contents of Report G/18/15 be noted.
- (ii) It be noted that following a ballot of GPs and GP trainees that the full Scottish General Practices Committee (SGPC) met on 18 January 2018 to decide whether the contract should be accepted on behalf of the profession.
- (ii) Should the contract have been accepted on 18 January 2018, the Chief Officer be instructed to progress the necessary actions within the Perth and Kinross IJB to develop the Primary Care Improvement Plan, as set out in Section 13 of Report G/18/15, and present this to the IJB in June 2018 for approval.

Post Meeting Note: The SGPC had approved the contract on 18 January 2018.

10. UPDATE PAPERS FOR INFORMATION

The following items were submitted and noted for information:

10.1 DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT 2016/17 – TRANSFORMATIONAL PUBLIC HEALTH

Board members noted a report by the Director of Public Health, NHS Tayside (G/18/16) and supported the recommendations for 2017/18 outlined in the report.

10.2 UPDATE ON THE IMPLEMENTATION OF THE SOCIAL CARE (SELF DIRECTED SUPPORT) (SCOTLAND) ACT 2013 IN PERTH AND KINROSS

Board members noted a report by the Chief Officer (G/18/17) and that the topic would be the subject of a future Board development session.

10.3 STANDARDS COMMISSION FOR SCOTLAND: PROFESSIONAL BRIEFING JANUARY 2018

Board members noted the briefing (G/18/18) and that the Commission would be holding a training workshop for all IJB members later in 2018.

11. FUTURE MEETING DATES 2018

Friday 23 February 2018 at 9.30am – Briefing Session
Friday 23 March 2018 at 9.30am – IJB Meeting
Friday 11 May 2018 at 9.30am – Briefing Session
Friday 22 June 2018 at 9.30am – IJB Meeting
Friday 24 August 2018 at 9.30am – Briefing Session
Friday 28 September 2018 at 9.30am – IJB Meeting
Friday 26 October 2018 at 9.30am – Briefing Session
Friday 30 November 2018 at 9.30am – IJB Meeting

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PERTH AND KINROSS COUNCIL  
SCRUTINY COMMITTEE  
18 APRIL 2018

## **SCRUTINY COMMITTEE**

Minute of meeting of the Scrutiny Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 18 April 2018 at 2.00pm.

Present: Councillors G Laing, S McCole, C Ahern, H Anderson, K Baird (substituting for Councillor H Coates), D Doogan, A Jarvis (substituting for Councillor D Illingworth), A Parrott, C Purves and C Stewart.

In Attendance: B Renton (Executive Director, Housing and Environment); S Devlin (Executive Director, Education and Children's Services); K McNamara (Depute Director, Housing and Environment); J Pepper (Depute Director, Education and Children's Services); C McCarthy, F Robertson, L Simpson, G Taylor, C Vaskevicius and D Williams (all Corporate and Democratic Services); R Hill, S Johnston, James Chiles and P Davidson (all Education and Children's Services); M Dow (Housing and Environment).

Apologies: Councillors H Coates and D Illingworth.

Councillor G Laing, Convener, Presiding.

### **201. WELCOME AND APOLOGIES**

The Convener welcomed all those present to the meeting and apologies were noted as above.

### **202. DECLARATIONS OF INTEREST**

Councillor G Laing declared a non-financial interest in Item 4(i).

### **203. MINUTE OF THE MEETING OF THE SCRUTINY COMMITTEE OF 7 FEBRUARY 2018**

The minute of meeting of the Scrutiny Committee of 7 February 2018 (Arts.69-77) was submitted, approved as a correct record and authorised for signature.

Having declared a non-financial interest in the following item, Councillor Laing remitted the chair to Councillor McCole, Vice-Convener, who presided for the item.

### **204. UPDATE BY ARMS' LENGTH EXTERNAL ORGANISATION**

#### **(i) Live Active Leisure**

J Moyes, Chief Executive; P Cromwell, Chief Executive Designate; and M Robinson, Chair, Live Active Leisure, provided a verbal update on progress with governance; business performance and highlights / challenges and opportunities during 2017/18; and answered members' questions.



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Members sought assurance on matters such as: opportunities and participation of girls in sporting activities; the Active Under 10's scheme; the estate of Live Active Leisure; Community Sports Hubs.

Councillor McCole paid tribute to J Moyes, outgoing Chief Executive of Live Active Leisure, thanking him for his contribution to Live Active Leisure. Councillors Laing and Doogan also extended their thanks to J Moyes.

The Convener thanked the representatives of Live Active Leisure for their attendance and they left the meeting at this point.

COUNCILLOR LAING RESUMED THE CHAIR AT THIS POINT.

F ROBERTSON LEFT THE MEETING AT THIS POINT.

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

**205. SUMMARY REPORT ON CARE INSPECTORATE AND EDUCATION SCOTLAND INSPECTIONS**

There was submitted a report by the Executive Director (Education and Children's Services) (18/139) providing an overview of the performance of Education and Children's Services inspected and reported on over the past year by the Care Inspectorate and Education Scotland and setting out the Services' approach to implementing improvement actions arising out of the inspection findings.

In response to a comment from Councillor Parrott regarding the good performance being achieved in Perth and Kinross compared with other local authorities, S Devlin, Executive Director (Education and Children's Services) highlighted the importance of leadership and support for staff in being able to deliver positive results. S Johnston, Education and Children's Services, emphasised the strength of the work being undertaken with partner providers, and in particular the work with nurseries, playgroups and childminders.

S Devlin also brought to the attention of the Committee the positive findings of the report published by the Care Inspectorate on 17 April 2018 on integrated Children's Services delivered by Perth and Kinross Community Planning Partners. S Devlin paid tribute to staff in achieving these positive results, and informed members that the report would be submitted to a future meeting of the Council. Councillor Laing highlighted the professionalism involved in achieving such results and Councillor Baird extended her congratulations to those involved.

**Resolved:**

The contents of the Summary Report on Care Inspectorate and Education Scotland Inspections, be noted.

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**206. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK 2016/17**

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (18/138) presenting a summary of Perth and Kinross Council's performance during 2016/17 against the Local Government Benchmarking Framework indicators published by the Improvement Service on 12 February 2018.

The benchmarking data helps the Council, members of the public and other stakeholders see how Perth and Kinross Council is performing in key areas compared to other local authorities.

Councillor Laing raised a query regarding council tax collection costs being higher in Perth and Kinross than the Scottish National Average. In response, C Hendry, Housing and Environment, stated that different local authorities included different overhead costs when calculating council tax collection costs, and that Perth and Kinross Council's figures included all related service centre costs. Councillor Doogan stated that this was a helpful interim answer, adding that he would like to see further information on this at a future date.

Councillor Parrott stated that he saw the figures in the benchmarking data as a starting point for further inquiry, highlighting that different local authorities had different priorities. With regards to a specific point raised by Councillor Parrott regarding the time taken for non-emergency repairs, M Dow, Housing and Environment, responded that there had been some improvement in performance but that this was not reflected in the report due to the time-lag with the publication of the report.

Councillor Stewart raised a query regarding the comparative family groups in the Local Government Benchmarking Framework, and specifically whether local authorities had any input into who would appear in their family group. In response, B Renton, Executive Director (Housing and Environment), informed members that family groups were allocated by the Improvement Service, adding that Perth and Kinross were one of only two local authorities to belong to multiple family groups.

**Resolved:**

The Committee noted the Local Government Benchmarking Framework results for 2016/17, and that the results would be used to inform the development of the Council's Transformation Programme and the Council's wider performance management and planning framework.

**207. SCRUTINY FORWARD PLANNER 2018/19**

There was submitted and noted a report by the Depute Chief Executive & Chief Operating Officer (18/140) presenting a forward planner for scrutiny at Perth and Kinross Council in 2018/19.

**IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.**

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**208. MINUTE OF MEETING OF THE SOCIAL WORK COMPLAINTS REVIEW  
COMMITTEE OF 12 OCTOBER 2017**

There was submitted and noted the minute of the Social Work Complaints Review Committee of 12 October 2017.

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PERTH COMMON GOOD FUND COMMITTEE

Minute of meeting of the Perth Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 25 April 2018 at 11.00am.

Present: Councillors B Band, C Ahern, P Barrett, A Coates, H Coates, D Doogan, E Drysdale, M Lyle, S McCole, A Parrott, J Rebbeck and W Wilson.

In Attendance: D Coyne, C Flynn, G Fogg, R Huczynska, K Molley (all Corporate and Democratic Services); D Davidson, S Merone and W Young (all Housing and Environment).

Councillor B Band, Convener, Presiding.

209. WELCOME AND APOLOGIES

Councillor B Band welcomed all present to the meeting.

210. DECLARATIONS OF INTEREST

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

211. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Perth Common Good Fund Committee of 28 February 2018 (Arts. 98-104) was submitted, approved as a correct record and authorised for signature.

212. MATTERS ARISING

(i) Tay Railway Viaduct Steps – Replacement

Councillor D Doogan, raised the issue of expenditure of the steps at Moncrieff Island in the hope of the current proposition being paused to look into other options.

Councillor W Wilson suggested that a discussion be held outwith the committee with officers to gain further clarification on the matter. He suggested that the Convener, Councillor Doogan and the 4 local ward members should attend.

Resolved:

- (i) It be agreed that the contract be temporarily paused and a meeting with officers be arranged, as a matter of urgency to gain clarity over the issue of the steps. The Convener, Councillor Doogan and the four local members to attend the meeting.
- (ii) Councillor P Barrett's dissent be noted.

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(ii) Training of Carilloners

In response to a query from Councillor W Wilson, C Flynn advised the committee that at the moment there is no further update on training of Carilloners but will report back to committee.

G FOGG, D DAVIDSON AND W YOUNG LEFT THE MEETING AT THIS POINT.

213. ADVISORY NON-VOTING MEMBER

As it's meeting on 20 December 2017, the Council agreed that Common Good Fund Committees have the ability, if they so wish, to invite a member of the local community council(s) to join the Committee as an advisory non-voting member. The Committee was asked to determine how it wishes to implement that decision.

In accordance with Standing Order 58, a roll call vote was taken.

Motion (Councillors W Wilson and P Barrett)

Invite Community Councils which are in Perth City to send in Nominations and to review the situation after a year.

Amendment (Councillors D Doogan and H Coates)

Do not invite Community Councils to send representatives.

3 members voted for the Motion as follows:
Councillors P Barrett, M Lyle and W Wilson

9 members voted for the Amendment as follows:
Councillors C Ahern, B Band, A Coates, H Coates, D Doogan, E Drysdale, S McCole, A Parrott and J Rebbeck.

Resolved:

In accordance with the Amendment.

214. APPLICATIONS FOR FINANCIAL ASSISTANCE

There was submitted a report by the Depute Chief Executive (18/141 Revised) asking the Perth Common Good Fund Committee to consider 8 applications for financial assistance.

Resolved:

(1) Hearts & Minds Group

Hearts & Minds Group be awarded a grant of £1,000 towards the costs of running their 'Elderflowers' project which supports people with dementia.

(2) Perthshire Brass

Perthshire Brass be awarded a grant of £1,000 towards the costs of a trip to Bydgoszcz in Poland to perform 3 concerts and visit a school.

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- (3) **City of Perth Early Childhood Centre Parent Council**
City of Perth Early Childhood Centre Parent Council be awarded a grant of £522 towards a trip to Camperdown Wildlife Centre.
- (4) **Breathe Easy Perthshire**
Breathe Easy Perthshire be awarded a grant of £140 towards the cost of a trip to Crieff.
- (5) **Tulloch Primary School Parent Council**
Tulloch Primary School Parent Council be awarded a grant of £700 towards the costs of a summer trip for pupils.
- (6) **Perth Academy**
Perth Academy be awarded a grant of £600 towards the cost of a school trip to France.
- (7) **Perth Highland Games**
Perth Highland Games be awarded a grant, in arrears, to cover any shortfall in the event's running costs up to £5,900.
- (8) **PKAVS Mental Health & Wellbeing Hub**
The Walled Garden be awarded a grant of £253 towards the cost of an art exhibition for participants as part of the Perth Open Studios week.

215. 2017/18 AND 2018/19 AND 2018/19 FINANCIAL STATEMENT

There was submitted a report by the Head of Finance (18/142) detailing the Income and Expenditure and the projected outturn to 31 March 2018 for Financial Year 2017/18; and the Income and Expenditure to 4 April 2018 and the projected outturn to 31 March 2019 for Financial Year 2018/19.

Resolved:

- (i) The Perth Common Good Fund Income and Expenditure and the projected outturn to 31 March 2018 for Financial Year 2017/18 as set out in Appendix 1 to report 14/142, be noted.
- (ii) The Perth Common Good Income and Expenditure to 4 April 2018 and the projected outturn to 31 March 2019 for Financial Year 2018/19 as detailed in Appendix 2 to report 14/142, be noted.

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## **ABERFELDY COMMON GOOD FUND COMMITTEE**

Minute of meeting of the Aberfeldy Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 25 April 2018 at 11.40am.

Present: Councillors M Williamson, P Barrett, J Duff, X McDade and M Lyle.

In Attendance: D Coyne, C Flynn, R Huczynska, K Molley and J Salisbury (all Corporate and Democratic Services) and S Merone (Housing and Environment).

Councillor M Williamson, Convener, Presiding.

### **216. WELCOME AND APOLOGIES**

Councillor Williamson welcomed all present to the meeting.

### **217. DECLARATIONS OF INTEREST**

There were no declarations of interest made in terms of Code of Conduct.

### **218. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Aberfeldy Common Good Fund Committee of 4 October 2017 (Arts. 547-553/17) was submitted, approved as a correct record and authorised for signature.

### **219. MATTERS ARISING**

There were no matters arising in terms of Councillors' Code of Conduct.

### **220. ADVISORY NON-VOTING MEMBER**

As it's meeting on 20 December 2017, the Council agreed that Common Good Fund Committees have the ability, if they so wish, to invite a member of the local community council(s) to join the Committee as an advisory non-voting member. The Committee was asked to determine how it wishes to implement the decision.

#### **Resolved:**

- (i) The Community Council be invited to send a representative to join the Committee as an advisory non-voting members.
- (ii) The advisory non-voting membership of the Committee be reviewed after a year.

### **221. 2018/19 BUDGET & 2017/18 FINANCIAL STATEMENT**

There was submitted a report by the Head of Finance (18/143) (1) seeking approval of the budget for Financial Year 2018/19; and (2) providing details of the

PERTH AND KINROSS COUNCIL  
ABERFELDY COMMON GOOD FUND  
25 APRIL 2018

Income and Expenditure to 31 March 2018 and the projected outturn for Financial Year for the Aberfeldy Common Good Fund.

**Resolved:**

- (i) The Aberfeldy Common Good Fund budget for Financial Year 2018/19, as set out in Appendix 1 to Report 18/143, be approved.
- (ii) The Aberfeldy Common Good Fund Income and Expenditure and the projected outturn to 31 March 2018, as detailed in Appendix 2 to Report 18/143, be noted.

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AUCHTERARDER COMMON GOOD FUND COMMITTEE

Minute of meeting of the Auchterarder Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 25 April 2018 at 11.45am.

Present: Councillors T Gray, P Barrett, M Lyle and C Reid.

In Attendance: D Coyne, C Flynn, R Huczynska, K Molley and J Salisbury (all Corporate and Democratic Services) and S Merone (Housing and Environment).

Councillor T Gray, Convener, Presiding.

222. WELCOME AND APOLOGIES

Councillor Gray welcomed all present to the meeting.

223. DECLARATIONS OF INTEREST

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

224. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Auchterarder Common Good Fund Committee of 4 October 2017 (Arts. 709-714/17) was submitted, approved as a correct record and authorised for signature.

225. MATTERS ARISING

There were no matters arising in terms of Councillors' Code of Conduct.

226. ADVISORY NON-VOTING MEMBER

As its meeting on 20 December 2017, the Council agreed that Common Good Fund Committees have the ability, if they so wish, to invite a member of the local community council(s) to join the Committee as an advisory non-voting member. The Committee was asked to determine how it wishes to implement the decision.

Resolved:

- (i) The community council be invited to send a representative to join the Committee as an advisory, non-voting members.
- (ii) The advisory non-voting membership of the Committee be reviewed after a year.

227. 2018/19 BUDGET & 2017/18 FINANCIAL STATEMENT

There was submitted a report by the Head of Finance (18/144) (1) seeking approval of the budget for Financial Year 2018/19; and (2) providing details of the

PERTH AND KINROSS COUNCIL
AUCHTERARDER COMMON GOOD FUND
25 APRIL 2018

Income and Expenditure to 31 March 2018 and the projected outturn for Financial Year 2017/18 for the Auchterarder Common Good Fund.

Resolved:

- (i) The Auchterarder Common Good Fund budget for Financial Year 2018/19, as set out in Appendix 1 to Report 18/144, be approved.
- (ii) The Auchterarder Common Good Fund Income and Expenditure and the projected outturn to 31 March 2018, as detailed in Appendix 2 to Report 18/143, be noted.

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## **CRIEFF COMMON GOOD FUND COMMITTEE**

Minute of meeting of the Crieff Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 25 April 2018 at 11.50am.

Present: Councillors S Donaldson, P Barrett, R Brock, R McCall and M Lyle.

In Attendance: D Coyne, C Flynn, R Huczynska, K Molley and J Salisbury (all Corporate and Democratic Services) and S Merone (Housing and Environment Service).

Councillor S Donaldson, Convener, Presiding.

### **228. WELCOME AND APOLOGIES**

Councillor Donaldson welcomed all present to the meeting.

### **229. DECLARATIONS OF INTEREST**

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

### **230. MINUTE OF PREVIOUS MEETING**

The minute of meeting of 20 December 2017 (Arts. 715-720) was submitted, approved as a correct record and authorised for signature.

### **231. MATTERS ARISING**

There were no matters arising in terms of Councillors' Code of Conduct.

### **232. ADVISORY NON-VOTING MEMBER**

As it's meeting on 20 December 2017, the Council agreed that Common Good Fund Committees have the ability, if they so wish, to invite a member of the local community council(s) to join the Committee as an advisory non-voting member. The Committee asked to determine how it wishes to implement the decision.

#### **Resolved:**

- (i) The community council be invited to send a representative to join the Committee as an advisory, non-voting members.
- (ii) The advisory non-voting membership of the Committee be reviewed after a year.

### **233. 2018/19 BUDGET & 2017/18 FINANCIAL STATEMENT**

There was submitted a report by the Head of Finance (18/145) (1) seeking approval of the budget for Financial Year 2018/19; and (2) providing details of the

PERTH AND KINROSS COUNCIL  
CRIEFF COMMON GOOD FUND  
25 APRIL 2018

Income and Expenditure to 31 March 2018 and the projected outturn for Financial Year for the Crieff Common Good Fund.

**Resolved:**

- (i) The Crieff Common Good Fund budget for Financial Year 2018/19, as set out in Appendix 1 to Report 18/145, be approved.
- (ii) The Crieff Common Good Fund Income and Expenditure and the projected outturn to 31 March 2018, as detailed in Appendix 2 to Report 18/145, be noted.

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PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 APRIL 2018

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 25 April 2018 at 2.00pm.

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 (up to and including Item 9), J Rebbeck, C Reid, W Robertson, F Sarwar, C Shiers, L Simpson, C Stewart (up to and including Art. Item 9), R Watters, M Williamson and W Wilson.

In Attendance: B Malone, Chief Executive; J Valentine, Depute Chief Executive and Chief Operating Officer; S Devlin, Executive Director (Education and Children's Services); B Renton, Executive Director (Housing and Environment); K McNamara, Depute Director (Housing and Environment); J Pepper, Depute Director (Education and Children's Services); C Mailer and S Merone (both Housing and Environment Service); G Taylor, S Hendry, S Mackenzie, L Simpson, S Walker, R Fry, L Potter and L Aitchison (all Corporate and Democratic Services); Mrs M McFarlane (Non-elected Member of Lifelong Learning Committee).

Provost D Melloy, Presiding.

234. WELCOME AND APOLOGIES

Provost Melloy welcomed Councillor J Duff to his first meeting of the Council following his success at the by-election on 19 April 2018.

There were no apologies submitted.

235. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, the following Councillors declared a non-financial interest in the following items on the agenda:

- Item 3 Councillors E Drysdale, X McDade and C Reid
- Items 3 and 9 Councillor C Ahern
- Item 9 Councillors H Anderson, P Barrett, H Coates and A Parrott

THE HEAD OF DEMOCRATIC SERVICES STEPPED ASIDE FROM THE MEETING TABLE DURING CONSIDERATION OF ITEM 3 IN HER ROLE AS THE CLERK TO THE PERTH AND KINROSS INTEGRATION JOINT BOARD.

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 APRIL 2018

236. NOTICE OF MOTION IN TERMS OF STANDING ORDER 39

In terms of Standing Order 39, the Council considered the following Motion:

Motion (Councillors A Parrott and R Watters)

Council notes that at the meeting of the Perth & Kinross Integration Board (IJB) on 23 March 2018 the IJB considered a paper by its Chief Officer titled "Review of Residential Care." This summarised 4 options and recommended one of these options to voting members for approval.

Council further notes that on the motion of the IJB Chair a decision was taken to approve the recommended option which would mean the closure of Beechgrove Care Home in Perth.

Council wishes its disapproval at this decision to be noted and therefore requests the Leader of the Council to write to the Chair of the Perth and Kinross Integration Board accordingly.

Following a suggestion by Councillor M Lyle, the mover and seconder of the Motion agreed to amend the last sentence as follows:

Council wishes its disapproval at this decision to be noted and therefore requests the Leader of the Council to write to the Chair of the Perth and Kinross Integration Board accordingly, and similarly write to the Chair of Tayside NHS Board and the Cabinet Secretary for Health and Sport, Shona Robison MSP.

Resolved:

In accordance with the Revised Motion.

237. MINUTES OF PREVIOUS MEETINGS

(i) Minute of special meeting of Perth and Kinross Council of 22 February 2018

The minute of the special meeting of Perth and Kinross Council of 22 February 2018 (Arts. 93-97) was submitted, approved as a correct record and authorised for signature.

(ii) Minute of meeting of Perth and Kinross Council of 7 March 2018

The minute of meeting of Perth and Kinross Council of 7 March 2018 (Arts. 108-124) was submitted, approved as a correct record and authorised for signature.

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 APRIL 2018

238. MINUTES OF MEETINGS OF COMMITTEES FROM 14 FEBRUARY 2018 to 3 APRIL 2018

The decisions recorded in Arts. 78-92, 98-107, and 125-175, copies of which had been circulated to all members of the Council, were submitted and noted.

239. TREASURY ACTIVITY AND COMPLIANCE REPORT – 2017/18 QUARTER 4

There was submitted a report by the Head of Finance (18/148) (1) providing a summary of Loans Fund transactions for the quarter ending 31 March 2018; and (2) reporting on compliance with the Council's Treasury Management Policy Statement; Treasury Management Practices; the Investment Strategy and the Prudential Indicators for the same period.

Resolved:

The contents of Report 18/148, submitted in accordance with the Council's Treasury Management Practices, be noted.

240. REPORT OF A JOINT INSPECTION OF SERVICES FOR CHILDREN AND YOUNG PEOPLE IN PERTH AND KINROSS APRIL 2018

There was submitted a joint report by the Chief Executive and Executive Director (Education and Children's Services) (18/149) providing an overview of the inspection findings and evaluations of a Joint Inspection of Services for Children and Young People in the Perth and Kinross Community Planning Partnership area between 11 September and 13 November 2017.

S Devlin, Executive Director (Education and Children's Services) gave a presentation on the contents of the inspection report and answered a number of questions from Councillors.

Resolved:

- (i) The Council notes with pride and wholehearted thanks to everyone involved the Care Inspectorate's assessment that Services for Children and Young People are excellent.
- (ii) The Council also notes that a joint action plan would be prepared and progress reported to the Children, Young People and Families Partnership.

241. LOCAL SCRUTINY PLAN 2018/2019

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (18/150) outlining the Local Scrutiny Plan for Perth and Kinross Council.

Resolved:

The Local Scrutiny Plan 2018/19, attached as Appendix 1 to Report 18/150, be noted.

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 APRIL 2018

242. HARBOUR BUSINESS PLAN – PROGRESS UPDATE

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (18/151) (1) providing an update on the delivery of the Perth Harbour Business Plan; and (2) setting out proposals for the next steps.

It was noted that in Section 2.2 of Report 18/151, the figure quoted in the last paragraph in relation to income should read £28,747 and not £287,747, and in relation to Section 2.3, the net loss figure quoted was less than the budgeted net loss figure quoted.

Resolved:

- (i) The current financial position, as set out in Report 18/151, be noted.
- (ii) The offer from Calmac Ferries Ltd, as the preferred bidder for Harbour operation services, and as set out in Report 18/151, be agreed.
- (iii) The Marine Scotland Licence requests be noted and the Depute Chief Executive and Chief Operating Officer be instructed to take the necessary actions to obtain the Licence.
- (iv) The dredging contract tender publication to be issued when the Licence has been determined to firm up costs and timescales, with the outcome to be reported back to Council.
- (v) Engagement with stakeholders be continued to mitigate risk in terms of costs and timescales.

COUNCILLORS C PURVES AND C STEWART LEFT THE MEETING AT THIS POINT

243. APPOINTMENTS TO COMMITTEES/OUTSIDE BODIES

Resolved:

Local Review Body

- (i) Councillor L Simpson replace Councillor W Wilson as Convener of the Local Review Body, with effect from 1 June 2018.

Tayside Contracts Joint Committee

- (ii) Councillors L Simpson and A Coates replace Councillors W Wilson and C Shiers on the Tayside Contracts Joint Committee.

Tayside Valuation Joint Board

- (iii) Councillors L Simpson and A Coates replace Councillors W Wilson and C Shiers on the Tayside Valuation Joint Board.

PERTH AND KINROSS COUNCIL
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25 APRIL 2018

Perthshire Public Arts Trust

- (iv) Councillor A Forbes replace Councillor C Stewart on the Perthshire Public Arts Trust.

Pitlochry Civic Trust

- (v) Councillor J Duff be appointed to Pitlochry Civic Trust.

Pitlochry Festival Theatre

- (vi) Councillor J Duff be appointed to Pitlochry Festival Theatre.

SEEMis Board of Management

- (vii) Councillor J Duff replace Councillor R McCall on the SEEMis Board of Management.

Tayside Area Support Team for the Children's Hearing System

- (viii) Councillor K Baird replace Councillor R McCall on the Tayside Area Support Team for the Children's Hearings System.

Lifelong Learning Committee and Perth and Kinross Integration Joint Board

(ix) Motion (Councillors M Lyle and P Barrett)

Councillor J Duff replace Councillor X McDade on the Lifelong Learning Committee.

Councillor A Jarvis replace Councillor X McDade on the Perth and Kinross Integration Joint Board.

First Amendment (Councillors M Barnacle and R Brock)

The Council defer consideration of the proposed changes in membership of the Lifelong Learning Committee and Perth and Kinross Integration Joint Board as set out in the Motion.

Second Amendment (Councillors X McDade and J Rebbeck)

Councillor X McDade remain a member of both the Lifelong Learning Committee and the Perth and Kinross Integration Joint Board.

THERE FOLLOWED A TEN MINUTE RECESS AND THE MEETING
RECONVENED AT 4.25PM

In accordance with Standing Order 58, a roll call vote was taken:

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 APRIL 2018

22 members voted for the First Amendment as follows:

Councillors C Ahern, A Bailey, K Baird, M Barnacle, P Barrett, B Brawn, R Brock, 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.

16 members voted for the Second Amendment as follows:

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

The First Amendment became the substantive Amendment and was put against the Motion:

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, C Reid, W Robertson, C Shiers, L Simpson and W Wilson.

17 members voted for the Amendment as follows:

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

There were 2 abstentions from Councillors A Bailey and R Brock.

Resolved:

In accordance with the Motion

244. TIMETABLE OF MEETINGS 2018

Resolved:

A special meeting of the Council take place on Wednesday 29 August 2018 at 2.00pm to consider the Local Development Plan 2.

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## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 1 May 2018 at 10.30am.

Present: Councillors W Wilson, R McCall and L Simpson.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (the Environment Service); S Richards (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

### 245. DECLARATIONS OF INTEREST

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

### 246. MINUTE

The minute of meeting of the Local Review Body of 3 April 2018 was submitted and noted.

### 247. APPLICATIONS FOR REVIEW

**(i) TCP/11/16(513) – Review of Refusal to Discharge Condition 5 of Consent 12/01423/FLL to permit the alternative installation of 7 No. Senvion MM92 Turbines – Tullymurdoch Limited**

Members considered a Notice of Review seeking a review of the refusal to discharge Condition 5 of Consent 12/01423/FLL to permit the alternative installation of 7 No. Senvion MM92 turbines.

The Planning Adviser summarised the extensive planning history of the two planning applications relating to this windfarm development.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning and Legal Advisers, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the refusal to discharge Condition 5 of Consent 12/01423/FLL to permit the alternative installation of 7 No. Senvion MM92 turbines, be granted and Condition 5 of Consent 12/01423/FLL be discharged to that effect.

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
1 MAY 2018

**Justification**

The Local Review Body recognised that the Council had already approved the siting of 7 No. Servion MM92 turbines as proposed in the context of 15/01561/FLL and that the planning application had been implemented in terms of a commencement of development on site and therefore justified the discharge of Condition 5 of Consent 12/01423/FLL.

**(ii) TCP/11/16(524) - Planning Application – 17/02047/FLL – Erection of a dwellinghouse (in principle), land north of 59 Station Road, Invergowrie – Mr S Adams**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection a dwellinghouse (in principle), on land north of 59 Station Road, Invergowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle), on north of 59 Station Road, Invergowrie, be refused for the following reasons:
  - 1. The proposal, by virtue of the sites narrow width and close relationship with the existing property, would have an adverse impact on the density and visual character of the area whilst not achieving a satisfactory level of separation between the proposed new dwelling and the existing dwelling. To this end, the proposal is contrary to Policies PM1A and RD1 of the adopted Perth and Kinross Local Development Plan 2014, which both seek to ensure that new developments within residential areas do not adversely affect the character, density and amenity (visual and residential) of existing areas.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
1 MAY 2018

**248. DEFERRED APPLICATIONS FOR REVIEW**

**(i) TCP/11/16(508) – Planning application - 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain – Mr D S McFadzean**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 6 February 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without (i) an updated report from SAC on the justification of need, reflective of the additional land referred to in the Notice of Review and; (ii) comment from the Development Quality Manager on the updated report from SAC. With the requested further information having been received, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including the requested further information, and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain, be refused for the following reasons:
  - 1. The proposal is contrary to Policy PM1A: Placemaking, of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The density and siting of the development does not respect the character and amenity of the place.
  - 2. The proposal is contrary to Policy PM1B, criterion (c) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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1 MAY 2018

**(ii) TCP/11/16(523) - Planning Application – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – S Kinnaird**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 3 April 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without clarification on the siting and position of the proposed site. With the further information having been received, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including the requested clarification on the siting and position of the proposed site, and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (i) following the site visit, the application be brought back to the Local Review Body.

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 9 May 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale, T Gray, I James, A Jarvis, L Simpson, R Watters and W Wilson.

In Attendance: N Brian, A Condliffe, G Bissett, M Barr, E Jordan, M Lee and L Reid (all Housing and Environment); L Aitchison, S Richards, C Elliott and D Williams (Corporate and Democratic Services).

Councillor R McCall, Convener, Presiding.

249. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. There were no apologies for absence.

250. DECLARATIONS OF INTEREST

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

251. MINUTES

The minute of meeting of the Planning and Development Management Committee of 11 April 2018 (Arts. 176-180) was submitted, approved as a correct record and authorised for signature.

252. DEPUTATIONS

A request for deputation was made with regards to Art. 253(1)(ii). In terms of Standing Order 72, deputations are not permitted on deferred applications, and the request for deputation was not granted.

253. APPLICATIONS FOR DETERMINATION

(1) Applications Previously Considered

- (i) 12/00546/FLL – CROOK OF DEVON – Formation of five permanent gypsy/travellers pitches, Crookmoss, Crook of Devon – Report 18/152 – Messrs J Johnstone and M MacDonald**

Motion (Councillors W Wilson and T Gray)
A closing report be brought to the Planning and Development Management Committee once all planning matters have been resolved.

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Amendment (Councillors M Barnacle and H Coates)
Defer for a visit to the environs of the site to clarify the adequacy of the landscaping and the general condition of the site.

In accordance with Standing Order 58, a roll call vote was taken.

10 members voted for the Motion as follows:
Councillors H Anderson, B Band, B Brawn, E Drysdale, T Gray, I James, R McCall, L Simpson, R Watters and W Wilson.

3 members voted for the Amendment as follows:
Councillors M Barnacle, H Coates and A Jarvis.

Resolved:

In accordance with the Motion.

(ii) 17/01260/FLL – COUPAR ANGUS – Erection of 2 dwellinghouses, land east of Abbeyhill, Precinct Street, Coupar Angus – Report 18/153 – Ward Builders

In terms of Standing Order 28, it was agreed that only Members who had attended the first consideration of the application would be eligible to vote. Councillors H Coates and R Watters declared that they would not be eligible to vote on the item.

Motion (Councillors W Wilson and E Drysdale)
Grant, subject to the terms, conditions and informatives contained in Report 18/153.

Amendment (Councillors B Brawn and L Simpson)
Refuse the application for the following reason:
The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed development does not contribute positively to the surrounding built environment as the house proposed for plot 2 to the south of the site would not fit within the local landscape due to inappropriate narrow size of the plot.

In accordance with Standing Order 58, a roll call vote was taken.

5 members voted for the Motion as follows:
Councillors H Anderson, E Drysdale, T Gray, R McCall and W Wilson.

6 members voted for the Amendment as follows:
Councillors B Band, M Barnacle, B Brawn, I James, A Jarvis and L Simpson.

Resolved:

In accordance with the Amendment.

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## **SPECIAL MEETING OF THE LICENSING COMMITTEE**

Minute of the Special Meeting of the Licensing Committee held in Room 410, Fourth Floor, Council Building, 2 High Street, Perth on Thursday 10 May 2018 at 10.00am.

Present: Councillors R Brock (Convener), I James (Vice-Convener), C Ahern, B Brawn, A Coates and A Jarvis.

In Attendance: M McLaren, S Michie, L Cormack and A Taylor (all Corporate and Democratic Services); and K McKenzie (The Environment Service).

Apologies for Absence: Councillors D Illingworth, A Parrott, B Pover, J Rebbeck, F Sarwar, L Simpson and R Watters.

Councillor R Brock (Convener), Presiding.

### **254. WELCOME AND APOLOGIES/SUBSTITUTES**

The Convener welcomed everyone to the meeting. Apologies for absence were submitted and noted as above.

### **255. DECLARATIONS OF INTEREST**

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

### **256. GRANT OF MARKET OPERATOR LICENCE NO. MO76**

There was submitted a report by the Head of Legal and Governance Services (18/154) together with a letter of objection from Mr E Grierson, dated 5 April 2018.

Ms Ashleigh Van Blerk, IMG (UK) Ltd, was in attendance and spoke to the application. Ms Van Blerk also answered Members' questions.

The Committee also heard from Councillor Xander McDade, representing the objector. Councillor McDade also answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

#### **Resolved:**

Market Operator Licence No. MO76 be granted for a period of 3 years.

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HOUSING AND COMMUNITIES COMMITTEE

Meeting of the Minute of the Housing and Communities Committee held in the Council Chambers, 2 High Street, Perth on Wednesday 16 May 2018 at 10.00am.

Present: Councillors P Barrett, B Brawn, C Ahern, H Coates, E Drysdale, T Gray, D Illingworth, R McCall, S McCole, X McDade (substituting for Councillor A Bailey), T McEwan, B Pover and C Shiers.

In Attendance: B Renton, Executive Director (Housing and Environment Service); K McNamara, Depute Director (Housing and Environment Service); C Mailer, C Hendry, M Dow and D McPhee (all Housing and Community Safety); C Flynn, S Richards, D Stokoe and A Taylor (all Corporate and Democratic Services).

Also in Attendance: Chief Superintendent P Anderson (from Art. 262(i)) and Chief Inspector I Scott (both Police Scotland); Area Manager G Pryde, Group Manager B McLintock and Station Manager S Gibson (all Scottish Fire and Rescue Service); C Stewart and J Rose (both Tenants' Representatives).

Apologies: Councillor A Bailey.

Councillor Barrett, Convener, Presiding.

257. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting. An apology for absence and a substitute was noted as above.

258. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors Code of Conduct.

259. MINUTE OF THE MEETING OF THE HOUSING AND COMMUNITIES COMMITTEE OF 28 MARCH 2018 FOR APPROVAL AND SIGNATURE

The minute of the meeting of the Housing and Communities Committee of 28 March 2018 (Art. 155-163) was submitted and approved as a correct record and authorised for signature.

IN TERMS OF STANDING ORDER 34 THE COMMITTEE AGREED TO VARY THE ORDER OF BUSINESS TO CONSIDER ITEMS P1 & P2 AT THIS POINT AND TO RECOMMENCE THE PUBLIC SESSION WITH POLICE AND FIRE: LOCAL SCRUTINY AND ENGAGEMENT FOLLOWED BY THE COMMUNITY PLANNING PARTNERSHIP UPDATE.

IT WAS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER

**TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS
OF SCHEDULED 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.**

**260. SCOTTISH FIRE AND RESCUE SERVICE – OPERATIONAL UPDATE FOR
PERTH AND KINROSS**

The Committee received and noted a verbal report from Area Manager G Pryde of the Scottish Fire and Rescue Service (SFRS) on information which was not to be made publically available.

**261. POLICE SCOTLAND – OPERATIONAL UPDATE FROM PERTH AND
KINROSS**

The Committee received and noted a verbal report from Chief Inspector I Scott of Police Scotland “D” Division (Tayside) on information which was not to be made publically available.

**THE PUBLIC AND PRESS WERE RE-ADMITTED TO THE MEETING AT THIS
POINT**

262. POLICE AND FIRE REFORM: LOCAL SCRUTINY AND ENGAGEMENT

**(i) Fire and Rescue Quarterly Performance Report – 1 January to
31 March 2018**

There was submitted a report by Area Manager G Pryde, Scottish Fire and Rescue Service (18/160) on the performance of the SFRS against the priorities, performance indicators and targets detailed within the Local Fire and Rescue Plan for Perth and Kinross 2017-20, for the fourth quarter, 1 January to 31 March 2018.

In responding to a question from Councillor Shiers on road traffic collision incidents between the A85 through to the A93 up to the Spittal of Glenshee where a number of incidents have occurred and whether there was any way of breaking down the type of vehicles involved in these collisions, Area Manager Pryde advised that the Scottish Fire and Rescue Service do not hold these kind of statistics but that they are held within the Road Safety Partnership. He further advised that SFRS work closely with all partners to identify who should be targeted through education, prevention and enforcement, to ensure all partners get the message right.

Councillor McEwen made reference to a fire safety video regarding people living in caravans and the influx of seasonal workers coming into Perthshire; he also referenced the current growth of permanent caravan sites in the area where people are now choosing to live permanently and queried the inspections carried out by SFRS on these sites and the outcomes from these inspections. Area Manager Pryde confirmed there is specific legislation covering caravan sites, these are

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in relation to firefighting provision on-site and the spacing between premises/caravans, significant work continues to be carried out with migrant sites around educational and enforcement work, Area Manager Pryde agreed to provide a breakdown of the inspection and community engagement work that had been done at the various sites in Perth and Kinross.

Councillor Ahern asked if any common faults had been identified on the number of unwanted fire alarm calls due to equipment failure and what could be done to counter these. In response Area Commander Pryde confirmed that a lot of the equipment failures were caused by poor maintenance, he stressed that every time SFRS attend an unwanted fire alarm call the officers from the front line appliances engage with the owner/occupier of the premises to identify the cause and to see if any remedial actions can be put in place and offer support and advice to prevent repeat calls.

Resolved:

The performance of the Scottish Fire and Rescue Service in Perth and Kinross area for the fourth quarter, 1 January to 31 March 2018, as detailed in Report 18/160, be noted.

**(ii) Perth and Kinross Local Policing Area Performance Results –
1 January to 31 March 2018**

There was submitted a report by Chief Superintendent P Anderson, Police Scotland 'D' Division (Tayside) (18/161) on the performance of Police Scotland against the local policing priorities for the Perth and Kinross area as set out in the Local Policing Plan for the period 1 January – 31 March 2018.

Councillor McEwen made reference to a recent case and subsequent arrests where cannabis oil was being used in the production of sweets and whether this was another mechanism being used by dealers to distribute cannabis with full psychoactive properties. Chief Inspector Scott confirmed that in this case the criminality was much more destructive, it was looking to encourage young people in particular to take sweets with psychoactive properties.

Councillor Shiers asked about the Police Scotland work with licensed premises throughout Perth and Kinross through the Pubwatch Scheme to deal with the underage drinking, and specifically those premises that are failing to engage properly with the Scheme. Chief Inspector Scott stated that in his opinion licensed premises in Perth and Kinross are well run due to the professionalism and positivity that make them safe places, he further stated that the majority of underage drinking is facilitated more by parents, friends and siblings. He advised that Police Scotland are more proactive in relation to visiting licensed premises, on average fifty licensed premises across the Perth and

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Kinross area are visited over a weekend and any friction points addressed at the time of the visit are taken back to the Licensing Team to ensure that any longer term issues identified with problem premises can be challenged, supported and educated and ultimately reported to the Procurator Fiscal, if necessary.

In response to a question from Councillor Brawn regarding burglaries and the recent high profile incident in England, he queried exactly what the public can and cannot do should they be unfortunate to encounter a burglar in their property, Chief Inspector Scott advised people should be encouraged not to overreact, but members of the public are entitled to defend themselves and their property, any action taken has to be proportionate and realistic at the time.

Resolved:

The performance of Police Scotland against the local policing priorities for the Perth and Kinross area as detailed in Report 18/161 be noted.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED AT 11.40AM.

CHIEF SUPERINTENDENT P ANDERSON AND CHIEF INSPECTOR I SCOTT BOTH LEFT THE MEETING AT THIS POINT.

263. COMMUNITY PLANNING PARTNERSHIP UPDATE

There was submitted a report by the Depute Director (Housing and Environment) (18/159) providing an update on the activities of the Community Planning Partnership (CPP).

Resolved:

The progress made in relation to Community Planning be noted.

264. SCOTTISH FIRE AND RESCUE SERVICE TRANSFORMATION CONSULTATION – OVERVIEW OF TRANSFORMATION PROPOSALS AND PERTH AND KINROSS COUNCIL RESPONSE

Members heard a presentation by C Mailer, Head of Housing, providing details of the Council's response to the Scottish Fire and Rescue Service Transformation Consultation. Following the presentation, C Mailer answered Members' questions.

Area Manager G Pryde of the Scottish Fire and Rescue Service (SFRS) also answered Members questions.

Resolved:

The Executive Director (Housing and Environment) in consultation with the Convener and Vice-Convener be remitted to agree the final wording of the Council's

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response to the Scottish Fire and Rescue Service Transformation Consultation before the 18 May 2018 deadline.

AREA MANAGER G PRYDE, GROUP MANAGER B MCLINTOCK AND STATION MANAGER S GIBSON ALL LEFT THE MEETING AT THIS POINT.

265. GYPSY/TRAVELLER STRATEGY 2013-18 – REVIEW REPORT

There was submitted a report by the Head of Strategic Commissioning and Organisational Development (18/162) providing a progress report on the actions contained in the Gypsy/Traveller Strategy 2013-18, following, a review prior to a revised Strategy being developed later this year.

Resolved:

- (i) The contents of Report 18/162 be approved.
- (ii) The update on agreed actions as detailed in Appendix 1 of Report 18/162, be noted.
- (iii) It be agreed that the report be shared with the Community Planning Partnership.
- (iv) Following consultation, the Executive Director (Housing and Environment Service) be instructed to bring the revised Strategy back to this Committee in August 2018.

266. HOUSING AND ADULT SOCIAL CARE COMPLAINTS AND CUSTOMER FEEDBACK

There was submitted a report by the Executive Director (Housing and Environment) (18/163) (1) providing details of complaints received between 1 April 2017 and 31 March 2018 across Housing and Adult Social Care; (2) the number of Stage 1 and Stage 2 complaints received including examples of feedback from the customer satisfaction surveys; and (3) providing an overview of actions taken to improve services as a result of customer feedback.

Resolved:

- (i) The contents of Report 18/163 and the impact that feedback from customers has had on improving services be noted.
- (ii) The improvement actions outlined to support and improve how we handle complaints and improve the customer experience be noted.
- (iii) It be noted that this report will also be submitted to the Scrutiny Committee.

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## **LIFELONG LEARNING COMMITTEE**

Minute of meeting of the Lifelong Learning Committee held in the Council Chamber, 2 High Street, Perth, PH1 5PH on Wednesday 16 May 2018 at 2.00pm.

Present: Councillors C Shiers, W Wilson, K Baird, A Coates, J Duff, A Forbes, R McCall (substituting for Councillor C Purves), X McDade (substituting for H Anderson), T McEwan, B Pover, J Rebbeck, C Reid and F Sarwar; and Mrs P Giles.

In attendance: Councillor M Barnacle (up to and including Art. 272; S Devlin, Executive Director (Education & Children's Services); R Hill, S Johnston, G Boland, J Cockburn, G Findlay, K Robertson and C Taylor (all Education & Children's Services); P Marshall (Housing and Environment); S Richards, M Willis, S Rodger; C Flynn and S Hendry (all Corporate and Democratic Services); R McCall and F Macdonald, Perth and Kinross Youth Forum.

Apologies for absence: Councillors H Anderson and C Purves; Mrs A McAuley and Mrs M McFarlane.

Councillor C Shiers, Convener, Presiding.

### **267. WELCOME AND APOLOGIES**

The Convener welcomed all those present to the meeting. Apologies for absence were noted as above.

### **268. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, Councillor F Sarwar declared a financial interest in Art. 273, and Councillor X McDade declared a non-financial interest in Art. 273.

### **269. REQUEST TO ADDRESS COMMITTEE**

In terms of Standing Order 66, the Committee agreed to hear from Councillor M Barnacle in relation to Art. 272.

The Committee agreed to vary the order of business to hear from Councillor M Barnacle immediately before Art. 272.

### **270. MINUTES**

#### **(i) Lifelong Learning Committee**

The minute of meeting of the Lifelong Learning Committee of 21 March 2018 (Arts. 145-154) was submitted, approved as a correct record and authorised for signature.

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**(ii) Joint Negotiating Committee for Teaching Staff**

The minute of meeting of the Joint Negotiating Committee for Teaching Staff of 16 January 2018 was submitted and noted. (*Appendix I*)

**271. APPOINTMENTS**

**Resolved:**

- (i) Robert McCall and Fraser Macdonald from the Perth and Kinross Youth Forum be appointed to the Lifelong Learning Committee.
- (ii) Councillor C Purves be appointed to the Executive Sub-Committee of the Lifelong Learning Committee.
- (iii) Councillor K Baird be appointed to the Perth and Kinross Joint Negotiating Committee for Teaching Staff.
- (iv) Councillors A Coates, J Duff, C Purves, J Rebbeck, F Sarwar and W Wilson be appointed to the Perth and Kinross Educational Trust Committee.

**272. OPTIONS APPRAISAL – BLAIRINGONE PRIMARY SCHOOL**

There was submitted a report by the Executive Director (Education and Children's Services) (18/155) seeking agreement to commence statutory consultation on a proposal to close Blairingone Primary School.

In terms of Standing Order 66, Councillor M Barnacle addressed the Committee as a local member of Ward 8. Following answering a number of questions from the Committee, he withdrew to the public benches.

**Motion (Councillors C Shiers and K Baird)**

- (i) The recommendation of the options appraisal, attached as Appendix A to Report 18/155, that a statutory consultation in relation to the closure of Blairingone Primary School should take place, be approved.
- (ii) The Executive Director (Education and Children's Services) be instructed to prepare and publish a proposal paper to close Blairingone Primary School, transfer pupils to Fossoway Primary School and extend the delineated area of Fossoway Primary School to subsume the whole catchment area of Blairingone Primary School.
- (iii) The Executive Director (Education and Children's Services) be instructed to formally consult the appropriate bodies and persons on the terms of the proposal paper, all in terms of the Schools (Consultation) (Scotland) Act 2010.
- (iv) The Executive Director (Education and Children's Services) be delegated authority to investigate and manage any alleged omissions or inaccuracies during the consultation process and to take appropriate action in accordance with The Schools (Consultation) (Scotland) Act 2010.
- (v) The Executive Director (Education and Children's Services) be instructed to prepare a report on the results of the consultation and



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**report back on the outcome of the consultation to a future meeting of the Lifelong Learning Committee.**

Amendment (Councillors X McDade and J Rebbeck)

- (i) Delete recommendations 4.1 and 4.2 of Report 18/155 and keep Blairingone Primary School open, recognising the strong developer interest in building a significant number of new houses within the catchment that would potentially increase the school roll. Also recognising that a rural school is the heart of it's community and the detrimental effect the closure would have on the area.
- (ii) Requests that the Executive Director (Education & Children's Services) explore the possibility of establishing a nursery class within Blairingone Primary School, to help sustain the future school roll and support the delivery 1140 hours childcare locally, following the recent closure of a local private nursery. Asks that the Executive Director report back on the feasibility of this at a future Lifelong Learning Committee meeting.

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

9 Members voted for the Motion as follows:

Councillors K Baird, A Coates, J Duff, A Forbes, R McCall, C Reid, C Shiers and W Wilson; and Mrs P Giles.

5 Members voted for the Amendment as follows:

Councillor X McDade, T McEwan, B Pover, J Rebbeck and F Sarwar.

**Resolved:**

In accordance with the Motion.

THERE FOLLOWED A 10 MINUTE RECESS AND THE MEETING RECONVENED AT 3.28PM.

**273. EXPANSION OF EARLY LEARNING AND CHILDCARE**

There was submitted a report by the Executive Director (Education and Children's Services) (18/156) (1) providing an update on progress on the planning for delivery of 1140 hours of Early Learning and Childcare by 2020; (2) outlining the main changes made to the draft expansion plan following engagement with the Scottish Government Service Delivery Group; and (3) detailing proposals for the next phase of implementation.

**Resolved:**

The contents of Report 18/156 be noted and the Executive Director (Education and Children's Services) be instructed to provide a further report on the progress achieved over session 2018/2019 by August 2019.

Councillor X McDade requested his dissent be recorded in relation to the lack of rural provision in Ward 4 of Early Learning and Childcare.

## **274. IMPLEMENTATION OF CARERS (SCOTLAND) ACT 2016**

There was submitted a report by the Executive Director (Education and Children's Services) (18/157) (1) setting out proposals for implementing new duties in relation to Young Carers contained in the Carers (Scotland) Act 2016; (2) setting out the outcomes of consultation with people with caring responsibilities; and (3) seeking approval for a framework of eligibility and support for Young Carers.

### **Resolved:**

- (i) The progress made to meet the duties contained within the Carer (Scotland) Act 2016, as detailed in Report 18/157, be noted.
- (ii) The *Getting it Right for Young Carers: A Framework for Support*, as set out in Report 18/157, be approved for implementation over 2018/19.

## **275. MAXIMISING PRIMARY SCHOOL CAPACITIES**

There was submitted a report by the Executive Director (Education and Children's Services) (18/158) seeking approval to maximise capacities in specific primary schools on a temporary basis if required, applying Scottish Government guidance of 1.7m<sup>2</sup>.

### **Resolved:**

- (i) It be agreed that the Executive Director (Education and Children's Services) can apply the Scottish Government guidance of 1.7 m<sup>2</sup> per pupil for primary schools, if required, to accommodate children living in the catchment area.
- (ii) The Executive Director (Education and Children's Services) be requested to include an update on the use of the variations in the annual Reserved Places Report to Lifelong Learning Committee.

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PERTH AND KINROSS COUNCIL
LIFELONG LEARNING COMMITTEE (Art. 272(ii)) (Appendix I)
16 MAY 2018

JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF

Minute of meeting of the Joint Negotiating Committee for Teaching Staff (JNCT) held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Tuesday 16 January 2018 at 2.30pm.

Present:

Representing Perth and Kinross Council

Councillor K Baird (substituting for Councillor C Shiers); R Hill, D MacLeod, T Pupillo and A Thomson (all Education and Children's Services) (ECS); P Steel (Corporate and Democratic Services).

Representing Teachers' Associations

E Campbell, E Connon, J Cook, M Laurie and C Weston (all EIS); A Johnston (SSTA); and S Topen-Cooper (NASUWT).

In Attendance:

A McAuley (Joint Secretary for Teachers' Side); C Flynn and L Brown (for Joint Secretary, Management Side); B Martin-Scott (ECS).

Apologies:

B Berhane and C Rose (both EIS), C McDonald (VOICE); Councillors R McCall, F Sarwar and C Shiers; S Devlin and S Johnston (both ECS).

E Campbell, Convener, Presiding.

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted and noted as above.

2. DECLARATIONS OF INTEREST (ELECTED MEMBERS ONLY)

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

3. APPOINTMENT OF VICE-CONVENER

Councillor R McCall be appointed Vice-Convener of the JNC until 30 April 2019.

4. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Joint Negotiating Committee for Teaching Staff of 14 November 2017 was submitted and approved as a correct record.

5. MATTERS ARISING

(i) Bertha Park High School – (Item 4(i) refers)

R Hill confirmed that first round interviews were scheduled for the forthcoming week for the Headteacher post at Bertha Park High School.

(ii) Joint Inspection of Children, Young People and Families Service

R Hill reported that positive feedback had been received from the inspectors on the joint inspection of the Children, Young People and Families Service. A professional discussion meeting was scheduled to take place in the near future at which any issues on the feedback received will be discussed. The final report on the inspection will be published at the end of March 2018.

(ii) Empowering Schools: A Consultation on the Provision of the Education (Scotland) Bill

R Hill advised a copy of the consultation on the provision of the Education (Scotland) Bill had been sent out to all head teachers in Perth and Kinross Council's school on 8 January 2018. A draft response to the consultation was being prepared for discussion by the ECS Senior Management Team.

6. REPORTS OF VIOLENCE AND AGGRESSION AGAINST STAFF IN PERTH AND KINROSS SCHOOLS – TERM 1 (15 AUGUST 2017 – 6 OCTOBER 2017) – ACADEMIC SESSION 2017-2018

There was submitted a statistical report by the Executive Director (Education and Children's Services) (G/18/1) detailing the number of reported incidents of violence and aggression against staff in schools during the period 15 August to 6 October 2017; Term 1 of Academic Session 2017-18.

R Hill reported that a working group had been established to look in to the introduction of an electronic version of the incident reporting form. Through C Weston he extended an invitation for a representative of teaching professions to join the working group.

In response to a question from the teaching representatives R Hill advised that he would investigate and report back on how the target numbers within the report are created. He confirmed in response to a further question that the number of agencies involved with the young people involved in these incidents is quite significant. He advised that Local Management Groups are encouraging staff in schools to report any incidents. E Campbell welcomed the news that head teacher are viewing the reporting these incidents as a positive step.

It was noted that in the specialist provision sector the number of recorded incidents of violence and aggression had decreased significantly compared to

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Secondary schools where there was an increasing trend. It was further noted that there was a continuing trend where most of the incidents involved boys and therefore specific strategies to address this should be considered.

The Committee noted the report.

7. TAY REGIONAL COLLABORATIVE

The Committee received a verbal report by R Hill on the Tay Regional Collaborative.

- Five priority groups linked to the priorities of the Tayside Plan for Children & Young People are now well established.
- The Tayside Learning and Attainment Group (TLAG) consists of four Heads of Service, Education Scotland Regional Lead Officer, Care Inspectorate Regional Lead Officer and the leads of the Regional Improvement Collaborative themes.
- A draft TRIC plan will be submitted to the Scottish Government at the end of January 2018.
- Four themes for collaborative working to bring about improvement have been identified using NIF data, CfE data, School Improvement Plans and EA plans. The four themes are Numeracy, Learning & Teaching, School Improvement and Leadership Development.
- All members of the Leadership Development sub-theme will take part in the new national leadership development programme from SCEL/ADES - Leading Systems Change
- S Devlin, as TRIC lead will be attending all Headteacher meetings across the 3 Education Authorities (EA) and a board meeting at NHS Tayside to provide an update.
- Twilights for all staff will be arranged for this term in each EA – information sharing and Q & A opportunities.
- A 6-8 weekly communication bulletin will be issued for all staff
- S Devlin and the other six regional leads are members of the Scottish Education Council chaired by John Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills.
- 21 February 2018 – Tayside and SG led Headteacher meeting to share practice across the area in the use of Pupil Equity Fund funding for school leaders.

8. INCLUSION SERVICE REVIEW UPDATE

There was submitted for information a paper on the review of Inclusion Services (G/18/2). The paper provided an update on the review and detailed the work completed to date by the 5 work streams of: (1) Inclusive Ethos; (2) Predictable Needs; (3) Exceptional Needs; (4) Specialist Resourcing and (5) Inclusion Support Services.

The Committee noted the paper.

9. NEW ROUTES INTO TEACHING

The Committee received a presentation from Bernadette Scott, Quality Improvement Officer on new routes into teaching.

10. ANY OTHER COMPETENT BUSINESS

(i) Teachers' Pay Award

P Steel advised a circular on the pay awards to teaching staff had been received on 19 December 2017. It was hoped that this would be paid into teachers January salaries. She advised that no backdated pay would be made to anyone who is not currently employed by Perth and Kinross Council, unless a letter requesting this is received from the individuals involved. P Steel agreed to check if there was a time limit for this.

Post meeting note:

P Steel advised retirees will receive the pay award back pay automatically, however, others must submit a request. Requests will not be time limited.

(ii) Timetable of Meetings for 2018

L Brown reported that the meeting of the JNCT timetabled for November 2018 and January 2019 will be replaced by a meeting on 4 December 2018.

The Committee noted the position.

11. DATE OF NEXT MEETING

27 March 2018 at 2.30pm.

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## **ENVIRONMENT AND INFRASTRUCTURE COMMITTEE**

Minute of meeting of the Environment and Infrastructure Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 23 May 2018 at 10.00am.

Present: Councillors A Forbes, X McDade (up to and including Art. 283) (substituting for Councillor M Barnacle), C Ahern (Substituting for Councillor R McCall), A Bailey, K Bair, S Donaldson, D Doogan, D Illingworth (Substituting for Councillor C Purves) A Jarvis, G Laing, A Parrott, W Robertson, C Reid, R Watters and M Williamson.

In Attendance: B Renton, Executive Director (Housing & Environment); B Cargill, A Clegg, S D'All, A Graham, D McKeown, S Perfett, B Reekie, and W Young (all Housing & Environment) C Flynn and K Molley (both Corporate and Democratic Services).

Apologies for Absence: Councillors M Barnacle, R McCall and C Purves.

Councillor A Forbes, Convener, Presiding.

### **276. WELCOME AND APOLOGIES**

The Convener welcomed everyone to the meeting and apologies and substitutions were noted as above.

### **277. DECLARATIONS OF INTEREST**

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

### **278. REQUEST FOR DEPUTATION**

In terms of Standing Order 72, The Committee agreed that Neil Combe be allowed to address the Committee in relation to Art. 281.

### **279. MINUTE OF PREVIOUS MEETING**

- (i) It had been agreed at the previous meeting (Art. 132 refers) that a report on the conditions of the Roads in Perth and Kinross be brought to this Committee. The Committee agreed to hear a presentation from S D'All, Housing and Environment on this subject. S D'All addressed the Committee and answered questions from members. It was agreed that all Councillors would get a copy of S D'All's presentation. The Convener thanked S D'All for his presentation.

- (ii) Perth Winter Festival (Art. 134 refers)

In response to a query from Councillor Laing, regarding the closure of public toilets throughout the winter period, B Renton confirmed that the Council have their own stock of portable toilets and a number of comfort schemes already

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exist for specific events. B Renton confirmed that she would check the difference in cost between deploying portable toilets compared to keeping the toilets open throughout the winter period.

- (iii) The minute of the meeting of the Environment and Infrastructure Committee of 21 March 2018 was submitted, approved and a correct record and authorised for signature.

**280. BURIAL AND CREMATION FEES FOR CHILDREN**

**Resolved:**

The Committee agreed to waive the fees for burials and cremations for children and young people under 18 years of age and to extend this to 21 years of age subject to the costs identified being within the delegated authority of the Executive Director (Housing & Environment).

**281. RURAL EVENTS FUNDING AND RURAL EVENT APPLICATION – CRIEFF PROMENADE PERFORMANCE EVENT**

Mr Combe addressed the Committee and answered questions from members before returning to the public gallery.

The Convener thanked Mr Combe for his attendance.

There was submitted a report by the Executive Director (Housing and Environment) (18/173) (1) proposing the approach to the criteria and approval process in respect of the 2018/19 non-recurring budget to support rural events; and (2) asking the Committee to consider a request for funding from Crieff Succeeds Ltd from this budget, for a new promenade performance event in Crieff.

**Motion (Councillors A Forbes and C Ahern)**

- (i) **The proposed approach to the management and allocations from the budget for rural start up events, as detailed in Report 18/173, be approved.**
- (ii) **The outlined criteria and conditions of funding for this budget be approved, as detailed in Report 18/173, and subject to the following amendments:**
- **Include Scone in the scheme and remove ‘for example, gala day type events, bonfire nights etc’ from the proposal to allow people who demonstrate the correct scale and that they will qualify for the scheme, no matter what the event may be (paragraph 1.4 of report 18/173 refers)**
  - **Change the criteria from ‘An vent is in its inaugural year and appears viable’ to ‘An event which is in its first or second year and presents a robust indication of ongoing viability’ (paragraph 1.7 of report 18/173 refers)**
  - **Change the criteria ‘There are other sources of funding projected’ to ‘There are other sources of income identified including ticket**



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**sales, sponsorship and other grants' (paragraph 1.7 of report 18/173 refers)**

- (iii) The background to the development of the "Horrible Histories" promenade performance event concept by the Crieff Succeeds Ltd Business Improvement District be noted.**
- (iv) A grant of £30,000 be awarded from the 2018/19 revenue budget for rural start up events to Crieff Succeeds Ltd for the purposes of staging the event in its first year.**

Amendment (Councillors D Doogan and G Laing)

In accordance with the Motion, with the grant awarded to Crieff Succeeds Ltd to be £15,000 in 2018/19 and £15,000 in 2019/20.

In terms of Standing Order 17 the Convener ruled that Councillor D Illingworth would not be permitted to vote as he was not present for the whole debate on the item.

In accordance with Standing Order 58, a roll call vote was taken.

7 members voted for the Motion as follows:

Councillors C Ahern, K Baird, S Donaldson, A Forbes, A Jarvis, C Reid and W Robertson

7 members voted for the Amendment as follows:

Councillors A Bailey, D Doogan, G Laing, X McDade, A Parrott, R Watters and M Williamson.

In accordance with Standing Order 56, the Convener made a casting vote from the Motion.

**Resolved:**

In accordance with the Motion.

**282. VEHICLE-ACTIVATED SIGN (VAS) PROGRAMME**

There was submitted a report by the Executive Director (Housing & Environment) (18/174) (1) detailing the development and implementation of the vehicle-activated sign (VAS) programme in 2017/18; and (2) seeking Committee approval for an expansion of the VAS programme through 2018/19 and 2019/20.

**Resolved:**

- (i) The list of new VAS installed in 2017/18, as detailed in Appendix 1 to report 18/174, be noted.**
- (ii) The list of existing VAS replaced or upgrade in 2017/18, as detailed in Appendix 2 to report 18/174, be noted.**
- (iii) The list of new VAS sites to be installed, starting in 2018/19 as detailed in Appendix 3 to report 18/174, be approved.**
- (iv) The list of existing VAS to be replaced or upgraded, starting in 2018/19 as detailed in Appendix 4 to report 18/174, be approved.**

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- (v) It be noted that the implementation of the VAS programme is scheduled over the next two financial years (2018/19 and 2019/20).

**283. ACTIVE TRAVEL STRATEGY – NEW RURAL FOOTWAYS ASSESSMENT CRITERIA**

There was submitted a report by the Executive Director (Housing & Environment) (18/177) detailing the assessment criteria for the list of requested rural footways and recommends the new footway schemes to be progressed in 2018/19.

**Resolved:**

- (i) The revised assessment criteria for requests for rural footways be approved.
- (ii) The completed footway schemes, as detailed in Appendix 1 to report 18/177, be noted.
- (iii) The Executive Director (Housing and Environment) be instructed to bring back a further report in due course on the implementation of the assessment criteria.

**284. ACTIVE TRAVEL STRATEGY - CYCLING, WALKING AND SAFER STREETS (CWSS) PROJECTS 2018/19**

There was submitted a report by the Executive Director (Housing & Environment) (18/175)(1) detailing the Cycling, Walking and Safer Streets (CWSS) projects implemented in 2017/18); and (2) seeking approval for a list of Cycling, Walking and Safer Streets projects for 2018/19 and for potential schemes in 2019/20.

**Resolved:**

- (i) The schemes implemented from the Cycling, Walking and Safer Streets Grant Funding in 2017/18, as detailed in Appendix 1 to report 18/175, be noted.
- (ii) The list of works for Cycling, Walking and Safer Streets Projects for the financial year 2018/19, as detailed in Appendix 2 to report 18/175, be approved.
- (iii) The proposed subjects to be progressed in 2018/19 and carried out in 2019/20 be noted.

COUNCILLORS A BAILEY AND X MCDADE LEFT THE MEETING AT THIS POINT

**285. COMMUNITY ENVIRONMENT FUND CHALLENGE**

There was submitted a report by the Executive Director (Housing & Environment) (18/176) (1) providing an update on the award of Community Environment Challenge Funding to community groups between April 2017 and March 2018; (2) recommending that an allocation from the fund be available to assist community groups to leverage additional funding from the Scottish Landfill Communities Fund; and (3) recommending that the Fund is expanded to include applications in relation to the improvement of sports pitches and sports ground pavilions.

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**Resolved:**

- (i) The Executive Director (Housing & Environment) be instructed to report the outcomes of the Community Environment Challenge Fund (CECF) for 2018/19 to the Committee in 12 months' time.
- (ii) The Council continue to act as a Contributing Third Party and that an allocation of £20,000 from the CECF is available as a contribution to assist community groups to leverage further funding from the Scottish Landfill Communities Fund.
- (iii) The expansion of the CECF to include applications in relation to the improvement of sports pitches and sports ground pavilions be approved.

**286. ACTIVE TRAVEL STRATEGY - REDETERMINATION OF BUTE DRIVE, PERTH – FOOTWAYS FOR SHARED USE**

There was submitted a report by the Executive Director (Housing & Environment) (18/177) (1) proposing to re-determine the footpath at Bute Drive, Perth to shared use for pedestrians and cyclists; and (2) indicating where shared use is proposed and seeking approval to commence the legal process required to implement this.

**Resolved:**

The legal process for the promotion of a Redetermination Order Under Section 15(2) of the Roads (Scotland) Act 1984 to allow the footways identified in Appendix 1 to report 18/177 to be converted to shared use for pedestrians and cyclists be approved.

**287. ACTIVE TRAVEL STRATEGY - RE-DETERMINATION OF SHORE ROAD AND TAY STREET, PERTH – FOOTWAYS FOR SHARED USE**

There was submitted a report by the Executive Director (Housing & Environment) (18/179) proposing to re-determine the footway at Shore Road and Tay Street, Perth to shared use for pedestrians and cyclists.

**Resolved:**

The legal process for the promotion of a Redetermination Order Under Section 15(2) of the Roads (Scotland) Act 1984 to allow the footways identified in Appendix 1 to report 18/179 to be converted to shared use for pedestrians and cyclists be approved.

**288. PROPOSED VARIATION TO WAITING RESTRICTIONS BUTE DRIVE, PERTH (WARD 12)**

There was submitted a report by the Executive Director (Housing & Environment) (18/180) (1) outlining problems experienced by residents in Bute Drive, Perth due to indiscriminate parking; and (2) recommending a variation to the Perth City Management Order to vary the waiting restrictions on Bute Drive, Perth.

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**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to introduce No Waiting at Any Time waiting restrictions on Bute Drive, as described in Report 18/180, be approved.

**289. PROPOSED ONE WAY ROAD AT MARKET SQUARE, ALYTH (WARD 2)**

There was submitted a report by the Executive Director (Housing & Environment) (18/181) (1) proposing to introduce a one way road restriction at Market Square, Alyth (Ward 2); and (2) recommending the start of varying the Traffic Regulation Order for the one way road restriction.

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to allow the start of the process towards the introduction of a one way road restriction in Market Square, Alyth, be agreed.

**290. PROPOSED 40MPH SPEED LIMIT AT STRATHTUMMEL(B8019) (WARD 4)**

There was submitted a report by the Executive Director (Housing & Environment) (18/182) proposing to introduce a 40mph Speed limit at Strathtummel (B8019). The report recommended the start of varying the Traffic Regulation Order for the 40mph Speed Limit.

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to allow the start of the process towards the introduction of a 40mph speed limit, be agreed.

**291. PROPOSED 40MPH SPEED LIMIT AT NEWBURGH ROAD (A913), ABERNETHY (WARD 9)**

There was submitted a report by the Executive Director (Housing & Environment) (18/183) (1) proposing to introduce a 40mph Speed Limit at Newburgh Road, Abernethy; and (2) recommending the start of varying the Traffic Regulation Order for the 40mph Speed Limit.

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to allow the start of the process towards the introduction of a 40mph speed limit be agreed.

**292. PROPOSED 30MPH SPEED LIMIT AT MONEYDIE (C408) (WARD 5)**

There was submitted a report by the Executive Director (Housing & Environment) (18/184) (1) proposing to introduce a 30mph Speed Limit at Moneydie; and (2) recommending the start of varying the Traffic Regulation Order for 30mph Speed Limit.

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to allow the start of the process towards the introduction of a 30mph speed limit be agreed.

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**293. PROPOSED 30MPH SPEED LIMIT AT CROFTINLOAN (U165), PITLOCHRY (WARD 4)**

There was submitted a report by the Executive Director (Housing & Environment) (18/185) (1) proposing to introduce a 30mph Speed Limit at Croftinloan, Pitlochry; and (2) recommending the start of varying the Traffic Regulation Order for 30mph Speed Limit.

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to allow the start of the process towards the introduction of a 30mph Speed Limit be agreed.

**294. PROPOSED 40MPH SPEED LIMIT AT PERTH ROAD (B934), DUNNING (WARD 7)**

There was a report submitted by the Executive Director (Housing & Environment) (18/186) (1) proposing to introduce a 40mph Speed Limit at Perth Road, Dunning; and (2) recommending the start of varying the Traffic Regulation Order for 40mph Speed Limit at Perth Road, Dunning.

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to allow the start of the process towards the introduction of a 40mph Speed Limit be agreed.

**295. AMENDMENTS TO THE LIST OF PUBLIC ROADS**

There was a report submitted by the Executive Director (Housing & Environment) (18/187) recommending that the List of Public Roads be updated to take account of the amendments detailed in the report.

**Resolved:**

The amendments to the list of public roads, as detailed in Appendix 1 to Report 18/187, be agreed.

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PERTH AND KINROSS COUNCIL
AUDIT COMMITTEE
23 MAY 2018

AUDIT COMMITTEE

Minute of meeting of the Audit Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 23 May 2018 at 2.00pm.

Present: Councillors E Drysdale, B Band, K Baird, A Coates, S Donaldson, D Illingworth and X McDade.

In Attendance: D Adam, J Clark, C Irons, M Morrison, G Taylor and S Walker (all Corporate and Democratic Services); J Cockburn (Education and Children's Services).

Also in Attendance: A Shaw, KPMG

Councillor Drysdale, Convener, Presiding.

296. WELCOME AND APOLOGIES/SUBSTITUTIONS

The Convener welcomed everyone to the meeting.

297. DECLARATIONS OF INTEREST

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

298. MINUTE

The minute of meeting of the Audit Committee of 28 March 2018 (Arts.164-171) was submitted and approved as a correct record and authorised for signature.

299. GENERAL DATA PROTECTION REGULATION

D Henderson, Information Compliance Manager and Data Protection Officer, gave a presentation on the work being done to prepare for the implementation of the General Data Protection Regulation (GDPR).

Resolved:

- (i) That training on GDPR would be provided to Councillors in the week of 4 June 2018, be noted.
- (ii) The presentation be made available to all elected members for their information.

300. INTERNAL AUDIT FOLLOW UP

There was submitted a report by the Chief Internal Auditor (18/167) presenting a current summary of Internal Audit's follow up work.

With regard to the Environment Service's LEADER audit (16-20), in response to a question from Councillor Drysdale, J Clark advised she would confirm whether

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AUDIT COMMITTEE
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or not the business plan had been submitted to the Scottish Government by the end of April 2018.

Resolved:

- (i) The current position in respect of the agreed actions arising from internal and external work be noted.
- (ii) The action plans be progressed, taking into account the recorded audit opinions.

301. INTERNAL AUDIT UPDATE

There was submitted a report by the Chief Internal Auditor (18/168) presenting a summary of Internal Audit's work against the 2017/18 Annual Plan.

Resolved:

- (i) The progress of work against the 2017/18 Annual Plan be noted.
- (ii) The findings from the initial review of controls following a significant fraud in another local authority be noted.
- (iii) The outcomes from consultancy work be noted.

The Committee considered the following final reports:-

(i) Corporate and Democratic Services

(a) 17-23 – IT Change Management

There was submitted a report by the Chief Internal Auditor (18/169) on an audit to ensure (1) that a Governance Framework Policy and Procedures for IT Change Management were in place and complied with IT management best practice and Council corporate strategy and business plans to ensure consistent and timely processing of changes; (2) that change control was recorded for confirmation that change was controlled and authorised at each stage; (3) that monitoring of change control was carried out and checks made to confirm changes made have produced the required outcomes including compliance with the Council change management policy framework and (4) that any emergency change was controlled and documented in true emergencies.

J Clark confirmed that arrangements were in place for the IT Change Management and highlighted that the internal controls were all rated as strong.

Resolved:

- (i) Internal Audit's findings, as detailed in Report 18/169, be noted.
- (ii) That Highland Council were no longer in a position to undertake IT audits for this Council and other arrangements would be made, be noted.

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(ii) Education and Children's Services

(a) 17-25 – Pupil Equity Fund

There was submitted a report by the Chief Internal Auditor (18/170) on an audit to ensure that was a framework in place to support schools to understand and evidence requirements relevant to the Pupil Equity Fund.

J Cockburn confirmed that where there was underspending in the Fund, this could be carried forward in exceptional circumstances. He also confirmed that the effectiveness of the Fund would be reviewed and reported at the end of the academic year.

Resolved:

Internal Audit's findings, as detailed in Report 18/170, be noted.

302. INTERNAL AUDIT ANNUAL REPORT 2017/18

There was submitted a report by the Chief Internal Auditor (18/171) presenting the year-end report and audit opinion of the Chief Internal Auditor for 2017/18, as set out in Section 7 of Report 18/171.

J Clark also advised that an external quality assessment would be undertaken by North Lanarkshire Council in June 2018.

J Clark confirmed that an advert should be placed soon for the recruitment of staff to the Internal Audit team. It was noted that the Trainee accountant had been a temporary post within the Internal Audit team and that had now ended.

J Clark also confirmed that measures were taken to ensure any whistleblowing reports were kept anonymous.

Resolved:

The Audit Opinion of the Chief Internal Auditor set out in Section 7 of Report 18/171 be noted.

303. PERTH AND KINROSS COUNCIL INTERIM MANAGEMENT REPORT AND AUDIT STATUS SUMMARY

There was submitted and noted a report by the Council's External Auditor, KPMG (18/172) on the Council's interim management report and audit summary to 31 March 2018.

A Shaw, KPMG, advised the report summarised their initial audit testing.

In response to a question from Councillor Illingworth, A Shaw advised that the valuation of property, plant and equipment was necessary as a true value of assets required to be shown on the Council's balance sheets.

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S Walker confirmed that unaudited accounts would be submitted to the Audit Committee on 27 June 2018 and the audited accounts would be submitted to the meeting on 26 September 2018.

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PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
24 MAY 2018

## **LICENSING COMMITTEE**

Minute of Meeting of the Licensing Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Thursday 24 May 2018 at 2.00pm.

Present: Councillors R Brock (Convener), I James (Vice-Convener), C Ahern, B Brawn, A Coates, D Illingworth, A Jarvis and A Parrott.

In Attendance: PC D Black (Police Scotland); M McLaren, D Merchant, S Michie and A Taylor (all Corporate and Democratic Services).

Apologies for Absence: Councillors B Pover, J Rebbeck, F Sarwar, L Simpson and R Watters.

Councillor R Brock (Convener), Presiding.

### **304. WELCOME AND APOLOGIES**

The Convener welcomed all present to the meeting. Apologies for absence were noted as above.

### **305. DECLARATIONS OF INTEREST**

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

### **306. MINUTES**

The Minute of Meeting of the Licensing Committee of 12 April 2018 was submitted and approved as a correct record.

### **307. LIMIT ON TAXI NUMBERS IN PERTH AND BLAIRGOWRIE**

There was submitted a report by the Head of Legal and Governance Services (18/188) outlining the findings and recommendations of the recent survey carried out on the demand for taxis in Perth and Blairgowrie

Mr McDonald, LVSA, was in attendance, addressed the Committee and answered Members' questions.

#### **Resolved:**

- (i) The findings of the survey carried out by HKZ Services Ltd, trading as LVSA, as detailed in Appendix A of Report 18/188 be noted.
- (ii) It be agreed that the current limits of 70 operator licenses and 12 operator licenses granted by the Council for the areas of Perth and Blairgowrie respectively remain unchanged.

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- (iii) It be agreed that the Council engage further with the taxi trade and stakeholders to identify whether there are any further steps which they should take to increase the availability of wheelchair accessible vehicles.

**IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.**

**308. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1451**

There was submitted a report by the Head of Legal and Governance Services (18/189) together with a letter of objection from Police Scotland dated 22 January 2018 in terms of Schedule 1, Paragraph 11(2)(a) of the Civic Government (Scotland) Act 1982 regarding suspension of Taxi/Private Hire Car Driver's Licence (TD1451).

The Committee noted that this item had been withdrawn from the agenda at the request of the applicant.

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS

**309. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD1756**

There was submitted a report by the Head of Legal and Governance Services (18/191) together with letter of objection from Police Scotland dated 10 May 2018 regarding application for grant of a Taxi/Private Hire Car Driver's Licence TD1756.

The applicant and his representative were in attendance.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant and his representative also addressed the Committee and answered Members' questions.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1756 be granted for a period of 1 year with effect from 24 May 2018.

**310. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD1749**

There was submitted a report by the Head of Legal and Governance Services (18/190) together with a letter of representation dated 18 April 2018 from Police Scotland regarding Grant of Taxi/Private Hire Car Driver's Licence No. TD1749.

The applicant failed to attend.

The representative from Police Scotland addressed the Committee and answered Members' questions.

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**Resolved:**

The application for grant of Taxi/Private Hire Car Driver's Licence TD1749 be deferred to the next meeting of the Licensing Committee.

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PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 29 May 2018 at 10.30am.

Present: Councillors W Wilson, T Gray and L Simpson.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: Councillor B Brawn; C Brien (the Environment Service); S Richards (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

311. DECLARATIONS OF INTEREST

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

312. MINUTE

The minute of meeting of the Local Review Body of 1 May 2018 was submitted and noted.

313. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(525) - Planning Application – 18/00081/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of Scarhead Cottage, Glenfarg – Mr A Cameron**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection a dwellinghouse (in principle), on land 20 metres south of Scarhead Cottage, Glenfarg.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

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Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle), on land 20 metres south of Scarhead Cottage, Glenfarg, be refused for the following reasons:
1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location.
 2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in the location.
 3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the density and siting of the existing dwelling and therefore does not respect the character and amenity of this area of Perth and Kinross.
 4. The proposal is contrary to Policy PM1B, criterion (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to respect the wider landscape character of the area due to the proposal being squeezed in. In addition, a further dwelling squeezed into the site results in an inappropriate density contrary to criterion (c).
 5. The proposal is contrary to Policy EP3C: Water, Environment and Drainage of the Perth and Kinross Local Development Plan 2014, as it has not been demonstrated that a Sustainable Urban Drainage System can be accommodated on this constrained site.
 6. The proposal is contrary to Policy ER6(a) of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling and its curtilage would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

- (ii) **TCP/11/16(526) - Planning Application – 17/01297/FLL – Erection of a garage/workshop on land north west of Choc Sualtach, Kirkmichael – Mr M Aitken**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection a garage/workshop on land north west of Choc Sualtach, Kirkmichael.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a garage/workshop on land north west of Choc Sualtach, Kirkmichael, be refused for the following reasons:
 - 1. As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be reasonably controllable or enforceable via planning conditions, the proposal would have an adverse impact on the residential amenity of adjacent properties. To this end, the proposal is contrary to Policy EP8 (Noise Pollution) of the Perth and Kinross Local Development Plan 2014 which states that there is a presumption against the siting of new development which will generate high levels of noise in the locality of noise sensitive uses.
 - 2. As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be reasonably controllable or enforceable via planning conditions, the proposal would have an adverse impact on the residential amenity that is currently enjoyed by adjacent properties, and the proposal is not considered to be compatible with the surrounding land uses. To this end, the proposal is contrary to Policy ED3(a) (Rural Businesses and Diversification) of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that all new proposals are compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.
 - 3. The proposal is contrary to Policies PM1A and PM1B(b) of the Perth and Kinross Local Development Plan 2014 as the proposed building would not compliment the built and natural environment, and also not respect the wider landscape character of the area, due to its incongruous design.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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Note: Councillor Gray dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a garage/workshop should be granted. In his view, there was precedence with existing workshops/garages, and that the proposed development therefore complied with the Perth and Kinross Local Development Plan 2014, and that suitable conditions could be reasonably enforced.

(iii) TCP/11/16(527) - Planning Application – 18/00015/FLL – Erection of a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie – Mr & Mrs Clark

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) defer the application to allow for clarification from the Development Quality Manager on terms of grant of other developments in the vicinity of the proposed development identified by the applicant, and the planning context of those sites including whether they are within the designated open space;
- (iii) following receipt of comment from the Development Quality Manager, the applicant be given the opportunity to make further comment;
- (iv) an unaccompanied site visit be carried out;
- (v) following the receipt of all further information, the application be brought back to the Local Review Body.

(iv) TCP/11/16(529) - Planning Application – 17/01958/FLL – Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol – Munro Estates Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use from an agricultural store, yard and former grain store to business (class 4),

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general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for a change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol, be refused for the following reasons:

1. The proposal is contrary to Policy ED3 (Rural Business) of the Perth and Kinross Local Development Plan 2014 which states that there is a preference that rural businesses are located within or adjacent to settlements. The site is located outwith a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site.
2. There is a lack of environmental information to assess the impacts of the scheme with regards to noise. This has meant the application cannot be fully assessed against Policy EP8 (Noise Pollution) of the Perth and Kinross Local Development Plan 2014.
3. There is a lack of information on the foul drainage arrangements installed at the site to access the acceptability against Policy EP3B of the Perth and Kinross Local Development Plan 2014.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

THERE FOLLOWED A 15 MINUTE RECESS

314. DEFERRED APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(519) – Planning application - 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS – Mr A & Mrs C Gordon**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 3 April 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. With the unaccompanied site visit having taken place on 24 May 2018, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having carried out a site visit on 24 May 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for alterations and extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS, be granted subject to:
1. The imposition of relevant conditions and informatives including the submission of details and proposed colour(s) for any external materials that differ from the existing corresponding external materials of the existing dwellinghouse.

Justification

The proposed alterations and extension, with the imposition of relevant conditions and informatives, was not assessed as being contrary to the Local Development Plan.

- (ii) **TCP/11/16(521) – Planning application - 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd – Mr P McRobbie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 3 April 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. With the unaccompanied site visit having taken place on 24 May 2018, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having carried out a site visit on 24 May 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavoured, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfy any of categories (1) Building Groups, (2) Infill Sites, (3) 'New Houses in the Open Countryside', (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. In particular the proposal does not meet the building group criteria (1) as it does not respect the layout and building pattern of the group and does not extend the group into a definable site formed by existing topography and or well established landscape features.
 - 2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014. Due to the open, sloping nature of the site, the lack of a landscape framework and its position below and detached from other buildings in the group above it is considered that development of a dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Note: Councillor Gray dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a

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dwellinghouse (in principle) should be granted. Whilst accepting that the proposed development would not comply with the Perth and Kinross Local Development Plan 2014, in his view the proposed development would improve the visual landscape amenity and create a balance in that part of Perth and Kinross.

(iii) TCP/11/16(523) - Planning Application – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – S Kinnaird

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 3 April 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without clarification on the siting and position of the proposed site. With the further information having been received, the Local Review Body reconvened on 1 May 2018. At its meeting on 1 May 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. With the unaccompanied site visit having taken place on 24 May 2018, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including the requested clarification on the siting and position of the proposed site, the comments from the Planning Adviser, and having carried out a site visit on 24 May 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups, or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or

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Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

2. The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding natural environment, due to the openness of the site and prominence of the proposed dwelling.
3. The proposal is contrary to Policy PM1B(b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area, specifically within the Loch Level Special Catchment Area, due to the openness of the site and prominence of the proposed dwelling.
4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise completing the implementation and establishment of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works), to integrate the chalets into the Loch Leven Special Catchment Area.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

315. VALEDICTORY

This being his last meeting as Convener of the Perth and Kinross Local Review Body, Councillor Wilson paid tribute to all fellow members who had served on the Local Review Body during his time as Convener. He also expressed thanks to all officers, with specific gratitude to David Harrison, Planning Adviser, for his assistance during his time as Convener of the Local Review Body.

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