

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
19 DECEMBER 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 19 December 2018 at 11.00am.

Present: Provost D Melloy, Councillors C Ahern, H Anderson, A Bailey, K Baird, B Band, P Barrett, B Brawn, R Brock, A Coates, H Coates, S Donaldson, D Doogan, E Drysdale, J Duff, A Forbes, T Gray, D Illingworth, A Jarvis, G Laing, M Lyle, R McCall, S McCole, X McDade (excluding Art. 733(iii)) , T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, C Reid, W Robertson, C Shiers, L Simpson, C Stewart, R Watters, M Williamson and W Wilson.

In Attendance: K Reid, Chief Executive; J Valentine, Depute Chief Executive; S Devlin, Executive Director (Education and Children's Services); B Renton, Executive Director (Housing and Environment); R Packham, Chief Officer, Perth and Kinross Health and Social Care Partnership; J Pepper, Depute Director (Education and Children's Services) and Chief Social Work Officer; L Simpson, S Hendry, S MacKenzie, S Walker, C Flynn, L Potter, K Donaldson, K Ridley, S Flanigan, D McPhee and F Robertson (all Corporate and Democratic Services); D Littlejohn and S Merone (both Housing and Environment).

Apologies for Absence: Councillors I James, M Barnacle and F Sarwar.

Provost D Melloy, Presiding.

731. WELCOME AND APOLOGIES

Provost Melloy welcomed all those present to the meeting and apologies were submitted and noted as above.

732. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor X McDade declared a non-financial interest in Art. *3(iii) (Equal Right of Appeal).*

733. NOTICE OF MOTIONS IN TERMS OF STANDING ORDER 39

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

(i) Payment of New Real Living Wage Rate

Motion (Councillors A Bailey and X McDade)

Council notes that an increase in the Real Living Wage to £9 per hour was announced by the Living Wage Foundation in early November. This increase takes into account higher transport costs, private rents and council tax bills that have already hit the pockets of our staff. As an accredited Living Wage Employer, Council would ordinarily pass on the new rate effective 1st April 2019.

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Council instead agrees to pay the new £9 per hour Real Living Wage rate effective November 5th 2019. The cost of doing so will be £15,300 to be funded from the projected under spend on the Unfunded Pensions budget reported to the Strategic Policy & Resources Committee on 28 November 2018. 114 staff members will benefit from this change plus approximately 140 casual/supply staff. This position will be kept under review in future financial years.

Resolved:

In accordance with the Motion.

(ii) Brexit

Motion (Councillors W Robertson and L Simpson)

Following the excellent presentation by officers of this Council on the effects of Brexit on Perth and Kinross. It is expected to have significant economic and demographic consequences for this authority area. Depending on any terms agreed, there will be loss of access to markets and labour predicted to negatively affect the economy.

"Accordingly, Perth and Kinross Council supports the holding of a further referendum to give the UK public the final say on any terms agreed for Brexit, that referendum to include the option of the UK remaining in the EU."

Amendment (Councillors R McCall and C Ahern)

That the Council does not believe that it is the role of local authorities to suggest holding a further referendum on a subject that has already been put to the electorate by any parliament.

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

20 members voted for the Motion as follows:

Councillors H Anderson, B Band, P Barrett, B Brawn, H Coates, S Donaldson, D Doogan, E Drysdale, T Gray, G Laing, S McCole, T McEwan, A Parrott, B Pover, J Rebbeck, W Robertson, L Simpson, R Watters, M Williamson and W Wilson.

16 members voted for the Amendment as follows:

Councillors C Ahern, K Baird, R Brock, A Coates, J Duff, A Forbes, D Illingworth, A Jarvis, M Lyle, R McCall, X McDade, C Purves, C Reid, C Shiers and C Stewart; and Provost D Melloy.

1 members Abstained as follows:

Councillor A Bailey.

Resolved:

In accordance with the Motion.

COUNCILLOR X MCDADE LEFT THE MEETING AT THIS POINT.

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(iii) Equal Right of Appeal

Motion (Councillors C Purves and C Stewart)

That the Council:

- notes the progress of the Planning (Scotland) Bill;
- acknowledges that development is crucial to future economic growth and to tackle the current under-supply of housing, particularly affordable housing;
- understands concerns from local communities about the effects that large-scale developments will have on their communities and supports efforts to address these through increased consultation and developer contributions;
- notes that the Scottish Government's report on barriers to community engagement in planning found that "there is a serious lack of trust, respect and confidence in the system, and that community engagement exerts very little influence on planning outcomes";
- endorses the Scottish Government's suggestion of Local Place Plans as one way of giving local communities more influence over the forward-planning process;
- welcomes amendments by the Minister for Local Government, Housing and Planning and opposition parties to strengthen Local Place Plans to ensure that they are properly resourced, registered and taken into account in decision making;
- believes that any greater engagement of communities in the initial stages of the planning process will only be meaningful if Local Place Plans and Local Development Plans are adhered to;
- notes the current imbalance in the system whereby applicants can appeal decisions that go against them while communities cannot;
- therefore supports the concept of an equal right of appeal whereby:
 - those who have made formal representation on a planning application would be able to appeal a local-authority decision to the Scottish Government's Reporter in cases where the decision is contrary to the Local Development Plan or Local Place Plan, and
 - appeals may be made by either the developer or communities where due process has not been followed;
 - suggests that this would incentivize developers to bring forward better-quality applications in the first instance and therefore could reduce the number of appeals overall thereby speeding up the planning process; and
 - requests that the Leader of the Council writes to Minister for Local Government, Housing and Planning and the members of Local Government and Communities Committee informing them of the Council's position.

Amendment (Councillors R McCall and C Ahern)

Whilst I recognise the concerns of local communities I believe the process as it stands has adequate allowances and respectfully oppose the request for a 3rd party right of appeal to the planning bill currently progressing through the Scottish Parliament process.

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The current system allows the community the opportunity to halt an application in committee and, it is my experience that communities have reserved the decision of the planning department in many cases.

This additional right of appeal has been fully explored and it is believed could result in the process stagnating or even halting completely. This is a position that would be detrimental to the economic growth of Perth and Kinross as a whole and with High Streets all over the area suffering from changes in buying culture now is not the time to add further pressure to development and its financial advantages.

I therefore propose that we reject the terms of the proposed motion and await the outcome of the Planning Bill, currently progressing through the Scottish Parliament.

Note: Following a suggestion by Councillor Doogan, the mover and seconder of the amendment agreed to remove paragraphs 2 and 3 from the wording of the amendment.

Revised Amendment (Councillors R McCall and C Ahern)

Whilst I recognise the concerns of local communities I believe the process as it stands has adequate allowances and respectfully oppose the request for a 3rd party right of appeal to the planning bill currently progressing through the Scottish Parliament process.

I therefore propose that we reject the terms of the proposed motion and await the outcome of the Planning Bill, currently progressing through the Scottish Parliament.

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

30 members voted for the Revised Amendment as follows:

Councillors C Ahern, H Anderson, K Baird, B Band, P Barrett, B Brawn, A Coates, H Coates, S Donaldson, D Doogan, E Drysdale, J Duff, A Forbes, T Gray, D Illingworth, A Jarvis, M Lyle, R McCall, T McEwan, A Parrott, B Pover, J Rebbeck, C Reid, W Robertson, C Shiers, L Simpson, R Watters, M Williamson and W Wilson; and Provost D Melloy.

6 members voted for the Motion as follows:

Councillors A Bailey, R Brock, G Laing, S McCole, C Purves and C Stewart.

Resolved:

In accordance with the Revised Amendment.

COUNCILLOR X MCDADE RETURNED TO THE MEETING AT THIS POINT

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734. MINUTE OF PREVIOUS MEETING

The minute of the meeting of Perth and Kinross Council of 3 October 2018 (Arts. 572-589) was submitted, approved as a correct record and authorised for signature.

735. MINUTES OF MEETINGS OF COMMITTEES FROM 18 SEPTEMBER 2018 to 21 NOVEMBER 2018

The decisions recorded in Arts. 515-571 and 590-673 copies of which had been circulated to all members of the Council, were submitted and noted, subject to the changes made to the Planning and Development Management Committee minutes at the meeting held on 18 December 2018.

736. TREASURY ACTIVITY AND COMPLIANCE REPORT – 2018/19 QUARTER 2

There was submitted a report by the Head of Finance (18/415) (1) providing a summary of Loans Fund transactions for the quarter ending 30 September 2018; (2) reporting on compliance with the Council's Treasury Management Policy Statement, Treasury Management Practices, the Investment Strategy and the Prudential Indicators for the quarter ending 30 September 2018; and (3) providing a summary of the annual review of the Treasury Management Systems Document.

Resolved:

The contents of Report 18/415, submitted in accordance with the Council's approved Treasury Management Practices, be noted.

737. BIENNIAL REVIEW OF FINANCIAL REGULATIONS 2018

There was submitted a report by the Head of Finance (18/416) (1) summarising the background and the process undertaken to carry out the biennial review of the Council's Financial Regulations; and (2) recommending approval of the revised Financial Regulations.

Resolved:

The Council's Financial Regulations, and the proposal to change the frequency of the review from 2 yearly to 3 yearly, as detailed in Appendix 1 to Report 18/416, be approved.

738. REVENUE BUDGET 2019/20, 2020/21 & 2021/22 – REPORT NO. 1

There was submitted a report by the Head of Finance (18/422) providing an update in relation to the Revenue Budget 2019/20, 2020/21 and 2021/22 in light of the information contained in the UK Budget announced on 29 October 2018 and the Scottish Budget announced on 12 December 2018.

Resolved:

The contents of Report 18/422 be noted.

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739. EUROPEAN SOCIAL FUND EMPLOYABILITY PROGRAMMES

There was submitted a report by the Depute Chief Executive (18/420) (1) providing an update on the European Social Fund Employability Programmes (2015-2010); (2) providing proposals for the period (2019-2023); and (3) asking the Council to consider the grant offer from the Scottish Government.

Resolved:

- (i) The beneficial impact of activities delivered since 2016, as set out in Report 18/420, be noted.
- (ii) Subject to the budget process, it be agreed to accept the grant offer from the Scottish Government, as set out in Report 18/420.
- (iii) The physical end date for activities to be 31 December 2022 with a financial end date of 31 March 2023.
- (iv) The request for match-funding for the Programme Management Office would be considered as part of the budget process.
- (v) The proposed activities for the third sector under Employability and Poverty activities be noted.

740. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT 2017/18

There was submitted a report by the Chief Social Work Officer (18/419) (1) providing an overview of social work and social care in Perth and Kinross during financial year 2017/18; (2) setting out how social care and social work services were being delivered and the key challenges in planning and delivering statutory social work functions; and (3) highlighting how social care and social work services were responding to new responsibilities associated with major changes in legislation and shifts in policy direction as well as increasing demand and associated budget pressures.

Resolved:

The Chief Social Work Officer Annual Report 2017/18, as set out in Appendix 1 to Report 18/419, be approved.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 1.05PM

741. NATIONAL JOINT REVIEW OF LOCAL GOVERNANCE

There was submitted a report by the Depute Chief Executive (18/417) presenting a draft response from Perth and Kinross Council to the National Joint Review of Local Governance.

Resolved:

- (i) The progress of the National Joint Review of Local Governance, as set out in Report 18/417, be noted.
- (ii) The key principles, contained in paragraph 3.1 of Report 18/417, be approved.
- (iii) The draft response, set out in Appendix 3 to Report 18/417, be approved subject to the following amendments:

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- Section 2.3 – reference to be amended from Baltic States to Scandinavian models.
- Section 1.3 – reference to be added that Council not in favour of structural reform to recreate the regional Councils of the past.
- Further reference to be included regarding importance of Fiscal powers of Community Councils to maximise their contribution, as well as the need for more effective legislation that could drive the set-up of more Community Councils and strengthen their contribution.
- In relation to Local Action Partnerships, comment to be included that some elected members have concerns about striking the right balance between the need for flexibility and strong governance arrangements.

742. BUILDING AMBITION – DEVELOPING TALENT

There was submitted a report by the Chief Executive (18/418) (1) providing an overview of the key achievements since the last workforce report in 2017 and the approval of the Corporate Workforce Plan in February 2018; and (2) setting out the workforce priorities for the forthcoming year.

Resolved:

- (i) The progress and achievements over the course of 2018, as set out in Report 18/418, be noted.
- (ii) The priorities set out for the forthcoming year, as set out in Report 18/418, be endorsed.

743. EQUALITIES PERFORMANCE REPORT 2017/18

There was submitted a report by the Depute Chief Executive (18/414) seeking approval for the Equalities Performance Report 2017/18.

Resolved:

- (i) The contents of Report 18/414 be approved.
- (ii) It be noted that Report 18/414 would be submitted to the Scrutiny Committee on 6 February 2019.

744. PLANNING POLICY, PRACTICE & IMPROVEMENT MEMBER/OFFICER WORKING GROUP REMIT

There was submitted a report by the Executive Director (Housing and Environment) (18/421) outlining the proposed revised name and remit of a refreshed Member/Officer Working Group (MOWG) to provide a forum for discussion around land use planning policy, practice and improvement; particularly but not exclusively in light of the reforms proposed in the Planning (Scotland) Bill to be enacted in 2019.

Resolved:

- (i) The revised remit, name and membership for the Planning Policy, Practice & Improvement Member Officer Working Group, as set out in Report 18/421, be approved.
- (ii) Councillor M Barnacle be appointed as the fourth opposition member to the Group.

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745. APPOINTMENTS TO COMMITTEES/PARTNERSHIP GROUPS/OUTSIDE BODIES

Resolved:

- (i) Scrutiny Committee
Councillor A Parrott to replace Councillor S McCole as Vice-Convener of the Scrutiny Committee.
- (ii) Audit Committee
 - (a) Councillor S Donaldson to replace Councillor B Band as Vice-Convener of the Audit Committee.
 - (b) Councillor M Williamson to replace Councillor B Band on the Audit Committee.
- (iii) Property Sub-Committee of the Strategic Policy and Resources Committee
Councillor C Shiers to replace Councillor R McCall on the Property Sub-Committee.
- (iv) Community Planning Community Safety Outcome Delivery Group
Councillor M Williamson to replace Councillor J Rebbeck on the Community Planning Community Safety Outcome Delivery Group.
- (v) COSLA Health and Social Care Board
Councillor C Stewart to replace Councillor C Ahern on the COSLA Health and Social Care Board.
- (vi) Lifelong Learning Committee
Councillor J Duff to replace Councillor A Coates on the Lifelong Learning Committee.

746. AMENDMENTS TO SCHEME OF ADMINISTRATION

Resolved:

The following changes to the Scheme of Administration be agreed:

Part 2 – Provisions Relating to Committees

8 Lifelong Learning Committee

Section 8.10.1 – Executive Sub-Committee – Amend as follows:

Comprising five members of the Council who are members of the Committee and three non-Council members from the Committee when considering educational matters.

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Part 3 – Delegation to Officials

20 Head of Legal and Governance

Section 20.1 – Additional Paragraph:

In the absence of the Head of Legal and Governance, Legal Managers shall be authorised to do anything delegated to the Head of Legal and Governance.

25 Statutory Appointments of Officers

Section 25.1 – Amend relevant sections as follows:

Local Government (Scotland) Act 1973

Section 34 – Proper Officer for receipt of Councillors' resignations – Chief Executive / Head of Legal and Governance.

Section 190 – Proper Officer for service of legal proceedings, notices, etc. on the Council – Chief Executive / Head of Legal and Governance / Legal Managers.

Section 191 – Proper Officer in respect of claims on behalf of the Council in sequestrations and liquidations – Head of Legal and Governance / Legal Managers.

Section 192 – Proper Officer for services of notices etc by Local Authority – Head of Legal and Governance / Legal Managers.

Sections 192-193 – Proper Officer for the purpose of the execution of Notices of Proceedings under the Housing (Scotland) Act 2001 – Executive Director (Housing and Environment).

Sections 192-193 – Proper Officer for the purposes of signing tenancy agreements under the Housing (Scotland) Act 2001 – Executive Director (Housing and Environment) / Head of Housing / Area Housing Managers.

Sections 193-194 – Proper Officer in respect of authentication of documents and certifying deeds – Head of Legal and Governance / Legal Managers.

Section 197 – Proper Officer in respect of arrangements for the inspection of depositing of documents – Chief Executive / Head of Legal and Governance / Democratic Services Manager.

Civic Government (Scotland) Act 1982

Section 113 – Proper Officer in respect of evidence of management rules – Head of Legal and Governance / Legal Managers.

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