

PERTH AND KINROSS COUNCIL

Minute of meeting of Perth and Kinross Council held virtually on Wednesday 16 December 2020 at 9.30am.

Present: Provost D Melloy, Councillors C Ahern, A Bailey, K Baird, M Barnacle (up to and including Item 13), L Barrett, P Barrett, B Brawn, R Brock, A Coates, S Donaldson, E Drysdale, J Duff, A Forbes, T Gray, D Illingworth, I James, A Jarvis, G Laing, M Lyle, I Massie, R McCall, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, C Reid, W Robertson, F Sarwar, C Shiers, L Simpson, C Stewart, R Watters, M Williamson (up to and including Item 13) and W Wilson.

In Attendance: K Reid, Chief Executive; B Renton, Executive Director (Housing and Environment); S Devlin, Executive Director (Education and Children's Services); J Pepper, Depute Director (Education and Children's Services); G Paterson, Chief Officer/Director – Integrated Health and Social Care (up to and including Item 13); G Boland (up to and including Item 10), R Drummond (Item 8 only) (Education and Children's Services); C Mailer, F Crofts and M Notman (up to and including Item 8) (Housing and Environment); K Donaldson, L Simpson, C Flynn, S Hendry, C Guild, F Robertson, S Mackenzie, D Littlejohn, A Brown, M Pasternak, C Wright, B Parker, L McGuigan and A McMeekin (all Corporate and Democratic Services);

Apologies for Absence: Councillors H Anderson and H Coates.

The Provost led on Items 1-9 and the Depute Provost led on Items 10-13 and P1.

1. WELCOME AND APOLOGIES

The Provost welcomed all those present and noted apologies. Councillors L Barrett and I Massie were welcomed to their first Council meeting following their recent election.

2. DECLARATIONS OF INTEREST

Councillor S McCole declared a non-financial interest in Item 9.

Councillors C Purves and X McDade both declared a non-financial interest in Item 10.

3. MINUTES

(i) 30 September 2020

The minute of the special meeting of Perth and Kinross Council of 30 September 2020 was submitted, approved as a correct record and authorised for signature.

(ii) 7 October 2020

The minute of the meeting of Perth and Kinross Council of 7 October 2020 was submitted, approved as a correct record and authorised for signature.

4. COUNCILLOR HARRY COATES

Members of the Council noted that Councillor Harry Coates has had a period of ill-health. He last attended a meeting of the authority on 30 July 2020 when he attended the meeting of the Council that day.

Section 35 of the Local Government (Scotland) Act 1973 states that *if a member of a local authority fails throughout a period of six consecutive months to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority, cease to be a member of the authority.*

It was understood that Councillor Coates's continuing ill-health may preclude him from attending a meeting of the authority before the end of January 2021 i.e. the end of the period of 6 consecutive months from 30 July 2020. Accordingly, the Council approved Councillor Coates's ill-health as the reason for his failure to attend any meetings of the Council since 30 July 2020.

5. TREASURY ACTIVITY AND COMPLIANCE REPORT 2020/21 QUARTER 2

There was submitted a report by the Head of Finance (20/255) (1) providing an update on Treasury Activity for the quarter ending 30 September 2020; and (2) reporting on compliance with the Council's Treasury Management Policy Statement (TMPS); Treasury Management Practices (TMPs); the Investment Strategy and the Prudential Indicators for the same period.

Resolved:

The content of Report 20/255, submitted in accordance with the Council's approved Treasury Management Practices, be noted.

6. REVENUE BUDGET 2021/22 REPORT NO. 1

There was submitted a report by the Head of Finance (20/256) providing an update in relation to the 2021/22 Revenue Budget.

Resolved:

- (i) The contents of Report 20/256 be noted.
- (ii) The adjustments to the Capital Budget, as set out in paragraph 5.7 to Report 20/256, be approved in order that the Perth City Hall project can move to financial close.

7. PERTH AND KINROSS COUNCIL ANNUAL PERFORMANCE REPORT 2019/20

There was submitted a report by the Chief Executive (20/242) providing an overview of how the Council has performance in 2019/20 against the strategic

objectives for Perth and Kinross as set out within the Council's Corporate Plan 2018-2022.

Resolved:

- (i) It be noted that Report 20/242 was considered by the Scrutiny Committee on 9 December 2020.
- (ii) The Perth and Kinross Annual Performance Report for 2019/20 be approved.

THERE FOLLOWED A 5 MINUTE RECESS AND THE MEETING RECONVENED AT 11.06AM.

R DRUMMOND JOINED THE MEETING DURING THE NEXT ITEM.

8. PERTH AND KINROSS CHILD PROTECTION COMMITTEE – STANDARDS AND QUALITY REPORT 2019/2020

There was submitted a report by the Chief Social Work Officer (20/241) (1) identifying achievements, key strengths, the impact of the COVID-19 pandemic and areas for further improvement; and (2) setting out the Child Protection Committee's programme for improvement work for 2020 and beyond.

Resolved:

- (i) It be noted that Report 20/241 was considered by the Scrutiny Committee on 9 December 2020.
- (ii) The wide range of work being carried out by Perth and Kinross Council and partners through the Child Protection Committee to provide high quality services to protect children and young people, in particular the high level commitment to continuous improvement through self-evaluation, be noted.
- (iii) The contents of Report 20/241, the Perth and Kinross Child Protection Committee Standards and Quality Report 2019/2020 as attached at Appendix 1 and the contents of the Perth and Kinross Child Protection Committee Improvement Plan 2018-2020 (Final Update) at 31 July 2020, as attached at Appendix 2, be endorsed.

9. ADULT SUPPORT AND PROTECTION BI-ENNIAL REPORT 2018-20

There was submitted and noted a report by the Chief Social Work Officer (20/257) presenting the Adult Support and Protection Bi-ennial Report 2018-20.

M NOTMAN AND R DRUMMOND LEFT THE MEETING AT THIS POINT.

10. TAYSIDE MENTAL HEALTH AND WELLBEING STRATEGY

There was submitted and noted a report by the Interim Director of Mental Health, NHS Tayside on the Tayside Mental Health and Wellbeing Strategy. It was noted that the report had been endorsed by the Perth and Kinross Integration Joint Board on 9 December 2020.

B ATKINSON AND G BOLAND LEFT THE MEETING AT THIS POINT

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

11. TIMETABLE OF MEETINGS – JANUARY-JUNE 2021 DRAFT

Resolved:

The timetable of meetings for January to June 2021 be agreed, with the indicative date for the Special Council to be moved from 5 March to 3 March 2021.

12. APPOINTMENTS TO COMMITTEES/SUB-COMMITTEES/OUTSIDE BODIES

(i) Appointment Sub-Committee of the Strategic Policy and Resources Committee – Post of Chief Executive

It was noted that the Chief Executive would be leaving the Council on 31 January 2021. It be agreed that Councillors M Lyle, J Duff, G Laing, F Sarwar and P Barrett be appointed to the above Sub-Committee.

(ii) Appointment Sub-Committee of the Strategic Policy and Resources Committee – Post of Chief Operating Officer

Councillors M Lyle, C Shiers, A Parrott, S McCole and A Bailey be appointed to the above Sub-Committee along with the Chief Executive.

(iii) Further Appointments to Committees / Sub-Committees / Outside Bodies

Motion (Councillors M Lyle and J Duff)

| Committees / Sub- Committees / Groups | Con (Admin) | Cllrs Purves / Stewart | SNP | Lib Dem | Ind / Lab |
|---------------------------------------|--------------|------------------------|--------------|--------------|-------------|
| | 37.5% | 5% | 35% | 12.5% | 10% |
| 15 member (+ Provost on SP&R) | 5.63=6 | 0.75=1 | 5.25=5 | 1.88=2 | 1.5=1 |
| 13 member | 4.88=5 | 0.65=1 | 4.55=4 | 1.63=2 | 1.43=1 |
| 9 member | 3.38=3 | 0.45=1 | 3.15=3 | 1.13=1 | 0.9=1 |
| 7 member | 2.63=3 | 0.35=0 | 2.45=2 | 0.88=1 | 0.7=1 |
| 5 member | 1.87=2 | 0.25=0 | 1.75=2 | 0.63=1 | 0.5=0 |
| 3 member | 1.13=1 | 0.15=0 | 1.05=1 | 0.38=1 | 0.3=0 |
| | | | | | |
| Overall | 15/40 | 2/40 | 14/40 | 5/40 | 4/40 |

(i) The updated guide to political balance from the Head of Legal and Governance Services in the table above be agreed.

(ii) Further discussions on political balance to be discussed at the next meeting of the Governance Member/Officer Working Group early in 2021 with any further proposals to come back to a future meeting of Perth and Kinross Council for approval.

- (iii) The following changes be made to Committee and Sub-Committee memberships in line with above guide to political balance:
- Councillors L Barrett and I Massie replace Councillors H Anderson and T McEwan on Lifelong Learning Committee.
 - Councillor L Simpson replace Councillor X McDade on the Executive Sub-Committee of Lifelong Learning Committee.
 - Councillors L Barrett, I Massie and C Stewart replace Councillors E Drysdale, T Gray and B Pover on Housing and Communities Committee.
 - Councillor L Simpson replace Councillor A Bailey on Environment and Infrastructure Committee.
 - Councillors T McEwan and W Robertson replace Councillors E Drysdale and M Williamson on Planning and Development Management Committee.
 - Councillor L Simpson replace Councillor R Watters on Licensing Committee.
 - Councillors L Barrett, I Massie and W Robertson replace Councillors G Laing, T McEwan and C Purves on Scrutiny Committee.
 - Councillor L Barrett replace Councillor M Williamson on Audit Committee.
 - Councillor E Drysdale replace Councillor S McCole and Councillor W Wilson fill the current vacancy on Strategic Policy and Resources Committee.
 - Councillor P Barrett replace Councillor A Bailey on the Executive Sub-Committee of Strategic Policy and Resources Committee.
 - Councillor W Wilson, 2 SNP Councillors to be confirmed and 1 Independent and Scottish Labour Councillor to be confirmed replace Councillors G Laing, T McEwan, A Parrott and C Stewart on Property Sub-Committee.
 - Councillor W Wilson replace Councillor A Bailey on Provost Sub-Committee.
 - Councillor W Wilson fill the current vacancy on Licensing Board.
 - Councillor P Barrett replace Councillor X McDade on the Perth and Kinross Community Planning Partnership Board.
 - Councillor P Barrett replace Councillor McDade on the CoSLA Convention.
 - Councillor J Duff replace Councillor A Coates as the Council representative on the Tay Rivers Trust (formerly the Tay Foundation).

THERE FOLLOWED A 25 MINUTE RECESS AND THE MEETING RECONVENED AT 3.00PM.

Amendment 1 (Councillors X McDade and A Bailey)

| | Committee Size | Administration | Opposition | | | |
|------------------------------------|-------------------------|--------------------------|--------------------------|-------------------------|------------------------|-------------------------|
| | | CON (Admin) | SNP | IND&L AB | CON (OPP) | LIB DEM |
| % of Council | | 37.5% | 35% | 10% | 5% | 12.5% |
| No. of Councillors | | 15 | 14 | 4 | 2 | 5 |
| Substantive Committees | | | | | | |
| Audit | 7 | 3 | 2 | 1 | 0 | 1 |
| E&I | 15 | 6 | 4 | 2 | 1 | 2 |
| H&C | 13 | 5 | 5 | 1 | 0 | 2 |
| Licensing Board | 10 | 4 | 4 | 1 | 0 | 1 |
| Licensing | 13 | 5 | 4 | 1 | 1 | 2 |
| Lifelong Learning | 13 | 5 | 5 | 1 | 1 | 1 |
| Planning | 13 | 5 | 5 | 1 | 1 | 1 |
| Scrutiny | 13 | 5 | 4 | 1 | 1 | 2 |
| SP&R | 15 | 6 | 5 | 1 | 1 | 2 |
| Substantive Committee Seats | 112 seats (100%) | 44 seats (38.05%) | 38 seats (33.92%) | 10 seats (8.92%) | 6 seats (8.82%) | 14 seats (12.5%) |

- (i) The guide to political balance in the table above be agreed.
- (ii) Further discussions on political balance to be discussed at the next meeting of the Governance Member/Officer Working Group early in 2021 with any further proposals to come back to a future meeting of Perth and Kinross Council for approval.
- (iii) Changes of membership for Committees to be submitted to Committee Services in line with the above table.

Amendment 2 (Councillors A Parrott and F Sarwar)

| | | | | | |
|------------------|---------------|--------------|---------------|--------------|-------------------|
| Audit* | CON 3 | C+C 0 | SNP 2 | LD 1 | IND/LAB 1 |
| E+I | CON 5 | C+C 1 | SNP 5 | LD 2 | IND/LAB 2 |
| H+C | CON 5 | C+C 1 | SNP 4 | LD 2 | IND/LAB 1 |
| Licensing Cttee* | CON 5 | C+C 1 | SNP 5 | LD 1 | IND/LAB 1 |
| Licensing Bd* | CON 4 | C+C 0 | SNP 4 | LD 1 | IND/LAB 1 |
| LL | CON 5 | C+C 0 | SNP 5 | LD 2 | IND/LAB 1 |
| P+DM | CON 5 | C+C 1 | SNP 5 | LD 1 | IND/LAB 1 |
| Scrutiny* | CON 5 | C+C 1 | SNP 4 | LD 2 | IND/LAB 1 |
| SP+R | CON 5 | C+C 1 | SNP 5 | LD 2 | IND/LAB 2 |
| TOTALS | CON 42 | C+C 6 | SNP 39 | LD 14 | IND/LAB 11 |

- (i) The guide to political balance in the table above be agreed.
- (ii) Further discussions on political balance to be discussed at the next meeting of the Governance Member/Officer Working Group early in 2021 with any further proposals to come back to a future meeting of Perth and Kinross Council for approval.
- (iii) Changes of membership for Committees to be submitted to Committee Services in line with the above table.

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

4 Members voted for the Amendment 1 as follows:

Councillors A Bailey, M Barnacle, R Brock and X McDade.

12 Members voted for the Amendment 2 as follows:

Councillors S Donaldson, E Drysdale, T Gray, G Laing, I Massie, T McEwan, A Parrott, B Pover, J Rebbeck, F Sarwar, R Watters and M Williamson.

21 Members abstained as follows:

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

Amendment 2 became the substantive Amendment and was put against the Motion.

21 Members voted for the Motion as follows:

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

17 Members voted for the Amendment as follows:

Councillors A Bailey, M Barnacle, R Brock, S Donaldson, E Drysdale, T Gray, G Laing, I Massie, S McCole, X McDade, T McEwan, A Parrott, B Pover, J Rebbeck, F Sarwar, R Watters and M Williamson.

Resolved:

In accordance with the Motion.

In terms of Standing Order 60, Councillors R Brock, E Drysdale, T Gray, G Laing, I Massie, S McCole, X McDade, T McEwan, A Parrott, B Pover, J Rebbeck, F Sarwar, R Watters and M Williamson requested that their dissent be recorded at the decision.

13. UPDATES TO SCHEME OF ADMINISTRATION

Resolved:

The updates to the Scheme of Administration, as per the revised version attached as Item 13, be agreed.

G PATERSON AND COUNCILLORS M BARNACLE, A BAILEY AND M WILLIAMSON 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.

P1. THIMBLEROW SITE DEVELOPMENT

There was submitted a report by the Head of Planning and Development (20/258) (1) providing an update in relation to the redevelopment of the Thimblerow car park, and (2) asking members to consider whether or not to enter into a new development agreement with the named individual in Report 20/258 to enable them to progress a new residential led scheme that contributes to the vitality of Perth City centre.

Resolved:

- (i) It be agreed that the LDP requirement to retain 200 public car park spaces at Thimblerow is no longer the priority it once was and requests the Head of Planning and Development to prepare a non-statutory planning brief for the site to clarify this position.
- (ii) The Head of Legal and Governance Services be instructed to draft a new 3 year Development Agreement with the named individual in Report 20/258, based upon the previous terms and with additional break points in-built to ensure progress is maintained.
- (iii) The Head of Planning and Development be requested to bring back the draft Development Agreement in early course, for further consideration.

In terms of Standing Order 60, Councillors S McCole and S Donaldson requested that their dissent be recorded at the decision.

POST MEETING NOTE:

Item 12 (iii)

Further Appointments to Committees / Sub-Committees / Outside Bodies

Prior to the voting and resolution on the above item, it was noted that an error had been made in finalising revisions to the Motion following the recess period.

Given that the resolution on this item of business was in accordance with the Motion, Council agreed to rectify this error and to the following additional changes to Committee and Sub-Committee membership:

- In relation to the Property Sub-Committee, the allocation of places to the SNP group to reduce by one, and the allocation to the Independent and Scottish Labour Group to increase by one.
- Councillor X McDade to replace Councillor A Bailey on the Strategic Policy and Resources Committee.
- Councillor X McDade to replace Councillor A Bailey on the Appointments Sub-Committee of the Strategic Policy and Resources Committee for the post of Chief Operating Officer.