

PERTH AND KINROSS COUNCIL

Minute of Special Meeting of Perth and Kinross Council held virtually on Wednesday 27 January 2021 at 9.35am.

Present: Provost D Melloy, Councillors C Ahern, A Bailey, K Baird, M Barnacle, 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 and W Wilson.

In Attendance: B Renton, Executive Director (Communities); C Mailer, Depute Director (Communities); S Devlin, Executive Director (Education and Children's Services); K Donaldson, Chief Operating Officer; G Paterson, Chief Officer/Director – Integrated Health and Social Care; G Boland (Education and Children's Services); H Biro (up to Item 8), A Clegg (up to Item 8), S Coyle (up to Item 6), F Crofts (up to Item 8), D Littlejohn (up to Item 8), F McGowan (up to Item 8), P Marshall (from Item 5-8) and K Smith (up to Item 7) (Communities); L Simpson, C Flynn, S Hendry, S Mackenzie, S Walker, C France (up to Item 6), A Brown, M Pasternak, C Wright, B Parker, L McGuigan and A McMeekin (all Corporate and Democratic Services);

Apology for Absence: Councillor H Coates.

The Provost led on Items 1-3, 5-7 and 9, and the Depute Provost led on Items 4 and 8.

TRIBUTE TO THE LATE COUNCILLOR HENRY ANDERSON

The Provost paid tribute to the late Councillor Henry Anderson who had died at the end of 2020 due to COVID-19.

Councillor Anderson was first elected in 2012 to the Almond and Earn Ward and held a number of positions within the Council including Convener of the Local Review Body.

Several other elected members also paid further tribute and passed on their condolences to family, friends and colleagues.

1. WELCOME AND APOLOGIES

The Provost welcomed all those present and noted an apology as above.

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF MEETINGS OF THE APPOINTMENT SUB-COMMITTEE OF STRATEGIC POLICY AND RESOURDCES COMMITTEE

(i) Chief Executive Appointment Sub-Committee

(a) 22 December 2020

The minute of meeting of the Chief Executive Appointment Sub-Committee of 22 December 2020 be noted.

(b) 20 January 2021

The minute of meeting of the Chief Executive Appointment Sub-Committee of 20 January 2021 be noted.

Councillor Laing commented that he had not been part of the majority view to amend the recruitment timescales and asked that his dissent be recorded.

(ii) Chief Operating Officer Appointment Sub-Committee

(a) 22 December 2020

The minute of meeting of the Chief Operating Officer Appointment Sub-Committee of 22 December 2020 be noted.

(b) 6 January 2021

The minute of meeting of the Chief Operating Officer Appointment Sub-Committee of 6 January 2021 be noted.

4. DECISION MAKING AND COMMUNICATION ARRANGEMENTS – JANUARY 2021

There was submitted a report by the Chief Operating Officer (21/12) seeking agreement of interim decision-making arrangements and elected member engagement in response to the Coronavirus (COVID-19) restrictions announced by Scottish Government and effective from 5 January 2021. These adjustments are designed to free up officer capacity in order to focus on the COVID-19 response and to maintain elected member decision-making and oversight.

Motion (Councillors M Lyle and J Duff)

- (i) To agree the recommendations in Report 21/12 and the general proposals as set out in Section 3 of the report.**
- (ii) In relation to recommendation (ii), agrees temporary changes to the Committee timetable in order to release officer capacity to focus on the Covid response and maintain elected member decision-making and oversight. In addition to the current scheduled meetings of the Council, additional Council meetings be scheduled to make provision for monthly meetings to consider any urgent and important strategic**

decisions that would ordinarily be dealt with by the suspended committees **(see Appendix 1).**

This would suspend all committee meetings, other than those that deal with quasi-judicial business or statutory appeals. This proposed timetable is largely in line with option 2 in section 3.4 of the report. Given that the purpose of these interim arrangements is to free up officer capacity to focus on the delivery of essential operational services and the public health response to the pandemic, whilst we agree to a revised timetable of provisional dates, meetings should only be going ahead if there is urgent and important strategic business for Council or sufficient pressing business for quasi-judicial committees to consider.

- (iii) An Urgent Business Committee comprising of 13 members with Councillor M Lyle and Councillor J Duff appointed Convener and Vice-Convener, be established to be convened at short notice where business is considered so urgent that it cannot wait until the next scheduled Council meeting. The additional members to be appointed in line with political balance being a further 3 members from the Scottish Conservative and Unionist group, 4 members of the SNP group, 2 members of the Scottish Liberal Democrats group, 1 member from the Independent and Scottish Labour group, and 1 member from Councillor Purves/Stewart.**
- (iv) Authorises the Interim Chief Executive and Head of Legal & Governance Services to make any necessary changes to the Scheme of Administration.**
- (v) Agrees the arrangements for the business of Common Good Committees.**
- (vi) Notes the arrangements for ongoing engagement with the Trade Unions.**
- (vii) Agrees the arrangements for setting the Revenue budget.**
- (viii) Agrees the setting of the Interim Capital Blueprint and Capital Budget in September (at the earliest).**
- (ix) Notes the interim arrangements for leaders' updates and elected member briefings.**
- (x) Agrees to suspend the normal process for Business Management and Improvement Plans and Annual Performance reports.**
- (xi) Appoints Barbara Renton in her capacity as Interim Chief Executive as the Returning Officer for the Council in accordance with the Representation of the People Act 1983.**
- (xii) Agrees that these interim arrangements be reviewed at the end of March 2021.**

Amendment (Councillors A Parrott and A Bailey)

It is proposed that no changes be made to the current agreed Council, Committee and sub-committee structure or the present six months timetable of meetings but that allowance is made for a reduction of business in line with the constraints and pressures of responding to the Covid-19 pandemic. It is accepted that the Revenue Budget this year will be constrained but it is vital that all political groups have the opportunity to influence the decision-making process.

This amendment replaces Paras 3.3, 3.4 and 3.6 of Report 21/12. The other recommendations in the report to be approved.

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

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 Jarvis, 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.

THERE FOLLOWED A THIRTY MINUTE RECESS AND THE MEETING RECONVENED AT 12.22PM.

5. REVENUE BUDGET 2021/22 UPDATE REPORT NO. 3

There was submitted a report by the Head of Finance (21/8) providing an update in relation to the 2021/22 Revenue Budget, with a focus on the estimated financial impact of Covid-19 in the current year.

Resolved:

- (i) The potential gross financial impact of Covid-19 of between £25.5 million and £27.7 million be noted.
- (ii) The criteria that will apply to the Covid-19 Local Authority Discretionary Fund be agreed and authority be delegated to the Head of Planning and Development to progress the scheme.
- (iii) The allocation of £16.4 million of Scottish Government funding towards the Council's Covid-19 response be noted.
- (iv) The application of £6.0 million of other net under spends towards the Covid-19 response be noted.
- (v) The current projected net outturn position for 2020/21 of between a surplus of £1.6 million and deficit of £600,000 be noted.
- (vi) The creation of an earmarked Reserve for Covid-19 be approved and, on the basis that the Council under spends in 2020/21, this amount is transferred to the earmarked Reserve for Covid-19 to support the response in future financial years.
- (vii) The adjustments to management budgets, as set out in section six of Report 21/8, be approved.

6. COMPOSITE CAPITAL BUDGET 2020/29 & HOUSING INVESTMENT PROGRAMME 2020/25 - MONITORING REPORT NUMBER 3

There was submitted a report by the Head of Finance (21/9) (1) providing a summary position to date for the 9-year Composite Capital Programme for 2020/21 to 2028/29 and the 5-year Housing Investment Programme 2020/21 to 2024/25; and (2) seeking approval for adjustments to the programmes.

Resolved:

- (i) The contents of Report 21/9 be noted.
- (ii) The proposed budget adjustments to the nine year Composite Capital Budget 2020/21 to 2028/29, as set out in Sections 2 and 3 of Report 21/9 and summarised at Appendices I and II, be approved.
- (iii) The proposed budget adjustments to the Housing Investment Programme Budget 2020/21 to 2024/25, as set out in Section 4 of Report 21/9 and summarised at Appendix III, be approved.

S COYLE AND C FRANCE LEFT THE MEETING AT THIS POINT.

THERE FOLLOWED A 10 MINUTE RECESS AND THE MEETING RECONVENED AT 2.15PM.

7. REVIEW OF PLANNING ENFORCEMENT CHARTER

There was submitted a report by the Head of Planning and Development (21/10) seeking approval of an updated version of the Council's Planning Enforcement Charter, following a regular review, as required by legislation.

Resolved:

- (i) The proposed Planning Enforcement Charter (2021), as set out in the Appendix to report 21/10, be approved.
- (ii) It be agreed to delegate any subsequent minor amendments to the Head of Planning & Development.
- (iii) Any such minor amendments to be reported to the Strategic Policy & Resources Committee as part of the 2023 Charter Review.

K SMITH LEFT THE MEETING AT THIS POINT.

8. ADOPTION OF SUPPLEMENTARY GUIDANCE ON OPEN SPACE PROVISION AND FLOOD RISK & FLOOD RISK ASSESSMENTS

There was submitted a report by the Executive Director (Communities) (21/11) (1) providing a summary of the comments received on two pieces of supplementary guidance published for consultation in 2019; (2) making recommendations for changes where appropriate and seeking consent to finalise and adopt the supplementary guidance to support the second Local Development Plan (LDP2) adopted in November 2019; and (3) seeking approval of the revised Policy on Maintenance Options for Public Open Spaces in New Residential Developments which is associated with the supplementary guidance.

Resolved:

- (i) The following pieces of Supplementary Guidance be approved as key policy documents to support LDP2:
 - Open Space Provision for New Developments & Associated Maintenance Policy
 - Flood Risk and Flood Risk Assessments
- (ii) The Executive Director (Communities) be remitted to finalise the Supplementary Guidance and to submit to Scottish Ministers.

A CLEGG, F CROFTS, D LITTLEJOHN, P MARSHALL AND F MCGOWAN LEFT THE MEETING AT THIS POINT.

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

Motion (Councillors G Laing and A Parrott)

- (i) Councillor R Watters be appointed as Convener of the Local Review Body.
- (ii) Councillor M Williamson be appointed to the vacant position on the Planning and Development Management Committee.
- (iii) Councillor A Parrott be appointed to the vacant position on the Licensing Board.
- (iv) Councillor I Massie be appointed to the vacant position on the Harbour Board.
- (v) Councillor F Sarwar be appointed to the vacant position on the Friends of Pskov Management Committee.
- (vi) Councillor A Parrott be appointed to the vacant position on the Friends of Aschaffenburg Management Committee.

Amendment (Councillors W Wilson and W Robertson)

In accordance with the Motion but with the following exceptions:

- (i) Councillor L Simpson be appointed as Convener of the Local Review Body.**
- (ii) Councillor L Simpson replace Councillor W Robertson on the Planning and Development Management Committee.**
- (iii) Councillor W Robertson replace Councillor L Simpson on Licensing Committee.**

THERE FOLLOWED A 10 MINUTE RECESS AND THE MEETING RECONVENED AT 3.55PM. THERE FOLLOWED A FURTHER 5 MINUTE RECESS AND THE MEETING RECONVENED AT 4.00PM.

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

17 Members voted for the Motion 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.

19 Members voted for the Amendment 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 Reid, W Robertson, C Shiers, L Simpson and W Wilson.

2 Members abstained as follows:

Councillors C Purves and C Stewart.

Resolved:

In accordance with the Amendment.