

# **PERTH AND KINROSS COUNCIL**

Minute of hybrid meeting of Perth and Kinross Council held in the Council Chambers, 2 High Street, Perth on Wednesday 8 February 2023 at 10.30am.

Present: Provost X McDade, Depute Provost A Parrott, Bailies C Ahern, A Bailey, R Brock, C McLaren and M Williamson; Councillors H Anderson, L Barrett, P Barrett, B Brawn, S Carr, A Chan, D Cuthbert, S Donaldson, E Drysdale, J Duff, A Forbes, M Frampton, N Freshwater, K Harvey, D Illingworth, I James, N Khogali, G Laing, B Leishman, I MacPherson, I Massie, S McCole, T McEwan, J Rebbeck, C Reid, W Robertson, C Shiers, F Smith, C Stewart, G Stewart, R Watters and J Welch.

In Attendance: T Glen, Chief Executive; Services, B Renton Executive Director (Communities); J Pepper, Chief Officer – Health and Social Care Partnership/Chief Social Work Officer, C Mailer (Chief Executive's Service); H Robertson, R Drummond (all Education and Children's Services), K Ogilvy and I Wilkie (Health and Social Care Partnership), C Guild and F Robertson (Communities), L Simpson, S MacKenzie, P Johnstone, D Coyne, K Donaldson, S Walker, S Hendry, A Brown, M Pasternak and R Ramsay (all Corporate and Democratic Services); B Atkinson, Independent Chair of Perth and Kinross Adult Protection Committee; M Blacklaw (Calmac)

Apologies: Councillor K Allan

Provost X McDade, Presiding

The Depute Provost led discussion on Item 7, 8 and 9, the Provost led discussion on all other items of business.

## **1. WELCOME AND APOLOGIES**

The Provost welcomed those present to the meeting. An apology was noted as above.

## **TRIBUTE TO THE LATE FORMER COUNCILLOR A LIVINGSTONE**

The Provost paid tribute to the late former Councillor Alan Livingstone who had sadly passed away recently.

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

## **2. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, Councillor S McCole declared a non-financial interest in Items 7 and 10, Bailie C Ahern, Councillors I Massie and F Smith all declared a non-financial interest in Item 10.

Note: Following further advice from the Head of Legal and Governance Services later in the meeting, Councillors McCole, Smith and Massie and Baillie Ahern withdrew their declarations in relation to Item 10 on the agenda.

### **3. URGENT BUSINESS**

In terms of Standing Order 9.3(b), the Provost agreed to accept consideration of the following motion as urgent business following a statement from Cabinet Secretary for Education and Skills on local authority teacher numbers on 7 February 2023.

#### Motion By Councillors J Duff and C Shiers

*The Cabinet Secretary for Education and Skills stated yesterday that the Scottish Government will impose financial sanctions on Councils should they seek to balance the massive real terms cuts to council budgets by accepting proposals to reduce teacher or support staff numbers or to make changes to the school week.*

*Consequently, this Council expresses its extreme displeasure and frustration that the Scottish Government has opted to punish local authorities rather than provide them with adequate finance to deliver the full range of services which our communities expect and demand.*

*As a result of these sanctions and the decision to formally ring fence an even greater proportion of local authority budgets, this Council now has reduced flexibility to deliver a balanced budget, resulting in a greater share of the burden of cuts, savings and job losses having to be borne by other, non-protected services and vulnerable groups.*

*Accordingly, this Council echoes the statement of COSLA that “the timing and approach of the Scottish Government’s latest move undermines the democratic mandate of Local Government and is a U-turn on previously agreed flexibilities for councils over their budgets” and calls upon the Leader of the Council to write to the Cabinet Secretary for Education and Skills, and copy it to the Deputy First Minister, to express the Council’s extreme displeasure and frustration and request that they reconsider and reverse their decision.*

#### **Resolved:**

In accordance with the Motion

### **4. MINUTE OF MEETING OF PERTH AND KINROSS COUNCIL OF 21 DECEMBER 2022 FOR APPROVAL**

The minute of the meeting of Perth and Kinross Council of 21 December 2022 be approved as a correct record.

## **5. OUTSTANDING BUSINESS STATEMENT**

The Outstanding Business Statement was noted, and it was agreed to remove the completed actions.

## **6. NOTICE OF MOTIONS**

### **6(i) Alternative Methods of Celebration**

On 21 December 2022, Council considered a motion on Alternative Methods of Celebration by Councillors B Leishman and E Drysdale.

At that meeting it was agreed to defer consideration of the motion until the next meeting of the Council on 8 February 2023.

Council noted that the Mover and Secunder of the Motion now wished to further defer consideration until the Council meeting of 10 May 2023 in order to allow more time to prepare and consider further relevant background information prior to any decision.

### **6(ii) Making Explicit Our Pledge to Continue to Support All or Care Experienced Children and Young People**

#### **Motion By Councillors M Frampton and C Shiers**

It is important that Perth and Kinross Council agree to the continued commitment of all Members to show their support in tangible ways for all of our care experienced young people through all means to ensure:

- Our children will have the best start in life in a nurturing environment.
- Our children and young people will be meaningfully engaged with high quality learning experiences to extend to their potential.
- Our children will grow up healthy, confident, and resilient with improved mental and physical health and strengthened emotional wellbeing.
- Our children, young people, and families at risk, who face significant inequalities and disadvantage, will have improved life chances.
- Our children and young people are safe from harm.

Perth and Kinross are committed to ensuring that our care experienced population all have the emotional and practical support, to ensure that they live their lives well. Our Corporate Parenting Plan is based on the priorities laid out in the Promise Plan 21-24 and the voice of our own care experienced young people. This plan is monitored to ensure actions are achieved on a regular basis by the Corporate Parenting sub-group and for all to work together to ensure that priorities become actions. We will continue to ensure that the needs of our care experienced population are prioritised when planning services.

The Corporate Parenting Plan is essential for our children, young people and those most vulnerable and at-risk children and young people within pkc. There can be nothing more important in the fact that we as a council recognise that the safeguarding, supporting, and promoting the well-being of all children is essentially everyone's job. That it is everyone's responsibility to protect our most vulnerable children and young people from abuse, harm, and exploitation.

In keeping with the Corporate Parenting Plan, we can enable the children and young people, to be looked after safely in nurturing environments, enable them to have their voices heard, and give encouragement for each and every child and young person to achieve the best they can be. I ask full council to agree the motion to continue commitment of support in all tangible ways for our Care Experienced Children in Perth and Kinross.

**Resolved:**

In accordance with the Motion

**6(iii) Use of Proxy Votes by Elected Members absent due to parental/family leave**

**Motion By Councillor C Shiers and Bailie R Brock**

A "Proxy" vote is deemed to be where one elected member who is absent from a formal meeting, provides authority for another elected member to vote on their behalf, thereby providing the second elected member with two votes at meetings of the Council. Members should note that this is different from the process in Standing Orders which permits elected members to appoint another elected member to act as their substitute if they are to be absent from a meeting.

Councillors will be aware that Members of the UK and Scottish Parliaments may make use of proxy votes. However, local authorities are governed principally by the Local Government (Scotland) Act 1973, which does not permit the use of proxy votes.

The absence of proxy voting could act as a deterrent to individuals standing for election and, in order to make the role of Councillor more inclusive and family friendly, and attractive to candidates of all ages and backgrounds, it would be advantageous for elected members absent due to parental/family leave to be able to formally nominate another elected member to act as their proxy.

Further, we would ask for consideration to be given to proxy voting to be extended to elected members who are absent due to long-term sickness which has been certified by a doctor.

Therefore, Council asks the Leader of the Council to write to the Scottish Government requesting an amendment to the Local Government (Scotland) Act 1973 to permit an elected member on parental/family leave to formally

nominate one other elected member to cast a proxy vote on their behalf at meetings of the Council.

**Resolved:**

In accordance with the Motion

**6(iv) The Levelling Up Fund**

**Motion By Councillors G Laing and E Drysdale**

Motion to instruct the Leaders of All Political Groups to write a joint letter to the Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations with the aim of securing the fairest possible consideration of applications under the final tranche 3 of the Levelling Up Fund, This Council notes that:

- As stated in the Council's Corporate Plan 2022-2027, many households in Perth & Kinross are experiencing the damaging effects of poverty exacerbated by the cost-of-living crisis. Precarious employment, costs and availability of affordable housing, transport, and childcare alongside additional costs for essential goods and services mean living particularly in our rural and remote rural areas can be exceptionally challenging from a financial perspective. Approximately one in four children in Perth and Kinross are living in poverty. That's at least 5,155 children.
- The Scottish Government's £600 million R100 programme which is delivering superfast broadband to the whole of the country is making strong progress but has encountered delays and particular challenges in Perth & Kinross due to the aforementioned rurality together with a legal challenge.
- When establishing the UK Government Levelling Up Fund, a capital fund to support investment in places where the biggest difference can be made, it stated it would prioritise investment in areas of need, and low connectivity.
- Notwithstanding the above, HM Treasury has decided to categorise Perth & Kinross in its lowest priority group for investment and, despite the highly commendable efforts of council officers in preparing comprehensive and detailed applications, it has rejected our bids under the first two tranches. Perth & Kinross has therefore received zero funding to date from the fund.
- If successful, our first project (bid £11m) would have better connected communities to education facilities and employment opportunities and would have improved connectivity to key transport sites around Perth. If successful, our second project (bid £10m) would have helped fund a once in a generation sustainable city expansion (Eco Innovation Park) supporting both business growth and innovation in energy and mobility.
- Either of these bids would have yielded significant benefits to people and businesses across Perth & Kinross and, alongside the Scottish Government and Perth & Kinross Council funded Cross Tay Link

Road, would have been pivotal in the creation of a stronger and more vibrant local economy.

- It is noted that 4 other Scottish Local Authorities in the same lowest priority category have been awarded investment totalling over £83 million to date. Indeed £349 million has already been allocated to Scotland out of a UK wide total of £3.78 billion.
- If that £349m had been distributed among local authorities in line with the established model used for financial distributions from the Scottish Government, Perth & Kinross would have received around £10.5 million. 5(iv) Page 23 of 316 This Council therefore expresses disappointment that it has received no funding allocation to date and urges that the UK Government take steps to review its prioritisation criteria and ensure that those local authority areas that have lost out in both of the first two tranches, and who make strong bids for funding under the final tranche later this year, receive priority consideration.

Motion: That Council instructs the Leader of the Council together with Leaders of all other political groups to write jointly to the Secretary of State respectfully requesting that, in all fairness and in consideration of the above points and the desire to truly 'level up' the country, applications under Tranche 3 are considered with highest priority afforded to those local authorities which have unsuccessfully bid under both previous tranches and who submit a qualifying bid under the final application process.

**Resolved:**

In accordance with the Motion

**6(v) Cooperation with the Chinese Communist Party**

**Motion By Bailie A Bailey and Councillor N Khogali**

Perth and Kinross Council resolves:

- 1) To stand in solidarity with all the people of China who are being denied basic human rights including rights to: free speech and assembly; freedom from torture; democratic processes; religious freedoms; and others guaranteed by the Universal Declaration of Human Rights.
- 2) That we strongly value the contributions of the Chinese community living in Perth & Kinross and reaffirm our commitment to their inclusion in our community.
- 3) That we will continue to support celebrations of Chinese culture in our area.
- 4) That we will not accept any funding from the Chinese Communist Party or affiliated bodies and will look to identify alternative replacement funding sources for any affected programmes or events.
- 5) That neither the Provost nor any other representative of the Council will accept invitations to China or events funded by Chinese Communist Party affiliated bodies by representatives of the CCP or their affiliates at this time.

- 6) Not to issue any invitations to representatives of the Chinese Communist Party or their affiliates to visit our area at this time
- 7) That instead of flying the national flag of China to commemorate the twinning of Haikou with Perth, the Council will instead fly an alternative flag to mark the twinning.

Points 5, 6 & 7 shall be reviewed when the human rights situation in China improves.

**Amendment (Councillors P Barrett and L Barrett)**

**To formally reject the terms of the motion.**

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 12.05PM

In terms of Standing Order 21.1 a roll call vote was taken.

10 Members voted for the Motion, as follows:

Provost X McDade, Bailie A Bailey, Councillors H Anderson, S Donaldson, J Duff, A Forbes, N Khogali, B Leishman, C Shiers and C Stewart.

23 Members voted for the Amendment as follows:

Depute Provost Parrott, Bailies C Ahern, C McLaren and M Williamson, Councillors L Barrett, P Barrett, B Brawn, S Carr, A Chan, E Drysdale, M Frampton, K Harvey, D Illingworth, I James, I MacPherson, I Massie, S McCole, , , J Rebbeck, C Reid, W Robertson, F Smith, G Stewart and R Watters.

6 Members abstained from the vote as follows:

Bailie R Brock, D Cuthbert, N Freshwater, G Laing, T McEwan and J Welch

**Resolved:**

In accordance with the Amendment

AT THIS POINT COUNCIL AGREED TO ACCEPT A LATE REQUEST FOR A DEPUTATION BY MR S HOWIE ON ITEM 11 ON THE AGENDA

**7. PERTH AND KINROSS CHILD PROTECTION COMMITTEE STANDARDS AND QUALITY REPORT 2021/2022**

There was submitted a report by the Chief Social Work Officer (22/293) (1) providing an overview of the key activities and work of the CPC partners to protect children and young people from harm, abuse and exploitation, (2) describing the CPC's achievements; key strengths and areas for improvement, and also (3) updating on the CPC's Improvement Plan; which confirms that the CPC continues to focus on learning and improvement and has in place a comprehensive programme of improvement work for 2022 and beyond.

**Resolved:**

- (i) The wide range of work being carried out by Perth and Kinross Council, and partners, through the CPC to provide high quality services to protect children and young people, in particular, the high-level commitment to continuous improvement through quality assurance and self-evaluation, be noted
- (ii) The contents of the report and the Perth and Kinross Child Protection Committee Standards and Quality Report 2021/2022 (Appendix 1) and the contents of the Perth and Kinross CPC Improvement Plan, 1 August 2021 – 31 July 2023 (Appendix 2), be endorsed.

**8. PERTH & KINROSS ADULT PROTECTION COMMITTEE BIENNIAL REPORT 2020/22**

There was submitted a report by the Chief Social Work Officer (23/39) (1) focusing on the impact of the COVID-19 pandemic on adults at risk, how performance had been maintained and how services and agencies have successfully adapted, and (2) confirming that the Adult Protection Committee continues to place a strong emphasis on learning and development and has prepared a programme of evidence-based improvement work for 2022/2023.

**Resolved:**

- (i) The wide range of work being carried out by partners through the Adult Protection Committee, to provide high quality services to protect adults at risk and the commitment to continuous improvement, be noted
- (ii) The contents of the Perth and Kinross Adult Protection Committee Biennial Report for 2020/2022 be endorsed.

THERE FOLLOWED A RECESS FOR LUNCH AND THE MEETING RECONVENED AT 2.35PM.

**9. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT 2021/22**

There was submitted a report by the Chief Social Work Officer (23/40) (1) providing the Chief Social Work Officer's overview of social work services in Perth and Kinross during the financial year 2021/22, (2) setting out how social care and social work services have been delivered up until end of March 2022, and in some instances up to end of July 2022, and (3) covering the key challenges that continue in respect to the additional needs and demands that arise as a result of COVID19 for our most vulnerable and at-risk citizens, and also (4) detailing the arrangements to enable the Chief Social Work Officer to fulfil the responsibilities outlined in Section 5 (1) of the Social Work (Scotland) Act 1968 (as amended).



**Resolved:**

- (i) The wide range of work being carried out by Perth and Kinross Council to provide effective social work services and the continued efforts by staff to manage the additional needs and demands that are present as a result of the ongoing impact of COVID19, be noted
- (ii) It be noted that the report had been submitted to the Scottish Government and the Chief Social Work Adviser's office.
- (iii) The Chief Social Work Officer's Annual Report for 2021/2022, as set out in Appendix 1, be approved

**10. KING'S CORONATION CELEBRATION - 8 MAY 2023**

There was submitted a report by the Corporate Human Resources Manager (23/41) seeking approval of the leave arrangements that will allow the Council to mark the King's Coronation in May 2023 and provide a mandate for discussions with the unions, and (2) seeking approval to recognise the Bank Holiday on 8 May 2023 as an additional day's annual leave for all employees, recognising the operational impact and any issues around the different Terms and Conditions for Teachers and Single Status employees.

**Resolved:**

- (i) One additional annual leave day to all employee groups to be taken on Monday 8 May 2023 or, for those required to work on that date, at a suitable time, be granted.
- (ii) The Scottish Government be asked to provide an exemption to the required teaching days to allow schools to be closed on 8 May 2023.
- (iii) Essential services to be maintained to allow the capacity to respond to emergencies in communities.

**11. PERTH HARBOUR BUSINESS PLAN UPDATE AND FUTURE OPTIONS APPRAISAL**

There was submitted a report by Executive Director (Communities) (23/42) (1) providing an update on the delivery of the Perth Harbour Business Plan (2021-2026) and (2) recommending the preferred option for the future operation of the Harbour as requested by the Finance & Resources Committee at its meeting of 7 September 2022 (Report No. 22/208 refers).

In terms of Standing Order 13.1, Mr S Howie addressed Council and answered a number of questions from members.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 4.30pm

COUNCILLOR W ROBERTSON LEFT THE MEETING AT THIS POINT

**Motion by Councillors G Laing and J Rebbeck**

**Accept the recommendations within the report but given that the legal process to officially close the harbour will take a period of time and is subject to formal consultation requirements, officers to be instructed to test the market for interest in a potential long lease opportunity. If there is such an interest, a further paper can be brought back to Council for consideration.**

**Amendment (Bailie C Ahern and Councillor F Smith)**

It is recommended that Council:

- (i) Notes the contents of the report;
- (ii) Notes the update on Perth Harbour Business Plan;
- (iii) Considers the option appraisal;
- (iv) Agrees Option 1B in the report as the preferred option;
- (v) Requests that the Perth Harbour Board at the Harbour Board meeting on the 14 February 2023 considers the report and the new Perth Harbour Business Plan Update and develops a timescale and plan with officers to implement the preferred option, primarily, phase 1 of the dredging by using £60,000 from un-earmarked reserves;
- (vi) Asks the Harbour Board and council officers to explore further commercial opportunities including the lease, sale or any other options for the future of the harbour.

In terms of Standing Order 21.1a roll call vote was taken:

22 Members voted for the Motion as follows:

Provost X McDade, Depute Provost A Parrott; Bailies A Bailey, R Brock, C McLaren and M Williamson, Councillors L Barrett, P Barrett, S Carr, D Cuthbert, S Donaldson, E Drysdale, M Frampton, K Harvey, G Laing, B Leishman, I MacPherson, T McEwan, J Rebbeck, G Stewart, R Watters and J Welch.

14 Members voted for the Amendment as follows:

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

2 Members abstained from vote as follows:

Councillors I Massie and S McCole.

**Resolved:**

In accordance with the Motion.

**12. SERVICE CONCESSION ARRANGEMENTS**

There was submitted a report by the Head of Finance (23/43) (1) summarising flexibility approved by the Scottish Government which allows local authorities to amend their accounting treatment for existing service concession arrangements and (2) outlining the implications arising from any change in accounting treatment approved by the Council under statutory guidance.

**Resolved:**

- (i) The flexibility permitted by the Scottish Government to amend the accounting treatment for existing service concession arrangements and the implications arising from any change in accounting treatment approved by the Council under statutory guidance be noted.
- (ii) The proposals outlined in Section 6 of the report to implement the flexibility be approved, specifically to:
  - a. The change in accounting treatment for the Council's service concession arrangements from contract life to asset life in accordance with the provisions of section 2.2 of Finance Circular 10/2022.
  - b. Adopt this change from financial year 2022/23.
  - c. For the purposes of reprofiling payments, assume a useful asset life for the assets concerned of 50 years.
  - d. For the purposes of reprofiling payments, adopt the annuity method.
- (iii) The financial implications of these decisions to be reflected in the 2023/24, 2024/25 and 2025/26 Provisional Revenue Budgets that will be considered on 1 March 2023.

**13. ELECTED MEMBERS BRIEFING NOTES**

The Elected Members Briefing Notes, issued since the previous Council meeting and as set out on the agenda were noted.