

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
20 JUNE 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 20 June 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, I James, A Jarvis, G Laing, M Lyle, R McCall, S McCole, X McDade, T McEwan, A Parrott, B Pover, CPurves, J Rebbeck, C Reid, W Robertson, F Sarwar, C Shiers, L Simpson, C Stewart, R Watters, M Williamson and W Wilson.

In Attendance: B Malone, Chief Executive; 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, Head of Housing; G Taylor, S Hendry, L Simpson, S Walker, L Potter, C Flynn, K Molley, R Fry, L Cameron and D Stokoe (all Corporate and Democratic Services); R Packham, Chief Officer, Perth and Kinross Health and Social Care Partnership; F Robertson, Head of Cultural and Community Services; N Brian, S Crawford and F Crofts (all Housing and Environment); G Boland, S Johnston and L Richards (all Education and Children's Services).

Apology for Absence: Councillor D Illingworth.

Provost D Melloy, Presiding.

378. TRIBUTE TO THE LATE ALASTAIR MUNRO

Provost Melloy paid tribute to former Perth and Kinross Councillor Alastair Munro who had died earlier in the week following a long illness. He had first been elected to the Council in 2012 and represented the Perth City South ward until 2017.

Provost Melloy led Councillors in a minute's silence.

379. PRE-DETERMINATION COMMITTEE

Provost Melloy advised elected members that with reference to Art. 385, this application was for modification of a national planning application for which, under Paragraph 27.1(a) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, a pre-determination hearing may be required to be held prior to the application being presented to the Council for determination. As there had been no requests for deputations to be heard there had been no requirement to hold a meeting of the Pre-Determination Committee.

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380. WELCOME AND APOLOGIES

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

381. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillors G Laing, W Robertson, A Forbes, J Rebbeck and T McEwan all declared a non-financial interest in Art. (Item 8) on the agenda.

382. NOTICE OF MOTIONS IN TERMS OF STANDING ORDER 39

- (i) In terms of Standing Order 39, the Council considered the following Motion:

Motion (Councillors R Watters and M Barnacle)

Council notes the ongoing Brexit negotiation process and specifically the developments which indicate that EU nationals, who have made Perth and Kinross their home, will lose their eligibility to participate in our democratic processes. Notes that while the Scottish Government are currently looking at the option of extending the franchise for local elections to all those legally resident in Scotland, participation in Community Councils is determined by each Council through the Scheme of Establishment for Community Councils.

Instructs Officers to extend the remit of the 'Review of the Scheme of Establishment for Community Councils in Perth and Kinross' as approved at full Council on 7 March 2018, to include a review of eligibility for Community Council Elections to ensure in so far as legally possible EU nationals can continue to participate in this important element of our democratic process.

Resolved:

In accordance with the Motion.

- (ii) In terms of Standing Order 39, the Council considered the following Motion:

Motion (Councillors X McDade and M Williamson)

Motion on A827 Road Closure

That the Council notes the significant economic impact road closures have on rural communities and in particular on the rural economy.

The Council also notes that the proposed full road closure of the A827 between Grandtully & Aberfeldy for seven weeks from late August to mid-October to carry out significant retaining works, which whilst necessary, will have a major impact on the economy of Aberfeldy and West Highland Perthshire, an area which relies heavily on tourism. Furthermore this community has already experienced a high level of disruption in the first five months of 2018 with both other A roads leading into

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Aberfeldy having experienced partial road closures at peak tourist times such as February half term and Easter to undertake various works.

Further notes that there is very strong opposition from the West Highland Perthshire community towards the potential full closure of the A827, with a high number of businesses raising concerns about their future should this main arterial route to Aberfeldy be closed.

The Council resolves to use all endeavours to find a technical solution, which is financially viable, to allow the A827 to be kept open during the planned works and that the Council will seek to fund this solution as a priority.

Resolved:

In accordance with the Motion.

383. MINUTE OF PREVIOUS MEETING

The minute of the meeting of Perth and Kinross Council of 25 April 2018 (Arts. 234-244) was submitted, approved as a correct record and authorised for signature.

384. MINUTES OF MEETINGS OF COMMITTEES FROM 11 APRIL 2018 to 29 MAY 2018

The decisions recorded in Arts.176-233 and 245-315, copies of which had been circulated to all members of the Council, were submitted and noted.

385. PLANNING REFERENCE 18/00200/FLN - SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO MODIFY CONDITION 3 (LANDSCAPING) OF PLANNING PERMISSION 12/00948/FLM (ERECTION OF AN ELECTRICITY SUBSTATION, FORMATION OF LANDSCAPING, ACCESS TRACKS AND ASSOCIATED WORKS) AT LAND 450 METRES NORTH WEST OF HAUGHEND FARM, MEIGLE

There was submitted a report by the Executive Director (Housing and Environment) (18/216) principally recommending the approval of an application to modify condition 3 (landscaping) of National Planning Consent 12/00948/FLM (Erection of an electricity substation, formation of landscaping, access tracks and associated works) at land north west of Haughend Farm, Meigle. The report also sought agreement to extend planning consent timescales to five years.

Resolved:

- (i) The contents of Report 18/216 be noted;
- (ii) The amended wording to condition 3, as set out in section 5 of Report 18/216 be approved;
- (iii) The departure from the standard three year timescale to extend the permission for five years, consistent with the current project timescales, and as set out in Report 18/216, be approved.

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386. ANNUAL TREASURY REPORT 2017/18

There was submitted a report by the Head of Finance (18/211) summarising the Council's treasury activities for the 2017/18 financial year and comparing actual performance with the approved Treasury and Investment Strategy for 2017/18.

Resolved:

The content of Report 18/211, submitted in accordance with the Council's approved Treasury Management Practices, be noted.

387. COMPOSITE CAPITAL BUDGET 2018-2025

There was submitted a report by the Head of Finance (18/212) seeking approval for the Provisional Composite Capital Budget for years 2018/19 to 2027/28. Approval was also sought for the Capital Strategy and Prudential Indicators for years 2018/19 to 2027/28.

Motion (Councillors M Lyle and P Barrett):

The Council agrees to:

- (i) Approve the setting of a ten year Capital Budget for financial years 2018/19 to 2027/28.**
- (ii) Approve the level of Capital resources for 2018/19 to 2027/28 set out in Section 2 above and Appendices I and II with the exception of the item at (x) below.**
- (iii) Funding for a replacement of Perth High School as set out in paragraphs 3.6 to 3.18.**
- (iv) Approve the additional expenditure proposals set out in paragraphs 3.21 to 3.27 with the exception of the item listed at (x) below.**
- (v) Approve the Annual Rolling Programmes set out in paragraphs 3.29 and 3.30 and Appendix III.**
- (vi) Approve the Prudential Borrowing projects set out in paragraph 3.32 and Appendix IV.**
- (vii) Approve the Capital expenditure proposals as set out in Section 3 and Appendix IV of this report with the addition of the projects listed at (x) below.**
- (viii) Approve the Prudential and Treasury Management Indicators for 2018/19 to 2027/28 as set out in Section 4 and Appendix V of this report.**
- (ix) Approve the Capital Strategy set out at Appendix VII to this report.**
- (x) Additional investment of £24,015,000 in the following areas (over the next ten years) –**

Additional Expenditure	£'000
Structural Maintenance	20,000
Playparks	1,500
Road Safety	1,350

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3G Pitch, Blairgowrie <i>(subject to a business case)</i>	500
Additional Investment in Local Footpaths	200
Investment in Pitlochry Carpark <i>(subject to a business case)</i>	150
Air Quality Improvement Initiatives <i>(subject to business cases)</i>	100
Strathmore Cycle Network	100
Additional Funding towards Brioch Road, Crieff	65
Investment in Pedestrian Gritters <i>(subject to business cases)</i>	50
TOTAL ADDITIONAL EXPENDITURE	24,015

The additional expenditure will be funded as follows:

Funding	£'000
Additional borrowing <i>The borrowing costs of this proposal range between £74,000 and £91,000 each year with total additional borrowing costs of £771,000 required.</i> The additional borrowing costs will be funded by an additional increase in the Council Tax Base (approximately 62 band D equivalent properties per year.	23,350
Audio Visual Programme in schools	665
TOTAL ADDITIONAL RESOURCES	24,015

First Amendment (Councillors D Doogan and A Parrott):

The Council agrees to:

- I. Approve the setting of a ten year Capital Budget for financial years 2018/19 to 2027/28.
- II. Approve the level of Capital resources for 2018/19 to 2027/28 set out in Section 2 above and Appendices I and II with the exception of the item at (x) below.

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- III. Funding for a replacement of Perth High School as set out in paragraphs 3.6 to 3.18 with the exception of the item at (x) below.
- IV. Approve the additional expenditure proposals set out in paragraphs 3.21 to 3.27.
- V. Approve the Annual Rolling Programmes set out in paragraphs 3.29 and 3.30 and Appendix III.
- VI. Approve the Prudential Borrowing projects set out in paragraph 3.32 and Appendix IV.
- VII. Approve the Capital expenditure proposals as set out in Section 3 and Appendix IV of this report with the exception of the items at (x) below.
- VIII. Approve the Prudential and Treasury Management Indicators for 2018/19 to 2027/28 as set out in Section 4 and Appendix V of this report.
- IX. Approve the Capital Strategy set out at Appendix VII to this report.
- X. Additional investment of **£30,250,000** in the following areas –

Additional Expenditure	£'000
Balhousie Primary School	6,000
PH20	4,725
Funding Boost to Commercial Property Improvement Portfolio	4,100
Local Roads	3,375
Blairgowrie Recreation Centre	3,000
School Estate Equity Fund	2,500
A9 Dualling – Link Road Improvements	1,600
Letham Wellbeing Hub	1,200
Dunbarney Nursery (subject to a business case)	1,100
Bridge Parapets	1,000
Car Parks	1,000
A9 Access Blackford	350
Pullar Terrace Access	300
TOTAL ADDITIONAL EXPENDITURE	30,250

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The additional expenditure will be funded as follows:

Funding	£'000
Removal of North / West primary school	14,400
Rescoping of planned works at Perth Academy (school and sports hall)	10,550
Rescoping of planned works at North Muirton Primary School	2,800
Additional borrowing (funded by adjusting the vehicle replacement programme)	2,500
TOTAL ADDITIONAL RESOURCES	30,250

Second Amendment (Councillors X McDade and R Brock):

The Council agrees to:

- I. Approve the setting of a ten year Capital Budget for financial years 2018/19 to 2027/28.
- II. Approve the level of Capital resources for 2018/19 to 2027/28 set out in Section 2 above and Appendices I and II with the exception of the item at (x) below.
- III. Reallocate the funding for a replacement of Perth High School as set out in paragraphs 3.6 to 3.18 to contribute to the projects listed at (x) below.
- IV. Approve the additional expenditure proposals set out in paragraphs 3.21 to 3.27 with the exception of the items at (x) below.
- V. Approve the Annual Rolling Programmes set out in paragraphs 3.29 and 3.30 and Appendix III.
- VI. Approve the Prudential Borrowing projects set out in paragraph 3.32 and Appendix IV.
- VII. Approve the Capital expenditure proposals as set out in Section 3 and Appendix IV of this report with the exception of the item at (x) below.
- VIII. Approve the Prudential and Treasury Management Indicators for 2018/19 to 2027/28 as set out in Section 4 and Appendix V of this report.
- IX. Approve the Capital Strategy set out at Appendix VII to this report.
- X. Additional investment of **£145,250,000** in the following areas –

Additional Expenditure	£'000
Investment in Perth South (<i>subject to development of a business cases</i>) • Secondary School Replacement - £49m • Office Accommodation - £20m • Leisure Facilities - £10m	79,000

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Scone Secondary School and Community Campus <i>(subject to development of a business case including funding for revenue costs)</i>	42,000
Pitlochry Primary School	13,800
Contribution to Pitlochry Community Campus <i>(subject to development of a business case)</i>	6,500
Expansion of Early Learning & Childcare <i>(subject to development of a business case)</i>	3,000
Additional Investment in Local Footpaths	350
Garden Waste from 2021/22 <i>(subject to development of a business case including funding for revenue costs)</i>	250
Letham Wellbeing Hub <i>(additional contribution in excess of £1.25m included in Provisional Capital Budget)</i>	200
Investment in Pitlochry Car Park <i>(subject to development of a business case)</i>	150
TOTAL ADDITIONAL EXPENDITURE	145,250

The additional expenditure will be funded as follows:

Funding	£'000
Additional Borrowing <i>(funded by Pullar House budget from 2025 at end of term of existing lease)</i>	73,450
Perth High School <i>(Reallocation of funding for like for like replacement)</i>	50,000
Perth Academy Refurbishment	8,630
Investment in Learning Estate	4,960
Reduction in Placemaking	3,450
Reduction in Lighting Strategy	2,100
Perth Academy Sports Facilities	1,560

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Audio Visual Equipment in schools (£110,000 reduction per annum over ten years)	1,100
TOTAL ADDITIONAL RESOURCES	145,250

THEREAFTER, THE MEETING WAS ADJOURNED FOR 25 MINUTES,
RECOMMENCING AT 4.10PM

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

4 members voted for the Second Amendment as follows:
Councillors A Bailey, M Barnacle, R Brock and X McDade.

15 members voted for the First Amendment as follows:
Councillors H Anderson, B Band, S Donaldson, D Doogan, E Drysdale,
T Gray, G Laing, S McCole, T McEwan, A Parrott, B Pover, J Rebbeck,
F Sarwar, R Watters and M Williamson.

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

The First Amendment became the substantive Amendment, and was put
against the Motion.

15 members voted for the Amendment as follows:
Councillors H Anderson, B Band, S Donaldson, D Doogan, E Drysdale,
T Gray, G Laing, S McCole, T McEwan, A Parrott, B Pover, J Rebbeck,
F Sarwar, R Watters and M Williamson.

20 members voted for the Motion as follows:
Provost D Melloy, Councillors C Ahern, K Baird, P Barrett, B Brawn,
A Coates, H Coates, J Duff, A Forbes, I James, A Jarvis, M Lyle, R McCall,
C Purves, C Reid, W Robertson, C Shiers, L Simpson, C Stewart and
W Wilson.

4 members abstained as follows:
Councillors A Bailey, M Barnacle, R Brock and X McDade.

Resolved:

In accordance with the Motion.

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388. SERVICE ANNUAL PERFORMANCE REPORTS 2017-18

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (18/213) presenting the Annual Performance Reports 2017-18 for Council services.

Resolved:

The Service Annual Performance Reports 2017-18, as appended to Report 18/213, be approved.

389. SUPPORT TO UNACCOMPANIED ASYLUM SEEKING CHILDREN

There was submitted a joint report by the Executive Director (Education and Children's Services) and Executive Director (Housing and Environment) (18/215) outlining the current circumstances in relation to the provision of support to Unaccompanied Asylum Seeking Children (UASC) by Scottish local authorities and the implications for Perth and Kinross Council.

Resolved:

- (i) The Council agrees to commit to participate in the National Transfer Scheme under the Immigration Act 2016 to support the resettlement of 20 Unaccompanied Asylum Seeking Children (UASC) (initially aged 16 – 18) on a phased basis.
- (ii) The Council agrees to commit existing staff resources and spaces within Education and Children's Services' housing support service to the scheme.
- (iii) The Council recognises the growing expertise within services already working with UASC; and
- (iv) The Council acknowledges that there is currently no mechanism for local authorities to use public funds to support UASC beyond the age of 26.

390. REVIEW OF LOCAL ACTION PARTNERSHIPS

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (18/214) presenting the findings of the study by What Works Scotland into local decision making, commissioned by the Perth and Kinross Community Planning Partnership.

Motion (Councillors M Lyle and P Barrett):

- (i) **The content of the report from What Works Scotland, appended to Report 18/214, be noted.**
- (ii) **The Council to respond to the Community Planning Partnership in respect of the development of an action plan as set out in Report 18/214.**

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Following a suggestion by Councillor X McDade, the Mover and Seconder agreed to include the following addition to the Motion:

- (iii) The Council recommends to the Community Planning Partnership to formally consider dividing the larger Local Action Partnerships into smaller areas if they wish to do so.

Resolved:

In accordance with the revised Motion.

391. APPOINTMENTS TO COMMITTEES/SUB-COMMITTEES

Resolved:

- (i) At the Council meeting on 17 May 2017, the Council agreed to appoint members to Committees in accordance with the political balance of members following the local government elections - this was in line with Standing Order 62. Following the withdrawal from the Administration Partnership by the independent members and Councillor Bailey and the forming of the Independent and Scottish Labour Group, Council noted the updated political balance on committees and agreed the revised list of appointments to Committees and Sub-Committees (Report 18/217).
- (ii) Councillor D Illingworth be appointed Vice-Convener of the Licensing Committee.
- (iii) Councillor A Jarvis replace Councillor C Purves on the Environment and Infrastructure Committee.

392. APPOINTMENTS TO OUTSIDE BODIES / WORKING GROUPS

Resolved:

- (i) Perth and Kinross Integration Joint Board
Following the principles of the updated political balance of the Council as detailed in Article (Item 12):
 - Councillor C Ahern be removed as a member of the Perth and Kinross Integration Joint Board.
 - Councillor X McDade be appointed as a member of the Perth and Kinross Integration Joint Board.
 - Councillor A Bailey be appointed as a proxy member for the Perth and Kinross Integration Joint Board.
 - Councillor C Ahern replace Councillor P Barrett as a proxy member for the Perth and Kinross Integration Joint Board.
 - Councillor C Purves replace Councillor A Jarvis as a member of the Perth and Kinross Integration Joint Board.
 - Councillor A Jarvis be appointed as a proxy member for the Perth and Kinross Integration Joint Board.

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- (ii) Perth and Kinross Licensing Board
Councillor J Duff replace Councillor R McCall on the Perth and Kinross Licensing Board with effect from 1 August 2018.
- (iii) COSLA Convention
Following the principles of the updated political balance of the Council as detailed in Article (Item 12):
 - Councillor C Stewart be removed as a member of the COSLA Convention.
 - Councillor X McDade be appointed as a member of the COSLA Convention.
- (iv) COSLA Environment and Economy Group
Councillor A Forbes replace Councillor A Bailey on the COSLA Environment and Economy Group.
- (v) Live Active Leisure Limited
Councillor B Brawn replace Councillor A Forbes on Live Active Leisure Limited.
- (vi) Tayside and Central Scotland Transport Partnership (TACTRAN)
Councillor D Illingworth replace Councillor B Brawn on the Tayside and Central Scotland Transport Partnership (TACTRAN).
- (vii) Modernising Governance Member/Officer Working Group
The Executive Director (Education and Children's Services) and the Executive Director (Housing and Environment) be appointed to the Modernising Governance Member/Officer Working Group.

393. TAY CITIES DEAL

Motion (Councillors M Lyle and P Barrett)

Council is asked to agree that in the event that an announcement is made by the UK and Scottish Governments on the Tay Cities Deal, due to the anticipated short timescales involved, the Leader of the Council, in consultation with the Depute Chief Executive, will attempt to arrange a meeting of the Executive Sub-Committee of the Strategic Policy and Resources Committee to agree the Heads of Terms. If the timescales do not permit this, then the Leader of the Council, in consultation with the Depute Chief Executive, be authorised to agree the Heads of Terms on behalf of the Council and communicate relevant information to the members of the Executive Sub-Committee of the Strategic Policy and Resources Committee at the earliest opportunity.

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Amendment (Councillors X McDade and A Bailey)

In accordance with the Motion, however the Leader of the Council to also communicate relevant information on the Heads of Terms to a representative of the Independent and Scottish Labour Group.

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

23 members voted for the Motion as follows:

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

4 members voted for the Amendment as follows:

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

12 members abstained as follows:

Councillors H Anderson, B Band, S Donaldson, E Drysdale, S McCole, T McEwan, A Parrott, B Pover, J Rebbeck, F Sarwar, R Watters and M Williamson.

Resolved:

In accordance with the Motion.

394. RETURNING OFFICER FOR ELECTIONS AND REFERENDA

Following the decision of the Appointments Sub-Committee on 22 May 2018, the new Chief Executive, Karen Reid, will take up her appointment on 1 September 2018. In terms of the Council's Scheme of Administration, the Deputy Chief Executive has authority to do anything delegated to the Chief Executive other than acting as Returning Officer for all elections and referenda.

It be agreed that the Deputy Chief Executive be appointed as Returning Officer for the period from 1 July 2018 to 31 August 2018. In the absence of the Deputy Chief Executive, the Head of Democratic Services be appointed as Returning Officer for this period.

395. TIMETABLE OF MEETINGS 2018

The meetings of the Council and Common Good Fund Committees, originally scheduled to take place on Wednesday 12 December 2018, to now take place at the same times on Wednesday 19 December 2018.

The meeting of the Planning and Development Management Committee, originally scheduled to take place on Wednesday 19 December 2018 at 10.00am, to now take place on Tuesday 18 December 2018 at 10.00am.

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396. VALEDICTORY – BERNADETTE MALONE, CHIEF EXECUTIVE

Provost Melloy referred to the retirement of Bernadette Malone, Chief Executive at the end of June 2018.

Bernadette joined Perth and Kinross Council in 1996 as a Corporate Strategy Officer. In 1998 she became Strategic Planning Manager, and in 2001 took up the position of Head of Performance, Planning and Management. In 2003 she was appointed Chief Executive.

Provost Melloy and members of the Council thanked Bernadette for her commitment, drive and strategic leadership in her time as Chief Executive of the Council and passed on their wishes for a long and happy retirement.

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