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Council Building
2 High Street
Perth
PH1 5PH

21 February 2019

A Meeting of **Perth and Kinross Council** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 27 February 2019** at **11:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

KAREN REID
Chief Executive

Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.

Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.

Members:

Provost D Melloy
All Councillors

Perth and Kinross Council

Wednesday, 27 February 2019

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF THE MEETING OF PERTH AND KINROSS COUNCIL OF 19 DECEMBER 2018 FOR APPROVAL AND SIGNATURE** **5 - 14**
(copy herewith)
- 4 MINUTE OF COMMITTEES - 28 NOVEMBER 2018 TO 6 FEBRUARY 2019** **15 - 204**
(copy herewith)
- 5 TREASURY ACTIVITY AND COMPLIANCE REPORT - 2018/19 QUARTER 3** **205 - 218**
Report by the Head of Finance (copy herewith 19/58)
- 6 TREASURY AND INVESTMENT STRATEGY AND PRUDENTIAL INDICATORS 2019/20 - 2028/29** **219 - 254**
Report by the Head of Finance (copy herewith 19/59)
- 7 AUDIT OF BEST VALUE AND COMMUNITY PLANNING - PERTH AND KINROSS COUNCIL SELF-EVALUATION** **255 - 324**
Report by the Chief Executive (copy herewith 19/60)
- 8 INSPECTION OF COMMUNITY LEARNING DEVELOPMENT SERVICES IN PERTH CITY SOUTH AND COMMUNITY LEARNING AND DEVELOPMENT PLAN 2019-2022** **325 - 352**
Report by Depute Chief Executive, Chief Operating Officer (copy herewith 19/61)
- 9 LOCAL GOVERNMENT BENCHMARKING FRAMEWORK 2017/18** **353 - 394**
Report by Depute Chief Executive, Chief Operating Officer (copy herewith 19/62)
- 10 TAY CITIES DEAL GOVERNANCE ARRANGEMENTS - PROPOSED JOINT COMMITTEE GOVERNANCE AGREEMENT** **395 - 418**
Report by Depute Chief Executive & Chief Operating Officer (copy herewith 19/63)

11	EU EXIT UPDATE Report by Executive Director (Housing and Environment) (copy herewith 19/64)	419 - 426
12	SCOTTISH GOVERNMENT CONSULTATION ON PRISONER VOTING Report by the Chief Executive (copy herewith 19/65)	427 - 456
13	REVIEW OF PARLIAMENTARY CONSTITUENCY POLLING DISTRICTS AND POLLING PLACES Report by the Depute Chief Executive, Chief Operating Officer (copy herewith 19/66)	457 - 462
14	REVIEW OF SCHEME OF ESTABLISHMENT FOR COMMUNITY COUNCILS IN PERTH AND KIRNOSS - OUTCOME OF STATUTORY PUBLIC CONSULTATION EXERCISE Report by Head of Culture and Communities Service (copy herewith 19/67)	463 - 506
15	APPOINTMENTS TO COMMITTEES/OUTSIDE BODIES (copy herewith)	507 - 508
16	TIMETABLE OF MEETINGS OF 2019 The meeting of the Scrutiny Committee of 11 September 2019 to now take place on 18 September 2019 commencing at 1.00pm.	

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All Council Services can offer a telephone translation facility.

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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19 DECEMBER 2018

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.

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.

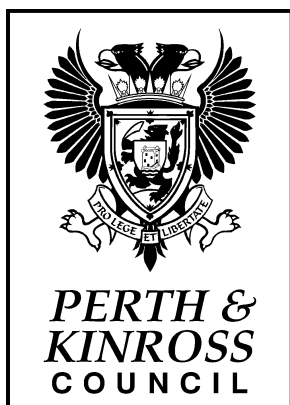
Section 197 – Proper Officer in respect of arrangements for the inspection of depositing of documents – Chief Executive / Head of Legal and Governance / Democratic Services Manager.

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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**2019**

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**MINUTES OF MEETINGS FROM**  
**28 November 2018 – 6 February 2019**



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## **STRATEGIC POLICY AND RESOURCES COMMITTEE**

Minute of meeting of the Strategic Policy and Resources Committee held in the Council Chamber, Council Building, 2 High Street, Perth on Wednesday 28 November 2018 at 10.00am.

Present: Councillors M Lyle, P Barrett, C Stewart, C Ahern (substituting for A Forbes), A Bailey, B Brawn (substituting for R McCall), S Donaldson, D Doogan, J Duff, G Laing, S McCole, T McEwan (substituting for B Band) Provost D Melloy, Councillors A Parrott, C Purves and C Shiers.

In Attendance: K Reid, Chief Executive; J Valentine, Depute Chief Executive and Chief Operating Officer; S Devlin, Executive Director (Education and Children's Services); B Renton, Executive Director (Housing and Environment); K Donaldson, P Johnstone, S MacKenzie, C Mackie, L Simpson, G Taylor, S Walker and C Irons (all Corporate and Democratic Services); J Cockburn (Education and Children's Services); N Ballantine, N Copland, S Coyle, F Crofts, D Fraser, D Littlejohn, A Seggie, N Simpson and S Terras (all Housing and Environment); and R Packham and J Smith, Perth and Kinross Health and Social Care Partnership.

Apologies: Councillors B Band, A Forbes and R McCall.

Councillor M Lyle, Convener, Presiding.

The Convener led discussion on Arts. 674-678, 681, 684 and 686-687; Vice-Convener P Barrett led discussion on Arts. 680, 683 and 685 and Vice-Convener C Stewart led discussion on Arts. 679 and 682.

### **674. WELCOME AND APOLOGIES**

The Convener welcomed all those present to the meeting. Apologies and substitutions were noted as above.

### **675. DECLARATIONS OF INTEREST**

In terms of the Councillor's Code of Conduct, Councillor C Purves declared a non-financial interest in Arts. 684 and 686; Councillors C Ahern and A Parrott declared a non-financial interest in Art. 685 and Councillor C Stewart declared a financial interest in Art. 684 and a non-financial interest in Art. 686.

### **676. MINUTES OF PREVIOUS MEETINGS**

#### **(i) Strategic Policy and Resources Committee**

The minute of meeting of the Strategic Policy and Resources Committee of 12 September 2018 (Arts. 496-505) was submitted, approved as a correct record and authorised for signature.

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STRATEGIC POLICY AND RESOURCES COMMITTEE  
28 NOVEMBER 2018

**(ii) Property Sub-Committee of the Strategic Policy and Resources Committee**

The minute of meeting of the Property Sub-Committee of 16 April 2018 was submitted and noted. **(Appendix I)**

**(iii) Corporate Health, Safety and Wellbeing Consultative Committee**

The minute of meeting of the Corporate Health, Safety and Wellbeing Consultative Committee of 11 June 2018 was submitted and noted. **(Appendix II)**

**(iv) Employees Joint Consultative Committee**

The minute of meeting of the Employees Joint Consultative Committee of 24 May 2018 was submitted and noted. **(Appendix III)**

**(v) Perth and Kinross Integration Joint Board**

The minute of meeting of the Perth and Kinross Integration Joint Board of 22 June 2018 was submitted and noted. **(Appendix IV)**

**677. REVENUE BUDGET 2018/19 – MONITORING REPORT NUMBER 2**

There was submitted a report by the Head of Finance (18/384), providing an update on (1) progress with the 2018/19 General Fund Revenue Budget based on the August 2018 ledger, updated for subsequent known material movements; and (2) the projected financial position of the Housing Revenue Account.

**Resolved:**

- (i) The contents of Report 18/384 be noted.
- (ii) The adjustments to the 2018/19 Management Revenue Budget, as detailed in Appendices 1 to 6 and Sections 2, 3 and 4 of Report 18/384, be approved.
- (iii) The 2018/19 service virements, as summarised in Appendices 2, 5 and 6 to Report 18/384, be approved.
- (iv) The Health and Social Care projected outturn, as summarised in Paragraphs 3.1 to 3.8 of, and Appendix 5 to, Report 18/384, be noted.
- (v) The Housing Revenue Account projected outturn summarised in Section 4 of, and Appendix 6 to, Report 18/384, be noted.

**678. COMPOSITE CAPITAL BUDGET 2018/28 AND HOUSING INVESTMENT PROGRAMME 2018/23 – MONITORING REPORT NUMBER 2**

There was submitted a report by the Head of Finance (18/385) (1) providing a summary position to date for the 10 year Composite Capital Programme for 2018/19 to 2027/28 and the 5 year Housing Investment Programme 2018/19 to 2022/23; and (2) seeking approval for adjustments to the programmes.



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**Resolved:**

- (i) The contents of Report 18/385 be noted.
- (ii) The budget adjustments to the ten year Composite Capital Budget 2018/19 to 2027/28 as detailed in Sections 2 and 3 and summarised at Appendices I and II of Report 18/385, be approved.
- (iii) The budget adjustments to the Housing Investment Programme Budget 2018/19 to 2022/23 as detailed in Section 4 and summarised at Appendix III of Report 18/385, be approved.
- (iv) The position for individual projects reported within Sections 3 and 4 and summarised at Appendix IV of Report 18/385, be approved.

**679. RURAL PERTH AND KINROSS MICRO ENTERPRISE FUND AND MICRO CREDIT FUND**

There was submitted a report by the Chief Executive (18/393) (1) updating the Committee on the proposed Rural Micro Enterprise Fund and Micro Credit Fund; (2) seeking approval for the creation of a grants scheme targeted at small rural businesses and community enterprise projects; and (3) seeking approval in principle for the creation of a Micro Credit Fund.

**Resolved:**

- (i) The criteria for the Rural Micro Enterprise Fund as detailed in Appendix 1 to Report 18/393, be approved.
- (ii) The Head of Finance be authorised to continue discussions with interested parties and enter into a Service Level Agreement to deliver a Micro Credit Loan Fund.
- (iii) Eligibility of all business sectors for the Rural Micro Enterprise Fund with the exception of betting shops and off-licence shops, be approved.
- (iv) The maximum grant from the Rural Micro Enterprise Fund be £5,000.
- (v) The Rural Micro Enterprise Fund be indemnified against loss if a business in receipt of the grant ceases trading.

**680. TRANSFORMATION PROGRAMME 2015-2020**

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (18/386), providing (1) an update on the Transformation Programme; and (2) an overview of progress with the Tayside Collaborative.

**Resolved:**

- (i) The progress related to the Transformation Programme, as detailed in Appendices 1 and 2 to Report 18/386, be noted.
- (ii) The progress with the Tayside Collaborative work being undertaken, be noted.
- (iii) The allocation of £40,000 from the earmarked transformation reserve for the Cultural Trusts Transformation Project, be approved.

**681. CORPORATE PROPERTY ASSET MANAGEMENT TRANSFORMATION PROGRAMME**

There was submitted a report by the Executive Director (Housing and Environment) (18/387) seeking approval for the over-arching principles and methodology in respect of the Corporate Property Asset Management Transformation Programme to provide an overview of the delivery plan for the programme.

**Resolved:**

- (i) Progress of the Property Asset Management Programme, be noted.
- (ii) Recognition of the dependencies on delivering the anticipated programme savings, in particular that of the School Estate Review, be noted.
- (iii) The savings profile detailed in paragraph 1.26 of Report 18/387, be noted.
- (iv) The overarching principles detailed in paragraph 3.3 of Report 18/387, be approved.
- (v) The Property Asset Management Programme proposals outlined in section 4 of Report 18/387, be approved.
- (vi) Consultation be undertaken with local members on the Property Asset Review.
- (vii) An update be submitted to this Committee to the Assistance to Business Occupation of Key Vacant Property in Perth and Kinross Through Non-Domestic Rates Relief report which was considered by the Committee in September 2017 (Report 17/281).

**682. FLEET AND MECHANICAL EQUIPMENT ASSETS ANNUAL STATUS REPORT**

There was submitted a report by the Executive Director (Housing and Environment) (18/388) presenting a status summary of the Council's Fleet and Mechanical Equipment Assets as at 31 March 2018.

**Resolved:**

- (i) The contents of Report 18/388, be noted.
- (ii) The Executive Director (Housing and Environment) be requested to continue to submit an annual report to committee on the performance of and investment in the Council's Fleet and Mechanical Equipment Assets in accordance with the approved Asset Management Plan including benchmarking information.
- (iii) Details on vehicles age and mileage be made available to Committee members and included in future reports, be agreed.

**683. DATA PROTECTION POLICY**

There was submitted a report by the Head of Legal and Governance Services (18/389) presenting a revised Data Protection Policy taking account of the new legal requirements introduced by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

**Resolved:**

The revised Data Protection Policy attached as Appendix 1 to Report 18/389, be approved.

**684. JOINT WORKING AGREEMENTS**

There was submitted a report by the Corporate Human Resources Manager (18/390) on proposals for Joint Working Agreements with other organisations and bodies.

**Resolved:**

- (i) The principles detailed in Report 18/390, to be followed when entering into, managing, monitoring and reviewing partnership arrangements, be approved.
- (ii) Authority be delegated to the Chief Executive for approving the details set out in all such other joint working or collaborative partnership arrangements that may be formed with Perth and Kinross Council.
- (iii) A twelve month pilot of the Health and Social Care Partnership Joint Working Agreement be approved with the effective commencement date when NHS Tayside and the Council have received formal authority of the documents and pilot.
- (iv) Delegated authority of Human Resources Procedures as set out in the Council's Scheme of Delegation, be approved.
- (v) The Chief Executive be authorised to approve any amendments or final introduction and/or cessation of the Health and Social Care Partnership Joint Working Agreement at the end of the twelve month pilot period.

**685. ARMED FORCES COVENANT – ANNUAL PROGRESS REPORT**

There was submitted and noted a report by the Chief Executive (18/392) providing members with an annual progress report in relation to the Council's commitment under the Armed Forces Covenant.

**IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

**686. PERTH AND KINROSS HEALTH AND SOCIAL CARE PARTNERSHIP**

There was submitted a report by the Corporate Human Resources Manager (18/394) seeking to review the job title and salary level for the post of Chief Officer in the Perth and Kinross Health and Social Care Partnership ahead of the commencement of a recruitment and selection process.

**Resolved:**

The post of Chief Officer be renamed Chief Officer/Executive Director – Health and Social Care on CO Grade 46, currently £103,278.

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**687. VALEDICTORY**

The Convener referred to the retiral today of Gillian Taylor, Head of Democratic Services. Gillian had worked in Local Government for thirty-nine years, moving to Perth and Kinross Council in 1996 and had worked with many Councillors and Officers throughout that time.

Members passed on their best wishes to Gillian for her retirement.

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PROPERTY SUB-COMMITTEE

Minute of meeting of the Property Sub-Committee of the Strategic Policy and Resources Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Monday 16 April 2018 at 10.00am.

Present: Councillors M Lyle, B Band, P Barrett, D Doogan, G Laing, R McCall and C Stewart.

In Attendance: S Crawford, T Flanagan, G Key and K Lear (all Housing and Environment); G Boland (Education and Children's Services); C Flynn, G Fogg and C Irons (all Corporate and Democratic Services).

Councillor M Lyle, Presiding

1. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting. There were no apologies.

2. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

3. MINUTES

- (i) The minute of meeting of the Property Sub-Committee of 26 February 2018 was submitted and approved as a correct record.
- (ii) The minute of meeting of the Special Property Sub-Committee of 14 March 2018 was submitted and approved as a correct record.

4. APPOINTMENT OF VICE-CONVENER

Councillor M Lyle seconded by Councillor R McCall, nominated Councillor P Barrett for the position of Vice-Convener of the Sub-Committee.

Councillor P Barrett was unanimously elected as Vice-Convener of the Sub-Committee.

5. SCHOOL ESTATE PROGRAMME PROGRESS UPDATE

There was submitted a report by the Executive Director (Education and Children's Services) (18/130) (1) updating the Committee on the progress and proposals for delivering the current school projects within the Education and Children's Services School Estate Programme, (2) detailing key milestones which had been achieved and (3) detailing future projects.

Resolved:

- (i) The significant milestones achieved since the report to the Sub-Committee on 25 October 2017, be noted.
- (ii) The forward planning, as detailed in paragraphs 4.1 to 4.4 of Report 18/130, be noted.

6. ENERGY CONSUMPTION IN COUNCIL BUILDINGS

There was submitted a report by the Executive Director (Housing and Environment) (18/131 - Revised) with regard to energy consumption within the Property Estate, taking account of management initiatives and monitoring arrangements in place to deliver energy reduction and cost savings.

Resolved:

- (i) The efforts of the energy and engineering team in reducing energy consumption within the property estate, be noted.
- (ii) It be noted that the opportunity for future energy savings will become more challenging as the overall property estate was made more efficient through upgrade and refurbishment programmes.
- (iii) The Executive Director (Housing and Environment) be requested to submit a report to the sub-committee on the energy consumption within the property estate in a year's time.

**IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED
DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID
THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF
SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

P1. PROPOSAL FOR 2 LEASES IN AND 1 LEASE OUT AT BROXDEN, PERTH

There was submitted a report by the Executive Director (Housing and Environment) (18/132) seeking approval to (1) lease in land for a Solar Array and also for the installation and operation of a Hydrogen Dispensing Station and (2) lease out car parking spaces at Broxden Park and Ride to Tesla Motors Limited for electrical vehicle charging stations.

Resolved:

- (i) A long ground lease from the John Dewar Lamberkin Trust (JDLT) be approved for a site of approximately 0.69ha shown in appendix 1 to report 18/132, adjacent to the current Broxden Park and Ride site for a solar array. The lease to 2 January 2083 be on terms as detailed in Report 18/132, and otherwise on terms to the satisfaction of the Executive Director (Housing and Environment) and the Head of Legal and Governance.
It be noted that the lease will also be subject to obtaining the relevant Planning consent and Tay Cities deal funding.
- (ii) A lease from JDLT be approved for a site approximately 225m² of land, shown in appendix 2 of Report 18/132, to facilitate the installation of a hydrogen dispensing station. The lease for 20 years be on terms as detailed in Report 18/132 and otherwise on terms to the satisfaction of the Executive Director (Housing and Environment) and the Head of Legal and Governance.

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It be noted that the lease will also be subject to obtaining the relevant Planning consent and Tay Cities deal funding.

- (iii) A 15 year lease be granted to Tesla Motors Limited for the sole use of twelve car parking spaces at the Broxden Park and Ride to install vehicle charging stations for Tesla cars only. An appraisal of the proposed site be undertaken to ensure the charging stations were in a prominent location.
The lease be granted on terms as detailed in Report 18/132, and otherwise on terms to the satisfaction of the Executive Director (Housing and Environment) and the Head of Legal and Governance.

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**PERTH AND KINROSS COUNCIL**  
**STRATEGIC POLICY AND RESOURCES COMMITTEE**  
**CORPORATE HEALTH, SAFETY AND WELLBEING**  
**CONSULTATIVE COMMITTEE**

Minute of meeting of the Corporate Health, Safety and Wellbeing Consultative Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Monday 11 June 2018 at 10.00am.

**Present:** **Representing Perth and Kinross Council**  
Councillor K Baird  
Councillor E Drysdale  
Councillor S McCole  
G Boland (on behalf of Executive Director (Education and Children's Services))  
C Flynn (on behalf of the Chief Executive)  
P Steel (on behalf of Corporate Human Resources Manager)

**Trade Union Safety Representatives and Elected  
Representatives of Employee Safety Committees**  
M Blacklaws, SSTA  
L McLaren, Unite  
S Peddie, EIS (Substituting for M Swan)  
S Hope (UNISON)

**In attendance:** S Crawford, Head of Property Services, The Environment Service  
J Handling, Health, Safety and Wellbeing Manager, The Environment Service  
L McGeorge, Property Compliance Team Leader, Environment Service  
K Molley, Professional Trainee, Corporate and Democratic Service

**Apologies:** Councillor P Barrett, M Swan EIS, J Dickson, the Environment Service, T Todd, Unite.

**1. DECLARATIONS OF INTEREST**

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

**2. MINUTES**

The Minute of meeting of the Corporate Health, Safety and Wellbeing Consultative Committee of 12 March 2018 was submitted and approved as a correct record.



**3. MATTERS ARISING**

**(i) Corporate Health Safety and Wellbeing Consultative Committee Review on Constitution and Remit Update**

In response to a query from Councillor Drysdale, Councillor McCole stated that the constitution and remit review meeting had been rescheduled to after the Consultative Committee meeting and a further update would be brought back to the next committee meeting.

**4. HEALTH AND SAFETY PERFORMANCE INDICATORS – QUARTERLY REPORT**

There was submitted a report by the Health, Safety and Wellbeing Manager (Housing & Environment) (G/18/64) to inform and assist the Corporate Health, Safety & wellbeing Consultative Committee in monitoring health and safety performance across Perth and Kinross Council and (2) the report asks for the progress to be noted.

**Resolved:**

- (i) An overview of the Performance Monitoring Review outcomes for Quarter 4, 2017/2018, be noted.
- (ii) A summary of incidents reported to the Health and Safety Executive (HSE) for the period 1 January to 31 March 2018, be noted.
- (iii) Graph 1 summarises the cause of these reportable incidents and provides a comparison with incidents reported in the same period for 2016/17 and 2015/16. Four reportable incidents on Quarter 4 2017/18, be noted.
- (iv) A comparison of all employee reported incidents for Quarters 4 from 2017/18, 2016/17 and 2015/16, be noted.
- (v) An overview of the types of violence and aggression incidents reported by employees and non-employees, be noted.
- (vi) With regard to incidents reported by individuals who are not employees of the Council, Graph 3 shows neither a decrease nor increase in the number of incidents in comparison to Quarter 3 of 2016/17 however a decrease compared with Quarter 3 of 2015/16, be noted.
- (vii) The highest numbers of non-employee incidents were in relation to sharp objects incidents followed by Slip, Trip, Falls on same level, and explosion/fire/flammable materials. The majority of non-employee incidents involved Pupils, be noted.

**5. FIRE SAFETY QUARTERLY REPORT**

There was submitted a report by the Health, Safety and Wellbeing Manager (G/18/63) preparing to inform and assist the Corporate Health, Safety & Wellbeing Consultative Committee in monitoring fire safety performance across Perth and Kinross Council; and (2) proving the Committee with the Fire Safety Key Performance Indicators for Quarter 4 of 2017/18 for noting.

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**Resolved:**

- (i) Four reported incidents of fire in Council premises, be noted.
- (ii) Twenty-two premises have outstanding actions from previous quarters' fire risk assessments, be noted.
- (iii) Scottish Fire and Rescue Service carried out 3 audits of Council premises, be noted.
- (iv) Five premises have outstanding actions from previous quarters' Scottish Fire and Rescue Audits, be noted.
- (v) Seven premises with outstanding actions from previous quarters, be noted.
- (vi) Three numbers of premises with outstanding actions from previous Scottish Fire and Rescue Service Audits, be noted.
- (vii) Four reported incidents of fire during Quarter 4 2017/18, be noted.

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**PERTH AND KINROSS COUNCIL
STRATEGIC POLICY AND RESOURCES COMMITTEE
EMPLOYEES JOINT CONSULTATIVE COMMITTEE**

Minute of meeting of the Employees Joint Consultative Committee, held in Room 410 (Committee Room), 2 High Street, Perth on Thursday 24 May 2018 at 10.00am.

Present: Representing Perth and Kinross Council:

Councillors H Anderson; D Illingworth (on behalf of Councillor M Lyle), R McCall and S McCole (all Perth and Kinross Council); K Robertson (on behalf of Executive Director (Education and Children Services)).

Present: Representing Trade Unions:

S Hope, F Fraser, T Maric and M Dickson (UNISON); S Robertson, L McLaren and T Todd (Unite the Union).

In Attendance: K Donaldson (Corporate Human Resources Manager); S Flannigan (Environment Service); K Molley and P Steel (both Corporate and Democratic Services).

Apologies: Councillor M Lyle (Perth and Kinross Council) and H Meldrum (GMB)

S Hope in the Chair

1. APPOINTMENT OF CONVENER AND VICE-CONVENER

Nominations were sought for the appointment of Convener and Vice-Convener.

F Fraser seconded by T Maric nominated S Hope for the Office of Convener.

There being no other nominations S Hope was duly appointed Convener until February 2019.

Councillor R McCall seconded by Councillor D Illingworth nominated Councillor M Lyle for the Office of Vice-Convener.

There being no other nominations Councillor M Lyle was duly appointed Vice Convener until February 2019.

2. APPOINTMENT OF JOINT SECRETARY

Nominations were sought for the appointment of Joint Secretary for the Trade Union side.

S Hope seconded by F Fraser nominated L McLaren.

There being no other nominations, L McLaren was duly appointed Joint Secretary for the Trade Union side.

3. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

4. MINUTE OF THE PREVIOUS MEETING

The minute of meeting of the Employees Joint Consultative Committee of 30 November 2017 was submitted and approved.

5. MATTERS ARISING

(i) Council Construction Charter

K Donaldson reported that P Steel had been involved in trying to incorporate the Council construction charter into the procurement strategy. G Ramsay was happy with the changes that had been made. In moving forward, K Donaldson emphasised the importance of meeting the requirements of the Council Construction Charter.

(ii) Job Families and Job Matching

K Donaldson reported that drafts proposals of job families are nearly at the stage of completion. Once this occurs, draft proposals will be sent out to unions for comments and feedback.

(iii) Voluntary Severance Scheme (VSS)

K Donaldson reported that 39 people had asked to go through the voluntary Severance Scheme (VSS). This will be monitored until the end of March 2019 in terms of service delivery to view the financial implications. K Donaldson suggested at looking into other options instead of using the Voluntary Severance Scheme (e.g flexible retirement and changes to working hours).

(iv) Early Years Expansion

K Robertson provided a handout of the report on Early Years Expansion which was agreed at the Life Long Learning Committee on 16 May 2018 (18/156) expanding funded Early Learning and Childcare (ELC) from 600 to 1140 hours by 2020. In terms of learning and teaching, it is necessary to engage and get staff involved as much as possible to see what their preferences are on the change of hours.

6. CORPORATE WORKFORCE PLAN

There was a presentation by K Donaldson on the Corporate Workforce Plan for Perth & Kinross Council 2018-2021. K Donaldson reported that the Council has now approved the Corporate Workforce Plan which is a vital tool for shaping the future workforce. Trade unions had been involved in a focus group when developing the plan. K Donaldson suggested in moving forward it is important to look at future skill requirements and take a sustainable approach.

In response to a query from L McLaren on reference to salary levels for HGV Drivers, K Donaldson reported that grades are determined through the Job evaluation scheme.

Resolved:-

The Corporate Workforce Plan be noted.

7. TRADE UNION ACT 2017 – FACILITY TIME OFF REPORTING REQUIREMENT

There was a report submitted (G/18/62) by Human Resources Manager providing information about the requirement for time spent on Trade Unions activities by Council employees to be recorded and reported on each year, as laid out in the Trade Union (Facility Time Publications Requirements) Regulations 2017.

T Todd expressed his concern of his service not having access to my MyView to enter any short time absences for trade union activities from work. P Steel emphasised that in moving forward access to the system should be made electronically so all employees can use MyView to record any absences. In response to a query from L McLaren on ensuring accuracy of timings of absences, P steel mentioned that it is possible to go online and edit the time later if you are unable to enter the details at the current time to show a correct record of absence.

K Donaldson highlighted that it is important to look at the system over the current year and analyse how well it is working.

Resolved:

The report on Trade Union Act 2017 – Facility Time off Reporting Requirement be noted.

8. FIXED TERM CONTRACTS

There was a report submitted (G/18/63) by Human Resources Manager, updating the Employees Joint Consultative Committee on changes to the Council's approach to fixed term contracts by introducing the option to recruit to a fixed term vacancy on a permanent basis where there is a clear business case and; (2) this approach will support the organisation in preparing for an

emerging future, ensuring we have a resilient, adaptable workforce and providing a return on the investment in skills and talent.

K Donaldson reported that the change in focus in the Customer and Business Support Review means it is now possible to review the higher than normal number of fixed term contracts which are in place. Having a permanent contract helps support the financial wellbeing of staff and removes uncertainty which can help reduce turnover. K Donaldson added that it would be worth looking at market testing roles where there is high turnover.

In response to a query from S Hope on competition across Scotland increasing despite single status, K Donaldson reported that each Council sets their own grades and has their own structure put in place under the evaluation scheme so similar jobs across different councils may be paid differently. K Donaldson explained the council uses benchmarking to compare ourselves with other local authorities to ensure grades are competitive.

Resolved:

The report on Fixed Term Contracts be noted.

9. ETHICAL CARE CHARTER

The Ethical Care Charter was submitted by UNISON focusing on home care and how well residents are being looked after in their own home. K Donaldson reported that the new framework agreements for the commissioning of homecare address most aspects of the charter. The Service continues to commission 15 minute visits and work is in progress to minimise this where possible. Care plans are outcomes focussed but visits are still commissioned on a task and time basis. The aim is to move to a different way of commissioning those visits and there will be a workshop later this year with care providers and social work teams to explore how we can move towards a system that allows providers and service users agree how their assessed needs can be met, improving the use of technology and minimising 15 minute visits.

Resolved:

The Ethical Care Charter be noted.

10. MAXIMISING ATTENDANCE POLICY

A verbal update was given by P Steel on the maximising attendance policy. P Steel reported that a meeting was being held with relevant officers to re-examine our approach to wellbeing and the Maximising Attendance Policy and ensuring that they reflect the General Data Protection Regulations. In moving forward, it is important to see what the current issues are and how the new framework can be implemented to reduce any problems.

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S Robertson emphasised that it is necessary to review the new data regulations over the summer period and assess how we are using data and what we do with it.

Resolved:

The update on Maximising Attendance Policy, be noted.

11. OTHER COMPETENT BUSINESS

There were no other items of business to be considered.

12. DATE OF NEXT MEETING

27 September 2018 at 10.00am

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## PERTH AND KINROSS INTEGRATION JOINT BOARD

Minute of Meeting of the Perth and Kinross Integration Joint Board (IJB) held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Friday 22 June 2018 at 9.30am.

**Present:**

**Voting Members**

Councillor C Stewart, Perth and Kinross Council (Vice-Chair)  
Councillor C Ahern, Perth and Kinross Council  
Councillor E Drysdale, Perth and Kinross Council  
Councillor A Jarvis, Perth and Kinross Council  
S Hay, Tayside NHS Board (Chair)  
L Birse-Stewart, Tayside NHS Board

**Non-Voting Members**

J Pepper, Chief Social Work Officer, Perth and Kinross Council  
R Packham, Chief Officer  
J Smith, Chief Finance Officer  
J Foulis, NHS Tayside (up to and including Item 10.3)  
Dr C Rodriguez

**Additional Members**

Dr D Walker, NHS Tayside  
Dr A Noble, External Adviser to Board

**Stakeholder Members**

A Drummond, Staff Representative, NHS Tayside  
H MacKinnon, Third Sector Interface  
M Summers, Carer Public Partner (substituting for B Campbell)  
S Auld, Service User Public Partner (substituting for L Lennie)

**In Attendance:**

G Taylor, Clerk; S Hendry, C Mailer, and S Richards (all Perth and Kinross Council); H Dougall, V Aitken, C Jolly, D Mitchell, K Ogilvy and S Gourlay (all Perth and Kinross Health and Social Care Partnership); and D Huband, NHS Tayside.

**Apologies:**

Dr R Peat, Tayside NHS Board  
Dr D Carey, Independent Contractor  
Dr A Noble, External Advisor to Board  
Dr D Walker, NHS Tayside  
F Fraser, Staff Representative, Perth and Kinross Council  
B Campbell, Carer Public Partner  
L Lennie, Service User Public Partner  
D Fraser and E Devine (both Perth and Kinross Health and Social Care Partnership)



**1. WELCOME AND APOLOGIES**

S Hay welcomed all those present to the meeting and apologies were noted as above.

**2. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made in terms of the Perth and Kinross Integration Joint Board Code of Conduct.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Perth and Kinross Integration Joint Board of 23 March 2018 was submitted and approved as a correct record.

**4. ACTION POINT UPDATE**

There was submitted and noted the action point update for the Perth and Kinross Integration Joint Board as at 22 June 2018 (G/18/90).

**5. MATTERS ARISING**

**(i) Correspondence (Item 9.1 refers)**

S Hay referred to discussions that had taken place at the meeting of Perth and Kinross Council on 25 April 2018 regarding the decision at the previous meeting of the Board on the closure of Beechgrove Care Home.

It was confirmed that S Hay had subsequently held discussions with the Leader of Perth and Kinross Council, and that further meetings would be taking place between the Chief Officer, Chairman and Chief Executive of NHS Tayside and other Council Leaders within Tayside regarding communications between the relevant organisations.

**6. BOARD MEMBERSHIP UPDATE**

There was submitted a report by the Clerk to the Board (G/18/91) updating the Board on a number of recent appointments to the voting members of the Board. The report also made proposals in terms of the appointment of non-voting members to the Board, as well as further appointments to the Audit and Performance Committee.

**Resolved:**

- (i) The updated membership of the Board, set out in Appendix 1 of Report G/18/91, be noted;
- (ii) It be further noted that as of 21 July 2018, the voting members from Perth and Kinross Council would be Councillors C Stewart, C Purves, E Drysdale and

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X McDade, with Councillors C Ahern, A Jarvis, T McEwan and A Bailey as Proxy members;

- (ii) Dr Douglas Lowden / Dr Cesar Rodriguez be appointed as non-voting / co-members of the Board.
- (iii) The terms of office for both Bernie Campbell and Maureen Summers in their respective roles as public partners be extended until 31 May 2019.
- (iv) Dr R Peat be appointed to the Audit and Performance Committee;
- (v) Councillor C Purves be appointed a member and Chair of the Audit and Performance Committee from 21 July 2018.

## **7. POSITION OF CLERK TO THE BOARD AND STANDARDS OFFICER**

The Board noted that the current Clerk to the Board, G Taylor, Head of Democratic Services, Perth and Kinross Council was retiring from her post on 30 November and would be resigning as Clerk with effect from 30 September 2018.

It was agreed that S Hendry, Team Leader (Committee Services), Perth and Kinross Council be appointed as Clerk and Standards Officer with effect from 1 October 2018.

## **8. REDESIGN OF SUBSTANCE USE SERVICES IN PERTH AND KINROSS**

There was submitted a report (G/18/92) by C Mailer, Chair of the Perth and Kinross Alcohol and Drug Partnership, providing an update on the redesign of substance use services and the implementation of a Recovery Oriented System Of Care in Perth and Kinross.

C Mailer and K Ogilvy provided the Board with a slide based presentation on the redesign of substance use services in Perth and Kinross.

### **Resolved:**

- (i) The progress to date, as set out in Report G/18/92, be noted;
- (ii) The proposed redesign in patient detox beds at Kinclaven, as set out in Report G/18/92, be noted;
- (iii) The redesign of community based substance use services, as set out in Report G/18/92, be approved;
- (iv) The Chair of the Alcohol and Drug Partnership be instructed to provide a further report on both reviews to the Board in June 2019.

## **9. FINANCE AND GOVERNANCE**

### **9.1 REVISION TO INTEGRATION SCHEME**

The Carers (Scotland) Act 2016 came into force on 1 April 2018. As part of the requirements of the legislation, provisions from the Act required to be incorporated into those regulations that support the Public Bodies (Joint Working) (Scotland) Act 2014. Local Authorities and Health Boards were required to revise Integration Schemes for Joint Boards to include the new list of functions and duties for delegation to the Boards. As this was a technical amendment to the Integration

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Scheme, Scottish Ministers have approved these revisions made under delegated powers.

The Board noted the position and the updated Integration Scheme available at [www.pkc.gov.uk/ijb](http://www.pkc.gov.uk/ijb).

IT WAS AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT

### **9.3 2017/18 FINANCIAL POSITION**

There was submitted a report by the Chief Finance Officer (G/18/94) providing a summary of the issues impacting on the Board's financial position of Perth and Kinross IJB in 2017/18, for the year ended 31 March 2018.

**Resolved:**

The year end out-turn for 2017/18, as detailed in Appendix 1 to Report G/18/94, be noted.

### **9.5 AUDIT AND PERFORMANCE COMMITTEE - UPDATE**

Councillor C Ahern, Chair of the Audit and Performance Committee, provided the Board with a verbal update from the last [meeting of the Committee on 19 June 2018](#).

It was noted that in relation to governance and accountability arrangements, that the Chief Officer was continuing to have meetings with senior officers from both Perth and Kinross Council and NHS Tayside with work in progress.

It was noted that in relation to Clinical and Care Governance, it was agreed that a sub-committee of the Audit and Performance Committee be established to replace the current remit of the Clinical and Care Governance Forum.

It was noted that further discussions had taken place in relation to complaints for 2017/18, the Annual Performance Report for 2017/18, Annual Governance Statement and the Chief Internal Auditor's Annual Report and Assurance Statement 2017/18 for the IJB. The Unaudited Annual Accounts for 2017/18 had been approved by the Committee for consideration by the Board and T Gaskin and Fife, Tayside and Forth Valley (FTF) Internal Audit Services had been approved as the IJB's Chief Internal Auditor and Internal Auditors for 2018/19.

The Board noted the update.

### **9.2 UNAUDITED ANNUAL ACCOUNTS 2017/18**

There was submitted a report by the Chief Finance Officer (G/18/93) presenting the Board's Unaudited Annual Accounts for the financial year 2017/18 in accordance with the Local Authority Accounts (Scotland) Regulations 2014.

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It was noted that in relation to section 3.2 of the report, 2016/17 should be replaced by 2017/18. It was further noted that in relation to page 23 of the Accounts, the word reinstated should be added under the income and expenditure section.

**Resolved:**

The Chief Officer be authorised to sign the Unaudited Annual Accounts, as appended to Report G/18/93, prior to submission of the Accounts to the Controller of Audit by 30 June 2018.

#### **9.4 2018/19 FINANCE UPDATE**

There was submitted a report by the Chief Finance Officer (G/18/95) setting out an update on the development of the Board's 2018/19 Financial Plan and setting out the key financial risks to delivery of financial balance for the year ahead.

**Resolved:**

- (i) It be noted that a gap of £920k remains in the 2018/19 Financial Plan driven by Inpatient Mental Health and GP Prescribing, as set out in Report G/18/95.
- (ii) The key financial risks that may further impact on the ability of the Board to deliver financial balance, as set out in Report G/18/95, be noted;
- (iii) The non-recurring budget to be allocated by NHS Tayside in 2018/19 to meet specific Board funding commitments which have slipped from 2017/18, as set out in Report G/18/95, be noted;
- (iv) The confirmation of the £1.685M Scottish Government earmarked recurring funding to meet Primary Care and Mental Health priorities in Perth and Kinross be noted.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 11.22AM

### **10. DEVELOPING STRATEGIC OBJECTIVES**

#### **10.1 CHIEF OFFICER STRATEGIC UPDATE**

There was submitted a report by the Chief Officer (G/18/96) providing an update on progress against tasks outlined in the rolling actions list for the Board.

**Resolved:**

- (i) The updates within Report G/18/96 on the following areas be noted:
  - Integrated Workforce Plan
  - Development of a Healthy Organisational Culture
  - Mental Health Transformation Programme
  - Working with Public Partners
  - Strategic Planning.
- (ii) The Chief Officer to submit a forward planner for 2019 Board meetings to the next meeting of the Board.

## **10.2 GP ENGAGEMENT FUNDING**

There was submitted a report by the Clinical Director (G/18/97) seeking approval for 2018/19 GP Engagement Funds to support effective GP Prescribing.

**Resolved:**

The investment of £211k in 2018/19 for the GP Engagement Programme, as detailed in Report G/18/97, be approved.

## **10.3 TAYSIDE PRIMARY CARE IMPROVEMENT PLAN 2018 TO 2021**

There was submitted a report by the Clinical Director (G/18/98) seeking approval from the Integration Joint Board for the NHS Tayside Primary Care Improvement Plan.

Dr H Dougall and C Jolly provided the Board with a slide based presentation on the contents and proposals within the Improvement Plan.

**Resolved:**

- (i) The content of the Tayside Primary Care Improvement Plan, in so far as it pertains to Perth and Kinross, and attached as Appendix 1 of Report G/18/98, be approved;
- (ii) The programme management approach being taken in Perth and Kinross in respect to the ongoing delivery of changes to General Medical Services, as detailed in Report G/18/98, be endorsed;
- (iii) In terms of the timescales, the Executive Management Team of the Perth and Kinross Health and Social Care Partnership be given authority to begin the necessary recruitment processes in line with the purpose of the Improvement Plan;
- (iv) The Chief Officer to meet with A Drummond regarding the concerns raised on the job evaluation process and report back to the next meeting of the Board;
- (v) The Clinical Director be instructed to submit updates on business cases to future meetings of the Board for information.

J FOULIS LEFT THE MEETING AT THIS POINT

## **10.4 ANNUAL PERFORMANCE REPORT 2017/18**

Due to the timescales involved in the publication of the Annual Performance Report 2017/18 by 31 July 2018, the Chief Officer be instructed to circulate the draft report to Board members for comment and a special meeting of the Audit and Performance Committee to be called to approve the report prior to 31 July 2018.

## **11. UPDATE REPORTS FOR INFORMATION**

There were submitted and noted the following reports for information:

- 11.1 **2017/18 WINTER PLAN REVIEW** – Report by Chief Officer (G/18/99)
- 11.2 **UPDATE ON THE IMPLEMENTATION OF THE SOCIAL CARE (SELF DIRECTED SUPPORT) (SCOTLAND) ACT 2013 IN PERTH AND KINROSS**  
– Report by Chief Officer (G/18/101)

**Note** – a further update on the above report to be provided to the Board in 12 months time.

- 11.3 **EQUALITY OUTCOMES PROGRESS REPORT** – Report by Chief Officer (G/18/101)
- 11.4 **TECHNOLOGY AND INNOVATION IN HEALTH AND SOCIAL CARE** –  
Report by Scottish Parliament Health and Sport Committee (G/18/102)
- 11.5 **ANNUAL REPORT FOR VOLUNTEERING IN NHS TAYSIDE 2017** – Report  
by NHS Tayside (G/18/103)

## 12. **FUTURE MEETING DATES 2018**

Friday 24 August 2018 at 9.30am – Briefing Session  
Monday 24 September 2018 – Training Workshop – Standards Commission  
for Scotland

**Friday 28 September 2018 at 9.30am – Board Meeting**

Friday 26 October 2018 at 9.30am – Briefing Session

**Friday 30 November 2018 at 9.30am – Board Meeting**

## 13. **VALEDICTORY**

The Chair referred to this being the last meeting of the Board for Helen MacKinnon from PKAVS who represented the Third Sector Interface. The Chair thanked Helen for her contribution to the work of the Board and wished her well in her new role.

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SCRUTINY COMMITTEE

Minute of meeting of the Scrutiny Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 28 November 2018 at 1.00pm.

Present: Councillors G Laing, S McCole, C Ahern, D Doogan, J Duff (from Art. 691 onwards) (substituting for Councillor H Coates) D Illingworth, T McEwan, A Parrott, C Purves and C Stewart.

In Attendance: S Devlin, Executive Director (Education and Children's Services); B Renton, Executive Director (Housing and Environment); R Packham and D Fraser (Perth and Kinross Health and Social Care Partnership); J Pepper, R Hill, J Chiles and R Drummond (all Education and Children's Services); C Hendry, C Mailer, P Marshall and E McLaughlin (all Housing and Environment); F Robertson, L Simpson, L Aitchison, S Hendry, M Mahmood, L Potter and D Williams (all Corporate and Democratic Services).

Apologies: Councillors M Barnacle and H Coates.

Councillor G Laing, Convener, Presiding.

688. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting and apologies were noted as above.

689. DECLARATIONS OF INTEREST

- (i) Councillor Laing declared a non-financial interest in Art. 691.
- (ii) Councillor C Ahern declared a non-financial interest in Art. 692(i).
- (iii) Councillors C Purves and C Stewart declared a non-financial interest in Art. 692(i) and (ii).

690. MINUTE OF THE MEETING OF THE SCRUTINY COMMITTEE OF 12 SEPTEMBER 2018

The minute of meeting of the Scrutiny Committee of 12 September 2018 was submitted, approved as a correct record and authorised for signature.

HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, COUNCILLOR LAING VACATED THE CHAIR. COUNCILLOR MCCOLE, VICE-CONVENER, PRESIDED FOR THE FOLLOWING ITEM.

691. UPDATE BY ARMS' LENGTH EXTERNAL ORGANISATION

(i) Live Active Leisure Ltd

COUNCILLOR J DUFF ENTERED THE MEETING DURING CONSIDERATION OF THIS ITEM

P Cromwell, Chief Executive and D Longmuir, Board Member, Live Active Leisure, provided a verbal update on the transition between Chief Executives; financial performance and funding; work with national sporting organisations; marketing; and answered a number of questions from members.

Members sought assurance on matters such as: maintenance costs of facilities; visitor attendances at facilities; and services across Perth and Kinross.

Both the Vice-Convener and the Convener thanked the representatives of Live Active Leisure Ltd for their attendance and they left the meeting at this point.

COUNCILLOR LAING RESUMED THE CHAIR AT THIS POINT.

F ROBERTSON LEFT THE MEETING AT THIS POINT.

S DEVLIN AND B RENTON ENTERED THE MEETING AT THIS POINT.

692. PERTH AND KINROSS HEALTH AND SOCIAL CARE PARTNERSHIP

(i) PERTH AND KINROSS HEALTH AND SOCIAL CARE PARTNERSHIP ANNUAL PERFORMANCE REPORT 2017/18

There was submitted a report by the Chief Officer, Perth and Kinross Health and Social Care Partnership (18/398) presenting the Annual Performance Report for the Partnership for the year 2017/18, which was approved by the Perth and Kinross Integration Joint Board Audit and Performance Committee in July 2018. The Report set out performance against National Health and Wellbeing Outcomes, as well as progress towards the achievement of ambitions outlined within the Strategic Commissioning Plan 2016-19.

R Packham, Chief Officer, Perth and Kinross Health and Social Care Partnership, informed members that the submission of an Annual Report was a requirement of Scottish Government, and this was the second Annual Report published by Perth and Kinross Health and Social Care Partnership. R Packham added that data had been acquired from a number of sources.

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In response to a query from Councillor Illingworth regarding Care at Home, R Packham informed members that a review of the entirety of Care at Home provision was presently being undertaken.

In response to a query from Councillor Doogan regarding digitally enabled care, D Fraser, Health and Social Care Partnership, informed members that this was still at a trial stage, adding that the Telecare service was still operational.

In response to a query from Councillor McCole regarding Inpatient and mental health services, R Packham informed members that a significant amount of work was being undertaken with regards to mental health services across Tayside, in addition to there being a large amount of scrutiny surrounding mental health services across Tayside. R Packham added that an independent enquiry would be reporting in due course.

Councillor Laing requested that in future, as opposed to coming to Scrutiny Committee on an annual basis, representatives from the Perth and Kinross Health and Social Care Partnership provide an update to Scrutiny Committee three times a year.

Resolved:

The contents of Report 18/398, be noted.

(ii) CARE INSPECTORATE INSPECTIONS 2017/18

There was submitted a report by the Chief Officer, Perth and Kinross Health and Social Care Partnership (18/395) advising the Scrutiny Committee of the key findings of inspections carried out in Perth and Kinross by the Care Inspectorate during 2017/18. The Report highlighted some excellent performance and grades awarded by the Inspectorate across the majority of services, as well as some areas for improvement. A similar report had been noted by the Integration Joint Board on 28 September 2018.

Councillor Laing commended the high gradings throughout the Report, with Councillor Illingworth also commending the Report.

Resolved:

The contents of Report 18/395, be noted.

693. HOUSING AND ENVIRONMENT SIX MONTH PERFORMANCE SUMMARY 2018-19 – EXCEPTION REPORT

There was submitted a report by the Executive Director (Housing and Environment) (18/346) reviewing the performance of Housing and Environment against its Business Management and Improvement Plan (BMIP) for the period 1 April to 30 September 2018. A short video was played prior to consideration of this

item. The report had also been considered by the Housing and Communities Committee on 31 October 2018 and the Environment and Infrastructure Committee on 7 November 2018.

In response to a query from Councillor McEwan regarding the replication of Glenfarg Zero-Waste Challenge in other areas of Perth and Kinross, B Renton, Executive Director (Housing and Environment), stated that numerous schemes had been undertaken with Zero-Waste Scotland. However, due to a cessation in funding from Zero-Waste Scotland, there would now be a view for community groups to undertake such schemes, providing examples of Strathearn and Highland Perthshire.

Resolved:

The contents of Report 18/346, be noted.

C HENDRY AND C MAILER LEFT THE MEETING AT THIS POINT

**694. PERTH AND KINROSS CHILD PROTECTION COMMITTEE (CPC)
STANDARDS AND QUALITY REPORT 2017-2018**

There was submitted a report by the Chief Social Worker (18/320), in compliance with National Guidance for Child Protection in Scotland 2014, providing an annual Standards and Quality Report for the Perth and Kinross Child Protection Committee (CPC). The Standards and Quality Report, for the academic year 2017-2018 provided an overview of key activities of the work of the CPC to protect children and young people from harm, abuse and exploitation. The report identified achievements, key strengths and area for further improvement. It also set out a programme of improvement for the next two years.

J Pepper, Chief Social Worker, informed members that the report had been considered by several groups and had been considered by Council at its meeting of 3 October 2018. She added that the report aided understanding on how to continue self-evaluation, and added that B Atkinson had recently been appointed as Independent Chair of both the CPC and the Perth and Kinross Adult Protection Committee.

Resolved:

The contents of Report 18/320, be noted.

**695. PERTH AND KINROSS ADULT PROTECTION COMMITTEE BI-ENNIAL
REPORT 2016-18**

There was submitted a report by the Chief Social Worker (18/325) providing an update of the work of the Perth and Kinross Adult Protection Committee (APC) and activity over the 2016-2018 period. A bi-ennial report is required for submission to Scottish Government by law. This Report had been considered by Council at its meeting of 3 October 2018.

In response to a query from Councillor Laing regarding incidents in Care Homes, M Notman, Housing and Environment, informed Councillor Laing of the varying levels of incidents reported to the Adult Protection Committee, explaining that it would then be up to the Adult Protection Committee as to whether this met the threshold. Councillor Laing stated that it was positive that incidents were being reported.

Resolved:

The contents of Report 18/325, be noted.

R DRUMMOND LEFT THE MEETING AT THIS POINT

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 3.20PM.

696. RAISING ATTAINMENT STRATEGY UPDATE 2018

There was submitted a report by the Executive Director (Education and Children's Services) (18/352) providing a 2018 progress update on the Raising Attainment Strategy 2016-2019. It also presented information on a range of measures designed to both improve performance and monitor progress of improvements. Progress and performance highlights were provided in the Executive Summary. The report had also been considered by the Lifelong Learning Committee on 31 October 2018.

In response to a query from Councillor Doogan regarding how to accelerate the gradual improvement in milestones, S Devlin, Executive Director (Education and Children's Services) informed members that work was being undertaken with colleagues in Health regarding speech and language therapy, also highlighting the importance of early intervention. R Hill, Education and Children's Services, added that work was being undertaken with schools on the provision of numeracy.

Resolved:

The contents of Report 18/352, be noted.

J CHILES AND R HILL LEFT THE MEETING AT THIS POINT

697. COUNCIL COMPLAINTS PERFORMANCE REPORT 2017-18

There was submitted a report by the Head of Legal & Governance Services (18/396) providing assurance that the Council had an adequate and effective Complaints Handling Procedure in place and details of work undertaken to improve the Council's handling of complaints and to support staff in dealing with complaints.

L Simpson, Head of Legal and Governance Services, highlighted to members that the procedures in place to deal with complaints were robust, and that very few cases had gone to the Scottish Public Services Ombudsman (SPSO).

Councillor Purves queried whether it might be useful to distinguish between operational and strategic complaints. In response, L Simpson informed members

that the main concern of the SPSO was simply that there were complaints, rather than the specific nature of complaints.

In response to a query from Councillor Stewart regarding the monitoring and usage of complaints to contribute to continuous improvement, L Simpson informed members that with work with individual services on recognising, handling, and capturing complaints was taking place, and work was ongoing to utilise these aspects for continuous improvement.

Resolved:

The contents of Report 18/396 be noted, and it be further noted that performance of the Complaints Handling Procedure would continue to be monitored and reviewed throughout the year.

698. DEVELOPER CONTRIBUTIONS

There was submitted a report by the Executive Director (Housing and Environment) (18/397) providing information on the application of the Developer Contributions and Affordable Housing Supplementary Guidance to single house developments. Through a number of informal persons, the Committee had been provided with information in relation to the operation of the policy and supplementary guidance. The report provided background to the key areas which were identified for further consideration in relation to the application of the guidance.

In response to a query from Councillor Parrott regarding the length of time taken for contributions, E McLaughlin, Housing and Environment, informed members that with larger developments which can take longer to complete, Section 75 Legal Agreements can still be ongoing.

Councillor Doogan commented that presenting both received and outstanding contributions would provide the fullest picture with regards to contributions and it was agreed that this information should be circulated to members of both the Scrutiny Committee and Planning, Policy and Practice Member/Officer Working Group.

Resolved:

The contents of Report 18/397, be noted.

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## **PERTH AND KINROSS LOCAL REVIEW BODY**

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 11 December 2018 at 10.30am.

Present: Councillors L Simpson, B Brawn, and R Watters.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (Housing and Environment); L Aitchison (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

### **699. DECLARATIONS OF INTEREST**

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

### **700. MINUTE**

The minute of meeting of the Local Review Body of 13 November 2018 was submitted and noted.

THE LOCAL REVIEW BODY UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

### **701. DEFERRED APPLICATIONS FOR REVIEW**

- (i) TCP/11/16(550)  
Planning Application – 18/00473/FLL – Erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross – Ecotricity**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross.

It was noted that, at its meeting of 16 October 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the applicant providing a set of full size photographs for VP's 9 and 10, and the additional photographs for VP's 7 and 8, and; (ii) an unaccompanied site visit. With all further information having been received, and the unaccompanied site visit having taken place on 5 December 2018, the Local Review Body reconvened.

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**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having carried out a site visit on 5 December 2018, insufficient information was before the Local Review Body to determine the matter without further procedure due to the lack of visibility during the site visit;
- (iii) a further unaccompanied site visit be carried out;
- (iv) following the completion of a further unaccompanied site visit, the application be brought back to the Local Review Body.

**702. APPLICATIONS FOR REVIEW**

**(i) TCP/11/16(555)**

**Planning Application – 17/02026/FLL – Erection of 17 huts, formation of car parking and associated works on land at Gellybanks Farm, Bankfoot – Mr T Newall-Watson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 17 huts, formation of car parking and associated works on land at Gellybanks Farm, Bankfoot.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be requested to submit a copy of previous appeal decision notice – reference PPA-340-2091;
- (iii) an unaccompanied site visit be carried out;
- (iv) following the receipt of all requested further information, the application be brought back to the Local Review Body.

**(ii) TCP/11/16(557)**

**Planning Application – 18/01142/FLL – Change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parking (in retrospect) at Cuil Farm, Boltachan, Aberfeldy – Ms A McLeod**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parking (in retrospect) at Cuil Farm, Boltachan, Aberfeldy.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parking (in retrospect) at Cuil Farm, Boltachan, Aberfeldy, be refused for the following reasons:
  - 1. The proposal is contrary to Policies PM1A and PM1B (b) and (c) 'Placemaking', of the Perth and Kinross Local Development Plan 2014, as the design and layout of the unit, by virtue of its open nature on the South East elevation and confined layout, does not contribute positively to the quality of place or respect the rural environment in which the proposal is located. Furthermore, the proposal would set an undesirable precedent for similar future development in this area.
  - 2. The proposal is contrary to Policy ER6 (a) 'Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes', of the Perth and Kinross Local Development Plan 2014, as the siting of the unit in the open countryside erodes the visual amenity of the place, resulting in the landscape character of the area being compromised.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

- (iii) **TCP/11/16(560)**  
**Planning Application – 18/00450/FLL – Siting of 4 holiday accommodation units, formation of a vehicular access and associated works, Hillview, Kinnard, Blairadam, Kelty – Mr D Allan**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the siting of 4 holiday accommodation units, formation of a vehicular access and associated works, Hillview, Kinnard, Blairadam, Kelty.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the siting of 4 holiday accommodation units, formation of a vehicular access and associated works, Hillview, Kinnard, Blairadam, Kelty, be refused for the following reasons:

1. The proposal is contrary to Policy ED4C (a), (b) and (c), Caravan sites, Chalets and Timeshare Development, of the Perth and Kinross Local Development Plan 2014. The proposal a) does not involve the expansion of an existing chalet park or b) is not the expansion of an existing facility nor is it replacing static caravans with more permanent structures or c) it does not meet a specific need by virtue of its quality or location.
2. The proposal is contrary to Policy ED3, Rural Business and Diversification, of the Perth and Kinross Local Development Plan 2014. It is not within or adjacent to a settlement boundary and it has not been demonstrated that the development would improve the quality of new or existing visitor facilities, allow a new market to be exploited or extend the tourism season.
3. The proposal is contrary to Policy PM1A, Placemaking, of the Perth and Kinross Local Development Plan 2014. The development would not contribute positively to the quality of the built and natural environment. The design and siting of the development does not respect the character and amenity of the place and does not create and improve links within and beyond the site, due to the high density of the proposal, the inadequate standard of amenity space, and the lack of landscaping and landscape containment.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.



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(iv) **TCP/11/16(561)**  
**Planning Application – 18/00964/IPL – Erection of a dwellinghouse (in principle) on land 60 metres south west of 1 Couttie Bridge Cottage, Coupar Angus – Mr A Espley**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle) on land 60 metres south west of 1 Couttie Bridge Cottage, Coupar Angus.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 60 metres south west of 1 Couttie Bridge Cottage, Coupar Angus, be refused for the following reason:
  - 1. The proposal, by its physical location is not considered to be part of either a) an existing building group or, b) an infill site – both as defined by Policy RD3 of the Perth and Kinross Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012. To this end, the proposal is contrary to both Policy RD3 of the Perth and Kinross Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012 as the development fails to accord with any of six categories of acceptable development in relation to new housing in the open countryside.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Note:** Councillor Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a dwellinghouse (in principle) should be granted. In his view, whilst accepting that the proposal would be contrary to the Policy RD3 of the Perth and Kinross Local Development Plan 2014, and the associated Housing in the Countryside Guide 2012, the site would be suitable for a dwelling in this instance.

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- (v) **TCP/11/16(562)**  
**Planning Application – 18/00726/FLL – Change of use and alterations to agricultural steading to form 2 dwellinghouses, alterations to existing vehicular access and associated works (in part retrospect) at Hosh Farm Steading, The Hosh, Crieff, PH7 4HA – Mr R Findlay**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use and alterations to agricultural steading to form 2 dwellinghouses, alterations to existing vehicular access and associated works (in part retrospect) vehicular access and associated works (in part retrospect) at Hosh Farm Steading, The Hosh, Crieff, PH7 4HA.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for change of use and alterations to agricultural steading to form 2 dwellinghouses, alterations to existing vehicular access and associated works (in part retrospect) vehicular access and associated works (in part retrospect) at Hosh Farm Steading, The Hosh, Crieff, PH7 4HA, be refused for the following reason:
1. The proposal is contrary to Policy EP2, New Development and Flooding of the Perth and Kinross Local Development Plan 2014, as the proposed development is located in an area where there is a significant probability of flooding and a satisfactory flood risk assessment has not been provided to confirm that the increase in residential dwelling units on the site can be accommodated without an increase in the number of people potentially being at risk from flooding.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Note:** The Members of the Local Review Body requested that, in the event of any further application for this site, consideration be given by the Council as Planning Authority to waiving the Developer Contribution relating to Education.

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**(vi) TCP/11/16(563)**  
**Planning Application – 18/01255/FLL – Extension to**  
**dwellinghouse at 7 Ardblair Road, Blairgowrie – Mr C Duncan**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse at 7 Ardblair Road, Blairgowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) the Interim Development Quality Manager be requested to provide the Decision Notice and Report of Handling prepared by the Appointed Officer, recognising that those documents have no formal status.
- (ii) the applicant be requested to comment on the information contained in the Decision Notice and Report of Handling documents;
- (v) following the receipt of all requested further information, the application be brought back to the Local Review Body.

THERE FOLLOWED A 40 MINUTE RECESS

**(vii) TCP/11/16(564)**  
**Planning Application – 18/00912/FLL – Formation of a vehicular**  
**access at Crindledyke, High Street, Rattray, Blairgowrie –**  
**Mr E Mieзитis**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse formation of a vehicular access at Crindledyke, High Street, Rattray, Blairgowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

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Thereafter, resolved by majority decision that:

- (ii) the Review application for the formation of a vehicular access at Crindledyke, High Street, Rattray, Blairgowrie, be refused for the following reasons:
1. In the interests of pedestrian and traffic safety; the restricted space and inability to park perpendicular or provide turning facilities within the site is contrary to policies contained within the National Roads Development Guide and Policy PM1B (e) of the Perth and Kinross Local Development Plan 2014, which states that all buildings, streets and spaces should create safe, accessible, inclusive places for people.
  2. The proposal is contrary to Perth and Kinross Local Development Plan 2014 Placemaking Policies PM1A and PM1B (c), which require development to contribute positively to the quality of the surrounding built environment and respect the character of and amenity of the place. The proposed development would not respect the character and amenity of the area due to the removal of a section of the original boundary wall and railings.
  3. The proposal does not accord with Perth and Kinross Local Development Plan 2014 Policy RD1: Residential Area. The front garden area makes a positive contribution to the setting and residential amenity of the house. It was further noted that alternative on street vehicular parking facilities exist nearby.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Note:** Councillor Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for formation of vehicular access granted. In his view, the proposal complied with Policies PM1A and PM1B of Perth and Kinross Local Development Plan 2014, as he did not consider the road safety aspect to be significant and also reasoned there had been precedence of similar development in the area.

- (viii) **TCP/11/16(565)**  
**Planning Application – 18/00024/FLL – Alterations to building (in retrospect), staff accommodation, Dunalastair Hotel, Kinloch Rannoch, Pitlochry – Mr K Usmani**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to building (in

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retrospect), staff accommodation, Dunalastair Hotel, Kinloch Rannoch, Pitlochry.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for alterations to building (in retrospect), staff accommodation, Dunalastair Hotel, Kinloch Rannoch, Pitlochry, be refused for the following reason:

1. The dormer extensions, by virtue of the excessive proportions, inappropriate combined bulk, massing, design and composition, does compromise the character and architectural integrity of the host building, resulting in an adverse impact on the visual amenity of the area.. Approval would therefore be contrary to Policies RD1, PM1A and PM1B (c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and appearance of the area by complementing its surroundings in terms of design, appearance, scale and massing.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

- (ix) **TCP/11/16(566)  
Planning Application – 18/01103/FLL – Alterations to dwellinghouse and boundary walls, erection of retaining wall, landscaping and associated landscaping works (in part retrospect), 2 Croft Terrace, Errol – Mrs A Anderson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to dwellinghouse and boundary walls, erection of retaining wall, landscaping and associated landscaping works (in part retrospect), 2 Croft Terrace, Errol.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for alterations to dwellinghouse and boundary walls, erection of retaining wall, landscaping and associated landscaping works (in part retrospect), 2 Croft Terrace, Errol, be refused for the following reasons:
  - 1. There is a lack of provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear. The proposal is, therefore, contrary to the overarching principles of Policy PM1B (e) of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that all new proposals create safe, accessible, inclusive places for all people.
  - 2. The development fundamentally alters the boundary line at the front of the property, to the detriment of the historic and visual relationship with the neighbouring property and to 2 Croft Terrace. Approval would therefore be contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014, which seeks to safeguard listed buildings from inappropriate development.
  - 3. The proposed development is contrary to Policy HE3(a) of the Perth and Kinross Local Development Plan 2014, as the alteration to the boundary line at the front of the property does not protect or enhance the character or appearance of Errol Conservation Area.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**701. DEFERRED APPLICATIONS FOR REVIEW (Continued)**

- (ii) **TCP/11/16(543)**  
**Planning Application – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie – Ms K Walker**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse

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(in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 21 August 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the Development Quality Manager submitting a copy of the appeal decision letter regarding planning application 08/01216/FUL; (ii) the Development Quality Manager supplying copies of relevant Eastern Area Development Plan policies as referred to in appeal decision regarding planning application reference 08/01216/FUL; (iii) the Development Quality Manager submit plans and decision notice for the erection of agricultural shed reference 09/00170/FUL; (iv) the Applicant be submitting any available documentation which illustrates and establishes the history and nature of the former use(s) of the ruinous building within the application site; (v) the Development Quality Manager commenting on the relevance of Local Development Plan Policy EP6(a), notably in relation to replacement buildings; (vi) an unaccompanied site visit. With all further information having been received, and the unaccompanied site visit having taken place on 5 December 2018, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with all requested further information having been received and having carried out a site visit on 5 December 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie, be refused for the following reason:
  - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, as the proposal fails to satisfactorily comply with category 4 (e) (i), (ii) and (iii), Renovation or Replacement of Houses, as it has not been demonstrated that an appropriate replacement dwelling could be accommodated and that the site does not have established site boundaries capable of providing suitable enclosure. It is also considered that the proposal cannot satisfy any of the remaining categories – (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (5) Conversion or replacement of

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redundant non-domestic buildings, (6) Rural Brownfield Land.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Note:** Councillor Watters dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for erection of a dwellinghouse (in principle) be granted. In his view, the proposal complied with the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, as he considered the site was contained in a defined area and would be appropriate to approve in principle.

(iii) **TCP/11/16(553)**  
**Planning Application – 18/00549/FLL – Erection of a dwellinghouse on land 20 metres west of 2 Errol Road, Main Street, Invergowrie – Mr R Kenneth**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse on land 20 metres west of 2 Errol Road, Main Street, Invergowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 16 October 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. With the unaccompanied site visit having taken place on 5 December 2018, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having carried out a site visit on 5 December 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for erection of a dwellinghouse on land 20 metres west of 2 Errol Road, Main Street, Invergowrie, be refused for the following reason:
  - 1. The proposal would both result in a constrained development, which would be out of character with the immediate area, and a development that would have an



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adverse impact on the (historic) visual amenity of the area. To this end, the proposal is contrary to policies RD1 (a) and (c) and PM1A of the Perth and Kinross Local Development Plan 2014, which both seek to ensure that new developments do not have an adverse impact on the environment in which they are located.

2. The proposal would a) adversely affect the historic setting of a group of listed buildings, b) adversely affect the existing visual relationship between the listed former school buildings and the 'A' listed All Souls Church, and c) adversely affect the key views of same buildings from the north along Main Street. The proposal is therefore contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014, the Scottish Planning Policy 2014 and the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, all of which seek to ensure the protection of listed building settings from inappropriate developments.
3. Insufficient information has been submitted to demonstrate fully that the erection of a dwelling on the site would not adversely affect existing trees, some of which are subject to Tree Preservation Order, or to justify proposed tree removals. To this end, the proposal is contrary to the principles of Policy NE2B of the Perth and Kinross Local Development Plan 2014, which states that any planning application where trees are affected should be accompanied by a tree survey.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 18 December 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, H Coates, E Drysdale, T Gray, I James, A Jarvis, L Simpson, R Watters and W Wilson.

In Attendance: A Condliffe, D Niven, J Scott, M Barr, D Littlejohn, D Salman and L Reid (all Housing and Environment); G Fogg, D Williams and L Aitchison (all Corporate and Democratic Services).

Apologies: Councillors M Barnacle.

Councillor R McCall, Convener, Presiding.

703. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

704. DECLARATIONS OF INTEREST

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

705. MINUTES

- (i) The signing of the minute of meeting of the Planning and Development Management Committee of 25 October 2018 (Arts. 601-605) was deferred.
- (ii) The signing of the minute of meeting of the Planning and Development Management Committee of 21 November 2018 (Arts. 699-673) was deferred.

706. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.
18/01214/AMM
18/01770/FLL

Art. No.
707(1)(ii)
707(2)(iii)

707. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 18/01038/AMM - PERTH - Erection of 208 dwellinghouses, 30 flats, 11 garages, formation of roads infrastructure, sustainable urban drainage system (SUDS) pond, play area, open space, landscaping and associated works (matters specified in conditions 16/01348/IPM) (Phases 2-5), land south west of Dobbies Garden Centre, East Huntingtower, Perth – Report 18/399 – Barratt North Scotland**

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure that the development is carried out in accordance with the plans approved.
2. No later than two months prior to the commencement of development hereby approved, an updated Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes for Phases 2-5 shall be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Scottish Environment Protection Agency. The CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan. The CEMP shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP.
Reason - In the interest of protecting environmental quality; to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.
3. No dwelling shall be occupied until the agreed level of financial contribution with Transport Scotland to address

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the impact of the development at the Broxden Roundabout on the A9 trunk road has been paid to Transport Scotland.

Reason - To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

4. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason - The site lies adjacent to areas of archaeological significance.

5. Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason - To allow district heating to be incorporated within the site at a future date.

6. Concurrent with the initiation of the development hereby approved, and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason - To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

7. Prior to commencement of development, full surface water drainage proposals to identify details proposed to mitigate plots at a level below the road shall be submitted

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to and approved in writing by the Council as Planning Authority in consultation with the Flood Authority. The details as approved shall be implemented in full, concurrent with development and completed prior to the occupation the relevant dwellinghouse to which the drainage measures relate.

Reason - To alleviate flood risk at affected properties.

8. No part of the development shall be occupied until a MOVA (or equivalent) traffic signal control system is installed and operational at the A85/Huntingtower Park access signalised junction. This should be linked to an equivalent system at the A85 signalised junction with the A9 northbound on /off slip roads. The details of this shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

Reason - To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

9. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

10. The conclusions and recommended action points within the supporting updated Ecological Appraisal submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

11. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land including the A9 and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Council as Planning Authority.

Reason - In the interest of residential amenity; to ensure that there will be no distraction or dazzle to drivers on the road, and; that the safety of the traffic on the road will not be diminished

12. All existing trees and hedgerows shown to be retained (as detailed on plan refs: 18/01038/39 and 18/01038/40) shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No

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materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

Reason - To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

13. Any existing planting which, within a period of 5 years from the completion of each approved phase of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

14. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

15. Prior to the commencement of development hereby approved, the developer shall submit a glazing specification for all windows to bedrooms for the entire development, for the written approval of the Planning Authority. The windows shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

- Daytime 35 dB LAeq,16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved window specification shall be installed to the satisfaction of the Planning Authority, prior to the occupation of each dwelling.

Reason - In the interests of residential amenity.

16. Prior to the commencement of development hereby approved, the developer shall submit a scheme including a plan of the affected properties for the proposed means of ventilation for all bedrooms that are required to be closed to achieve internal sound levels, as detailed below, for the written approval of the Planning Authority. This shall enable each bedroom to be adequately ventilated without the need for opening windows and thus minimising noise ingress. The sound insulation performance for the ventilation system shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

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- Daytime 35 dB LAeq,16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved scheme of ventilation shall be installed to the satisfaction of the Planning Authority prior to the occupation of each dwelling.

Reason - In the interests of residential amenity.

17. Prior to the commencement of development hereby approved, the developer shall submit a scheme, including timescales for the proposed eastern bund, eastern and southern acoustic barrier as outlined in Section 5 - Summary of Committed Mitigation and Figure 2 – Committed Mitigation of the Updated Noise Assessment (Dated 25/05/2018) prepared by ITP Energised, for the written approval of the Planning Authority. Thereafter these shall be constructed in accordance with the approved scheme.

Reason - In the interests of residential amenity.

18. Prior to the commencement of the development hereby approved, details of the proposed southern boundary woodland felling and re-planting for the site shall be submitted for the further written agreement of the Council as Planning Authority. The re-planting scheme as subsequently agreed shall be implemented prior to the completion of or bringing into use of the development, whichever is the earlier. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

19. Any new planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

20. The adopted Core Path (METH/15) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason - To ensure that public access is maintained at all reasonable times, to the local path network.

21. That notwithstanding the detail on the approved site plans (principally drawing ref: 18/01038/81), and for the avoidance of doubt, the two 'future access' points on the

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western boundary of the site which connect to LDP site H70 (Perth West), via Core Path METH/15, shall be constructed up to the edge of the western boundary in full, in conjunction with the occupation of plots 68 for the north most link and 132 and 281 for the south most link.

Reason - To ensure that suitable access can be effectively provided into the adjoining allocated site H70 of the Perth and Kinross Local Development Plan 2014.

22. Dust mitigation measures as detailed in the Air Quality Impact Assessment document (ref: 16/01348/16) by Energised Environments dated 11 August 2016 associated with the In Principle permission 16/01348/IPM shall be followed at all times during construction.

Reason - In the interests of residential amenity.

23. In conjunction with Condition 2, and two months prior to the commencement of works, on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Plan (CTMP) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements;
 - k) arrangements for dealing with non-compliance;

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- l) the CTMP as approved shall be strictly adhered to during the entire site construction programme, to the satisfaction of the Council as Planning Authority.
Reason - In the interests of vehicle and pedestrian safety.
24. Prior to occupation of any residential units within Phases 2-5, the applicant shall replace and reposition where necessary the existing bus shelters to the rear of Travelodge (ref: 64803954), on the A85 (ref: 64802267) and on Castle brae (ref: 64800164) with new 3 bay enclosed bus shelters, with permanent internal electric power supply for lighting, flag mount bracket and flag and bus box carriageway markings with clearway to design, position and specification to the satisfaction of Perth & Kinross Council's Public Transport Unit.
Reason – In the interests of sustainable travel.

Justification

The proposal is contrary to the Development Plan but there are material considerations to justify a departure there from.

Procedural Notes

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contribution, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

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3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
8. The applicant is advised they must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
9. There is evidence of Hogweed present on the overall site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought from the Scottish Environment Protection Agency (SEPA).
10. Any changes to the approved site layout plan that requires a planning application shall also require a revised noise impact assessment to be submitted to demonstrate that the layout will not adversely affect the

resultant noise levels to external and internal amenity spaces.

11. A felling licence may be required for the removal of the southern boundary woodland. Forestry Commission Scotland should be contacted for advice.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/01348/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland (www.ros.gov.uk).

- (ii) **18/01214/AMM - ALYTH - Masterplan and detailed approval of matters specified in conditions for Phase 1 comprising the erection of a care/nursing home, 20 dwellinghouses and 8 garages, erection of 3 class 4 business units, an energy centre, pumping station, 2 entrance buildings/access road and temporary bridge, a sustainable urban drainage system (SUDS) pond, parking areas, site infrastructure, burn realignment landscaping and associated works, land north of Pitcrocknie Farmhouse, Alyth – Report 18/400 – Glenisla Developments Ltd**

J Scott, advised that should the application be granted then Conditions 22(ii) should be amended to read:

- (ii) the external shell of the care home must be completed and fully wind and watertight prior to the occupation of the first residential dwelling within the site.

Mr M Smith, agent, and Mr M Officer, on behalf of the applicant, addressed the Committee, and, following their representation, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice. For the avoidance of doubt, the masterplan (drawing ref: 18/01214/27) is hereby approved only insofar as the identification of general land uses and the phasing of development across the whole site. This approval does not grant permission for any operational development outwith Phase 1 or beyond the

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specific development approved within that phase as follows (and detailed on drawing ref: 18/01214/28):

- a) Erection of a 60 bed care home;
- b) Erection of 20 dwellinghouses (including 8 associated garages);
- c) Erection of 3 business units (Class 4);
- d) Erection of an Energy Centre;
- e) Erection of 2 Entrance/Storage buildings;
- f) De-culverting and realignment of Back Burn;
- g) Erection of a Pumping station; and
- h) The provision of a temporary haul road, including a temporary bridge over Back Burn.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3. No biomass boilers shall be installed to the approved energy centre, without the prior written approval of the Council as Planning Authority or the submission of a revised air quality assessment. The methodology for the assessment shall be agreed in writing with the Council as Planning Authority, prior to the assessment being undertaken.

Reason – In the interests of residential amenity.

- 4. All plant and equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In the interests of residential amenity.

- 5. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason – In the interests of residential amenity.

- 6. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross

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Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason – To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

7. Prior to the commencement of the development hereby approved, protective fencing shall be erected around SM1575 Pitcrocknie Stone in a manner to be agreed in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason - To ensure the preservation of the historic environment.

8. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

Reason - To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

9. Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

10. The adopted core paths (ALTH/100 and ALTH/4) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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- Reason - To ensure continued public access to the public paths and in the interests of public safety within the site.
11. Prior to the commencement of development full details of the Back Burn realignment design shall be submitted to and approved in writing by the Council as Planning Authority in consultation with SEPA. Thereafter, the agreed design shall be implemented in full prior to the occupation of the first dwelling.
- Reason - In order to take account of the flood risk from the adjacent watercourse.
12. Prior to the commencement of development topographic information should be submitted to and approved by the Council as Planning Authority in consultation with SEPA that clearly shows the height differences between the realigned Back Burn, existing ground levels, and finished floor levels of the proposed development. Thereafter, the agreed design shall be implemented in full prior to the occupation of the first dwelling.
- Reason - In order to take account of the flood risk from the adjacent watercourse.
13. All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200 year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. The crossings shall be implemented in full prior to the occupation of the first dwelling.
- Reason - In order to take account of the flood risk from the adjacent watercourse.
14. Prior to the commencement of development of Phase 1 a detailed planting scheme shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter the approved scheme shall be implemented in full. For the avoidance of doubt this should include:
- Woodland enhancement for red squirrels
 - Ecological corridor and Back Burn edges
 - Ponds and surrounding area
- Reason - In the interests of protecting and enhancing biodiversity.
15. During Phase 1 all road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.
- Reason - In the interests of protecting biodiversity.
16. During Phase 1 no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks

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placed into them at the end of each working day and open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

17. Prior to the commencement of development hereby approved, details of the location for the provision of a minimum of 1 bat brick or bat nest box and 1 Swift brick on each two-storey dwellinghouse shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s)/bat nest box(s) and Swift brick(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of enhancing biodiversity.

18. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Council as Planning Authority.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

19. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used in Phase 1 shall be submitted to and agreed in writing by the Council as Planning Authority. Thereafter it shall be finished in accordance with the approved scheme.

Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality

20. During construction the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

Reason - In the interest of proper site management and to protect the amenity of the area.

21. Prior to the commencement of the development of Phase 1 hereby approved, the applicant shall submit for the further written agreement of the Council as Planning

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Authority, in consultation with the Roads Authority (Structures and Flooding), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management and to protect the amenity of the area.

22. Prior to the commencement of development, a construction programme detailing the phasing and timing

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of delivery of the elements approved in Phase 1 shall be submitted to and approved in writing by the Planning Authority. The construction programme shall specifically provide for the following.

- (i) the 3 business units must be fully serviced before the occupation of the first residential dwelling;
- (ii) the external shell of the care home must be completed and fully wind and watertight prior to the occupation of the first residential dwelling within the site.

Once approved, the construction programme and phasing will be implemented in accordance with the approved scheme.

Reason - To ensure the delivery of employment generating uses in early phases of the development.

Justification

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

Procedural Notes

A Section 75 is required to deal with a financial contribution towards affordable housing; upgrade of Losset Road Core Path (ALTH/100 and ALTH/4) and bus service provision. Consent shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

Informatives

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

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3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
8. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
10. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.
11. For future development phases of the masterplan and In Principle approval, there will be no structures within 46

metres of Pitcrocknie Stone Scheduled Monument to the east (Phase 2); within 62 metres of the stone to the southeast (Phase 3); and within 72 metres of the stone to the south (Phase 4).

12. For future development phases of the masterplan and In Principle approval, Nn structures within Phase 2, 3 and 4 and/or within the 100 metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.

(iii) 18/01890/FLM - CRIEFF - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 24 (road layout and timescale for undertaking) of planning permission 16/02217/FLM, land at Wester Tomaknock, Crieff – Report 18/401 – GS Brown Construction Ltd

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
Reason - To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority unless otherwise agreed in writing.
Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.
3. Prior to any phase of the development hereby approved being brought into use, a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council, in consultation with Transport Scotland. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

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4. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.
Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
5. Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of public footpaths and cycle-ways shall be submitted to the Planning Authority for further written approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed details shall thereafter be undertaken to the satisfaction of the Council as Planning Authority, as part of an agreed delivery plan, prior to the completion of the development.
Reason - In the interest of pedestrian and cycle safety.
6. Prior to the commencement of development, revised landscape drawings shall be submitted and reviewed for further written approval by the Council as Planning Authority in consultation with Community Greenspace; including enhanced planting at agreed locations and revised play area specifications. The subsequently approved play area(s) shall be designed, laid out and equipped in accordance with Perth & Kinross Council's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.
7. The detailed landscaping and planting scheme as approved shall be undertaken and delivered commensurate with the residential development and fully completed prior to the completion of the development and thereafter maintained to the satisfaction of the Council as Planning Authority.
Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.
8. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

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Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

9. Prior to the commencement of development, a detailed open space and private open space plan and open space landscaping delivery plan, which clearly sets out areas proposed for both public adoption and phased delivery, shall be submitted to the Council as Planning Authority for further written in consultation with the Council's Community Greenspace Team. The agreed public landscaping elements shall thereafter be undertaken and delivered in line with the approved delivery plan and thereafter maintained to the satisfaction of Council as Planning Authority.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

10. Prior to the commencement of development, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected.

Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

11. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

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Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

12. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

Reason - In the interest of protecting environmental quality and of bio-diversity.

13. There shall be no land raising or the erection of solid boundaries within the 0.5% annual probability (AP) floodplain as shown on drawing number 13019/21/001A forming part of planning permission 16/02217/FLM.

Reason - In order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage System (SUDS) does not increase flood risk elsewhere.

14. Prior to the commencement of development, precise details of the proposed surface water and foul drainage scheme shall be submitted to the Council as Planning Authority for the approval in writing. The required drainage details must include a full drainage impact assessment which must take into account the potential surface water run-off from all hard surfaces (including paving/road surfaces), and the ground levels associated with the proposal. The assessment must be carried out in accordance with the Council's Flood Risk and Flood Risk Assessment Developer Guidance. The approved details shall thereafter be implemented in full, commensurate with the development build out and thereafter retained in perpetuity.

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Reason – In order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage system (SUDS) does not increase flood risk elsewhere.

15. Prior to the commencement of development, sustainable urban drainage system (SUDS) details shall be submitted to the Council as Planning Authority for approval in writing, in consultation with SEPA. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational, commensurate with the associated stage of the development and prior to the completion of the development.

Reason - To ensure the provision of provide effective drainage for the site.

16. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason - In the interests of best practice surface water management: to avoid undue risks to public safety and flood risk during the construction phases.

17. The conclusions and recommended action points within the supporting biodiversity surveys submitted and hereby approved (plan ref 16/02217/80 and 16/02217/88) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

18. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.

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Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

19. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

20. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local Planning Authority.

Reason - In the interests of enhancing environmental quality and of biodiversity.

21. Prior to the commencement of development hereby approved, details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of enhancing environmental quality and of biodiversity.

22. Prior to the commencement of development, revised boundary landscape drawings shall be submitted for further written approval by the Council as Planning Authority, including full boundary treatment details (with elevations).

Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

23. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. This shall include a further detailed review of the elevation treatments on plots 65-76. The scheme as agreed shall be implemented prior to the

completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 24 The approved layout and site plans, which includes a site access detail up to the eastern boundary of the site shall be constructed up to the edge of the eastern boundary in full, in conjunction with and no later than 3 years of the formation of the eastern public access, (bounding plots 49 and 50) or the occupation of any of the plots 42, 43 or 44, whichever is earlier.

Reason - To ensure that suitable access can be effectively provided into the adjoining part of the H57 allocation of the Perth and Kinross Local Development Plan 2014.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a

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draft notice is included for your guidance. According to Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
 6. The applicant is advised that the detailed design of all sustainable urban drainage systems (SUDS) shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update. Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:
 - In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
 - A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
 7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
 8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 9. No work shall be commenced until an application for building warrant has been submitted and approved.
 10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

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11. The applicant is recommended to follow and incorporate all associated comments included within PKC Waste Services response (dated 04/07/2016 forming part of 16/02217/FLM planning permission documents). Further details and clarification of the requirements can be sought in discussion with the Council Waste Services Team.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02217/FLM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland (www.ros.gov.uk).

(2) Local Applications

- (i) 18/01290/FLL - PERTH - Demolition of buildings and dwellinghouse and erection of 39 flats and associated works - land east of Firview, Goodlyburn Terrace, Rannach Road, Perth – Report 18/402 – Barratt North Scotland**

Motion (Councillors W Wilson and E Drysdale)
Refuse, for the following reasons:

The proposal is contrary to Policies PM1A, PM1B(c) and RD1A (a) of the Perth and Kinross Local Development Plan 2014, in addition to Policy 2 of TayPlan, as on the basis that the proposed density does not reflect the character of the surrounding area.

**Amendment (Councillors R McCall and B Band)
Grant, subject to the following terms, conditions and informatives:**

Conditions

1. **The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.**
2. **Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping**

proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

4. All flats hereby approved shall be used for the purposes of affordable housing as defined in Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance September 2016 to the satisfaction of the Council as Planning Authority.

Reason - To comply with the Council's policy on affordable housing.

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (doc ref: 18/01290/6) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - In the interests of protecting environmental quality and of biodiversity.

6. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 7. The landscaped open space within the site shall be retained and maintained to the satisfaction of the Council as Planning Authority.**

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 8. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.**

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 9. Prior to the commencement of any development on site full details of the proposed cycle parking/bike store facilities marked on the site layout plan hereby approved shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented as part of the site development and completed prior to the occupation of any of the flats to the satisfaction of the Council as Planning Authority.**

Reason - To ensure adequate provision of cycle parking on site.

- 10. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;**

- the nature, extent and type(s) of contamination on the site**
- measures to treat/remove contamination to ensure the site is fit for the use proposed**
- measures to deal with contamination during construction works**
- condition of the site on completion of decontamination measures.**

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by

the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

11. Prior to the commencement of any development on site details of the location of 4 bat bricks/boxes within the development shall be submitted to and agreed in writing by the Planning Authority. All bat bricks/boxes shall be installed prior to the occupation of any part of the development site.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

12. Prior to the commencement of any development on site details of the location of 8 swift bricks or swift boxes within the development shall be submitted to and agreed in writing by the Planning Authority. These shall be located in accordance with Swift Conservation guidance at eaves height. All swift bricks/boxes shall be installed prior to the occupation of any part of the development site.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Procedural Notes

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the

- development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
 3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
 4. No work shall be commenced until an application for building warrant has been submitted and approved.
 5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
 6. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
 7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

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

9 members voted for the Amendment as follows:
Councillors Anderson, Band, Brawn, Coates, Gray, Jarvis, McCall, Simpson and Watters.

3 members voted for the Motion as follows:
Councillors Drysdale, James and Wilson.

Resolved:

In accordance with the Amendment.

- (ii) **18/01684/FLL - CLEISH - Demolition of steading and erection of 8 dwellinghouses (in part retrospect) (change of house type for plots 6, 7 and 8), at land north west of Boreland House, Cleish – Report 18/404 – Thomson Homes**

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. The rebuild of the roadside steading building (Plots 6, 7, 8) shall be completed prior to the commencement of any works of development of Plots 1 and 5 as shown in blue within the applicants control on the Site Layout Plan - Drawing Ref: 18/01684/2.
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to ensure the rebuild is completed.
3. Within 1 month of the date of this permission full engineering drawings of the roadside steading building (Plots 6, 7, 8) shall be submitted to and approved in writing by the Council as Planning Authority.
Reason - To ensure that the development is carried out in accordance with the plans approved; to ensure a satisfactory standard of local environmental quality.
4. The development proposed for Plots 6, 7 and 8 shall be inspected by the Planning Authority at the following junctures.
 - Damp-proof course
 - Wall head level
 - Truss erectionDevelopment shall not progress beyond these junctures without the prior written approval of the Council as Planning Authority.
Reason - To ensure the building resembles as closely as reasonably practicable the structure that was demolished contrary to previous permissions.
5. Within 1 month of the date of this permission, a sample of the mortar and stone from the demolished roadside steading building are to be sent to the Scottish Lime Centre Trust, or other such qualified body as previously approved, for analysis. The written report of the analysis shall be submitted to the Planning Authority as a matter of record. The recommendations and specifications of

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the Scottish Lime Centre Trust, or other such qualified body as previously approved, shall be implemented in full accordance with the written record previously submitted and all to the satisfaction of the Council as Planning Authority.

Reason - To ensure the building resembles as closely as reasonably practicable the structure that was demolished contrary to previous permissions.

6. Prior to the cladding of the building a sample panel of the roadside steading wall measuring a minimum of 3m² shall be erected for inspection and approval by the Planning Authority. For the avoidance of doubt, the sample wall requires to include an example of the stone quoins, window lintels, jamb stone and cill to be used throughout the development.

Reason - To ensure the development resembles the building demolished as closely as reasonably practicable.

7. Within two months of the date of this permission or prior to the cladding of the building, details of the specification and quality of the proposed reuse of original stone, clay pantiles and all exterior materials shall be inspected on site for the approval of the Council as Planning Authority. The details as approved shall be implemented prior to the occupation and/or use of the development. For the avoidance of doubt the original stone is to be reused as much as is practically possible and any additional stone requirement must be with the prior agreement in writing by the Council as Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to ensure the development resembles the building demolished as closely as reasonably practicable.

8. All external doors and windows of Plots 6, 7 and 8 shall be first constructed in timber, with a painted finish of a colour agreed in writing by the Council as Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

9. Within two months of the date of this permission, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways/private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

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- Reason - In the interest of private water supplies.
10. The vehicular access to the development hereby approved shall be formed in accordance with the Council's Road Development Guide Type C Figure 5.7 access detail to the satisfaction of the Council as Planning Authority, prior to the occupation of any further dwellinghouses.
- Reason - In the interests of road safety.
11. Prior to the occupation of any of the dwellinghouses hereby approved, the gradient of the access shall not exceed 3% for the first 5.00metres measured back from the edge of carriageway and the access shall be constructed so that no surface water is discharged onto the public road.
- Reason - In the interests of road safety.
12. Prior to the occupation of any of the dwellinghouses hereby approved the mitigation measures identified on page 14 of the submitted bat report plan ref. 09/00500/20 shall be carried out in full in accordance with details which shall previously have been submitted to and approved in writing by the Council as Planning Authority. The approved bat boxes shall remain in place at all times thereafter and maintained free of obstruction to the satisfaction of the Council as Planning Authority.
- Reason - To safeguard the welfare of protected wildlife in the interests of the amenity of the area.
13. Prior to the occupation of any of the dwellinghouses hereby approved a barn owl nest box and ledge shall be incorporated into this development in accordance with details which must be submitted to and approved in writing by the Council as Planning Authority.
- Reason - To safeguard the welfare of protected wildlife in the interests of the amenity of the area.
14. Within 1 month of the date of this permission details of a road end bin store incorporating fencing and hard standing for the appropriate capacity of this development in either individual 240 litre bins or communal bins shall be submitted to and approved in writing by the Council as Planning Authority. The bin store should be no more than 10 metres from the road side. The bin store as agreed shall be completed prior to the occupation of the dwellinghouses hereby approved.
- Reason - In the interest of waste management and road safety.
15. Further development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning

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Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

16. Within two months of the date of this permission, a detailed landscaping and planting scheme for the application site shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted, and the scheme as approved shall be carried out and completed within 6 months of the occupation of any further house. Any tree, plant or shrub which, within a period of 5 years from planting dies becomes damaged or diseased shall be replaced with others of a similar size and species unless otherwise agreed in writing by the Council as Planning Authority.

Reason - To ensure details are acceptable to the Council as Planning Authority; to ensure a satisfactory standard of local environmental quality.

17. Prior to the construction of the external walls, a detailed coursing plan for the proposed rebuilt roadside steading building showing all external walls shall be submitted for the prior approval of this Council as Planning Authority. For the avoidance of doubt the coursing shall reflect as closely as possible that of the previous roadside steading building. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity.

Justification

The proposal is considered to be in accordance with the Development Plan and there are no overriding material reasons which justify departing from the Plan.

Procedural Notes

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

If the payment is not paid up-front, a modification of the existing Section 75 Legal Agreement will require to be drafted in relation to securing Affordable Housing and Education contributions.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended))
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. An application for Building Warrant will be required.
4. If connection to the public mains proves to be impractical the following should be noted if a private water supply is utilised.
The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
5. The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate

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and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

6. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The attention of the applicant is specifically drawn to the condition requiring a Section 75 Agreement. The applicant is warned that the conclusion of a Section 75 Agreement normally takes at least 3 months and may take longer. Accordingly it is important to commence negotiations on a Section 75 Agreement as soon as possible. Please contact the planning case officer if you wish to pursue this agreement. The Council should normally be able to provide an initial draft of an Agreement. You should also note that you will be liable to pay the cost of the Council's reasonable expenses in this respect. You should know that commencement of work without complying with the condition concerning a Section 75 Agreement will render the development unauthorised and liable to Enforcement Action.

(iii) 18/01770/FLL - INVERGOWRIE - Alterations to roundabout, landscaping and associated works, Swallow Roundabout, Invergowrie – Report 18/403 – Springfield Properties PLC

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the

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development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road contact should be made with Transport Scotland.
5. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
6. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practise for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
7. The road works which are required will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.
8. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

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## **PERTH COMMON GOOD FUND COMMITTEE**

Minute of meeting of the Perth Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 19 December 2018 at 9.00am.

Present: Councillors C Ahern, B Band, P Barrett, A Coates, H Coates, D Doogan, E Drysdale, M Lyle, S McCole, A Parrott, J Rebbeck and W Wilson.

In Attendance: D Coyne, C Flynn, L Haxton, K Molley and J Salisbury (all Corporate and Democratic Services); and S Merone (Housing and Environment).

### **708. APPOINTMENT OF CONVENER**

Councillor B Band intimated at the meeting that he wished to step down as Convener, nominations were sought for the appointment of Convener.

The Committee agreed to appoint Councillor A Parrott as Convener of the Perth Common Good Fund Committee

Councillor A Parrott, Convener, Presiding.

### **709. WELCOME AND APOLOGIES**

Councillor A Parrott welcomed all present to the meeting and paid tribute to Councillor B Band for all his work as Convener of the Perth Common Good Fund.

### **710. DECLARATIONS OF INTEREST**

There were no Declarations of interest in terms of the Councillors' Code of Conduct.

### **711. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Perth Common Good Fund Committee of 3 October 2018 (Arts.530-539) was submitted, approved as a correct record and authorised for signature.

### **712. MATTERS ARISING**

There were no matters arising

### **713. APPLICATIONS FOR FINANCIAL ASSISTANCE**

There was submitted a report by the Depute Chief Executive (18/405) asking the Perth Common Good Fund Committee to consider 14 applications for financial assistance.

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**Resolved:**

- (1) Perth Grammar School**  
Perth Grammar School be awarded a grant of £1,000 towards the costs of a Madrid Cultural Experience trip.
- (2) Menopause Cafe**  
Menopause Café be awarded a grant of £1,735 towards the costs of a Menopause Festival.
- (3) Wednesday Tea Dance**  
Wednesday Tea Dance be awarded a grant of £245 towards the costs of a New Year Party.
- (4) Tulloch Primary School Parent Council**  
Tulloch Primary School Parent Council be awarded a grant of £400 towards the costs of a School Pantomime.
- (5) PKAVS Minorities Hub and Perth Chinese Community Association**

**Motion (Councillors D Doogan and S McCole)**

**PKAVS Minorities Hub and Perth Chinese Community Association be awarded a grant of £3,000 towards the costs of 2019 Chinese New Year Celebrations.**

First Amendment (Councillors P Barrett and W Wilson)

PKAVS Minorities Hub and Perth Chinese Community Association be awarded a grant of £5,000 towards the costs of 2019 Chinese New Year Celebrations.

Second Amendment (Councillors H Coates and A Coates)

PKAVS Minorities Hub and Perth Chinese Community Association be awarded a grant of £2,500 towards the costs of 2019 Chinese New Year Celebrations.

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

4 members voted for Amendment 1 as follows:  
Councillors C Ahern, P Barrett, M Lyle and W Wilson.

8 members voted for Amendment 2 as follows:  
Councillors B Band, A Coates, H Coates, D Doogan, E Drysdale, S McCole, A Parrott and J Rebbeck.

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



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

9 members voted for the Motion as follows:

Councillors C Ahern, B Band, A Coates, E Drysdale, D Doogan,  
M Lyle, S McCole, A Parrott and J Rebbeck.

1 member voted for the Second Amendment as follows:

Councillor H Coates.

2 members abstained as follows:

Councillors P Barrett and W Wilson.

**Resolved:**

In accordance with the Motion.

**(6) Moncreiffe Tea Dancers**

Moncreiffe Tea Dancers be awarded a grant of £426 towards the costs of Ongoing Dancing Events to Combat Loneliness.

**(7) Perth and District Childminding Association**

Perth and District Childminding Association to be awarded a grant of £140 towards the costs of Spring and Summer outings.

**(8) Our Lady's Primary School Parent Council**

Our Lady's Primary School Parent Council be awarded a grant of £700 towards the costs of a Christmas Pantomime.

**(9) Perth Academy**

Perth Academy be awarded a grant of £1,000 towards the costs of an S1 French Trip.

**(10) People with A Mission Ministries**

People With A Mission Ministries be awarded a grant of £1,500 towards the costs of a Perth Senior Citizens 2018 Christmas Appeal.

**(11) Comann nam Parant Peairt**

**Motion (Councillors A Parrott and J Rebbeck )**

**Comann nam Parant Peairt be awarded a grant of £1,500 towards the costs of establishing a Gaelic Medium After School Club at Goodlyburn Primary School.**

Amendment (Councillors C Ahern and H Coates)

Comann nam Parant Peairt be awarded a grant of £1,300 towards the costs of establishing a Gaelic Medium After School Club at Goodlyburn Primary School.

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

8 members voted for the Motion as follows:

Councillors B Band, P Barrett, D Doogan, E Drysdale, S McCole, A Parrott, J Rebbeck and W Wilson.

3 members voted for the Amendment as follows:

Councillor C Ahern, A Coates and H Coates.

1 member abstained as follows:

Councillor M Lyle.

**Resolved:**

In accordance with the Motion.

**(12) Friendship Club**

Friendship Club be awarded a grant of £350 towards the costs of a Christmas Lunch and four Bus Trips throughout the year.

**(13) St John's Kirk of Perth**

**Motion (Councillors A Parrott and W Wilson)**

**St John's Kirk be awarded a grant of £1,500 towards the costs of Carillon Recitals for Civic Engagements 2019.**

Amendment (Councillors P Barrett and C Ahern)

St John's Kirk be awarded a grant of £2,600 towards the costs of Carillon Recitals for Civic Engagements 2019.

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

7 members voted for the motion as follows:

Councillors B Band, D Doogan, E Drysdale, S McCole, A Parrott, J Rebbeck and W Wilson.

5 members voted for the amendment as follows:

Councillors C Ahern, P Barrett, A Coates, H Coates and M Lyle.

**Resolved:**

In accordance with the Motion.

**(14) Pink Saltire**

Pink Saltire be awarded a grant of £1,850 towards the costs of LGBT History Month Heritage Hub in Perth.

#### **714. REVIEW OF CRITERIA**

There was submitted a report by Depute Chief Executive, Chief Operating Officer (18/407) asking Perth Common Good Fund Committee to approve the revised criteria for awarding funding.

**Resolved:**

- (i) The revised criteria for awarding funding from the Perth Common Good Fund, be approved.
- (ii) It be noted that the revised criteria will be used with effect from 1 April 2019

#### **715. 2018/19 FINANCIAL STATEMENT**

There was submitted a report by the Head of Finance (18/406) providing details of the Income and Expenditure to 31 October 2018 and the projected outturn to 31 March 2019 for the Perth Common Good Fund.

**Resolved:**

- (i) The Perth Common Good Fund Income and Expenditure to 31 October 2018 and the projected outturn to 31 March 2019 for Financial Year 2018/19 as set out in Appendix 1 to Report 18/406, be noted.
- (ii) The use of Repair and Renewal Reserve to fund the £30,000 cost of works for the 2-4 North Methven Street shop, be approved.
- (iii) The use of the Repair and Renewal Reserve to fund the £50,000 cost of works for the 2 North Port shop, to be drawn down £15,000 in 2018/19 and £35,000 in 2019/20, be approved.
- (iv) The use of the Financial Assistance – Capital Grants budget to offset any overspend in the Small Grants budget, be approved.

**IT WAS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

#### **716. SITE (0.1478 Ha), HARBOUR ROAD, PERTH CONSENT TO APPROVE GROUND LEASE EXTENSION**

There was submitted a report by the Executive Director (Housing and Environment) (18/408) seeking approval to extend the length of the current ground lease of this site which is leased to Daltrade limited.

**Resolved:**

- (i) Consent be given to extend the ground lease to Daltrade Limited by 61 years to give a ground lease expiry date of 15 May 2092.
- (ii) It be noted that the Council will take this opportunity to review the ground lease and seek to reach agreement with the tenant to modernise, and vary, any terms of the ground lease as appropriate.

**717. LOWER CITY MILL PERTH – LEASE DISPOSAL TO PERTH HERITAGE TRUST**

There was submitted a report by the Executive Director (Housing and Environment) seeking approval from the Committee to grant a 30 year lease of the Lower City Mill A-Listed building at a nominal £1 per annum to Perth and Kinross Heritage Trust; and (2) this is to operate the building as a centre for architectural conservation, traditional building skills training and other heritage-based outreach activities.

**Resolved:**

- (i) It be noted that this report was considered at the Special Meeting of the Property Sub Committee on 18 December 2018, and feedback provided to this Committee.
- (ii) The lease of the Lower City Mills to PKHT for a nominal £1 per annum, be approved.
- (iii) Authority be delegated to Head of Legal and Governance and the Head of Planning and Development to agree detailed terms and conditions of the lease for the operation of the Lower City Mills as a centre for architectural conservation, traditional building skills training and other heritage-based outreach activities.

**718. VALIDICTORY**

Councillors M Lyle and D Doogan paid further tribute to Councillor B Band for his excellent service as Convener of the Perth Common Good Fund.

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ABERFELDY COMMON GOOD FUND COMMITTEE

Minute of meeting of the Aberfeldy Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 19 December 2018 at 10.00am.

Present: Councillors M Williamson, P Barrett, J Duff, X McDade and M Lyle.

In Attendance: D Coyne, C Flynn, L Haxton, K Molley and J Salisbury (all Corporate and Democratic Services).

Councillor M Williamson, Convener, Presiding.

719. WELCOME AND APOLOGIES

Councillor Williamson welcomed all present to the meeting.

720. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of Councillors' Code of Conduct.

721. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Aberfeldy Common Good Fund Committee of 3 October 2019 (Arts.540-545) was submitted, approved as a correct record and authorised for signature.

722. MATTERS ARISING

There were no matters arising.

723. ABERFELDY PUTTING GREEN – EXTENSION TO EXISTING CONCESSION

There was a report submitted by Executive Director (Housing and Environment) (18/410) seeking approval from Aberfeldy Common Good Fund Committee to extend the existing concession to operate Aberfeldy Putting Green for a further three years.

Resolved:

Aberfeldy Community Putting Green's request for an extension of their current concession to run the Aberfeldy Putting Green for a further three years until 31 March 2022, be approved.

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724. 2018/19 FINANCIAL STATEMENT

There was a report submitted by Head of Finance (18/411) providing an update of the Income and Expenditure to 31 October 2018 and the projected outturn to 31 March 2019 for the Aberfeldy Common Good Fund.

Resolved:

The Aberfeldy Common Good Fund Income and Expenditure to 31 October 2018 and the projected outturn to 31 March 2019 for Financial Year 2018/19 as set out in Appendix 1 to Report 18/411, be noted.

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## **CRIEFF COMMON GOOD FUND COMMITTEE**

Minute of meeting of the Crieff Common Good Fund Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 19 December 2018 at 10.10am.

Present: Councillors S Donaldson, P Barrett, R Brock, R McCall and M Lyle.

In Attendance: D Coyne, C Flynn, L Haxton, K Molley and J Salisbury (all Corporate and Democratic Services); and S Merone (Housing and Environment Services)

Councillor S Donaldson, Convener, Presiding.

### **725. WELCOME AND APOLOGIES**

Councillor Donaldson welcomed all present to the meeting.

### **726. DECLARATIONS OF INTEREST**

There were no declarations of interest made in terms of Councillors' Code of Conduct.

### **727. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Crieff Common Good Fund Committee of 3 October 2018 for (Arts.559-565) was submitted, approved as a correct record and authorised for signature.

### **728. MATTERS ARISING**

#### **(i) Advisory Non-Voting Member (Item 562 refers)**

Councillor S Donaldson advised that Crieff Community Council were to consider a nomination for an advisory non-voting member to the Crieff Common Good Fund at its next meeting.

### **729. APPLICATIONS FOR FINANCIAL ASSISTANCE**

There was submitted a report by the Depute Chief Executive (18/412) asking Crieff Common Good Fund Committee to consider an application for financial assistance.

#### **Resolved:**

#### **(1) Crieff Choral Group**

Crieff Choral Group be awarded a grant of £200 towards the cost of their Haydn's Creation concert to be performed on 31 March 2019.

#### **(2) No applications for financial assistance be accepted for the remainder of the 2018/19 financial year.**

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**730. 2018/19 FINANCIAL STATEMENT**

There was a report submitted by Head of Finance (18/413) providing an update of the Income and Expenditure to 31 October 2018 and the projected outturn to 31 March 2019 for the Crieff Common Good Fund.

**Resolved:**

The Crieff Common Good Fund Income and Expenditure to 31 October 2018 and the projected outturn to 31 March 2019 for Financial Year 2018/19 as set out in Appendix 1 to the Report 18/413, be noted.

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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.

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-Convenor of the Scrutiny Committee.
- (ii) Audit Committee
 - (a) Councillor S Donaldson to replace Councillor B Band as Vice-Convenor 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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## **PERTH AND KINROSS LOCAL REVIEW BODY**

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 8 January 2019 at 10.30am.

Present: Councillors L Simpson, H Anderson, R Watters and W Wilson.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (Housing and Environment); L Potter (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

### **1. DECLARATIONS OF INTEREST**

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

### **2. MINUTE**

Consideration of the minute of meeting of the Local Review Body of 11 December 2018 was deferred until a future meeting of the Local Review Body.

THE LOCAL REVIEW BODY UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

COUNCILLOR W WILSON WITHDREW FROM THE MEETING AT THIS POINT.

### **3. DEFERRED APPLICATIONS FOR REVIEW**

- (i) TCP/11/16(549) - Planning Application – 18/00584/FLL – Alterations to boundary wall, formation of vehicular access and car parking area, Perth Bridge Club, 49-51 King Street, Perth – Perth Bridge Club**

It was noted that at the first consideration of this Application for Review, at the meeting of the Local Review Body on 18 September 2018, the Local Review Body agreed that the same three members, Councillors L Simpson, H Anderson and R Watters, undertake the second consideration of the Application for Review.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to boundary wall, formation of vehicular access and car parking area, Perth Bridge Club, 49-51 King Street, Perth.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 18 September 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the applicant providing revised site and existing elevation drawings to remove the ambiguities with the existing drawings, and the details of the proposal and the discrepancies between the existing and proposed measurements of the front wall and gate and the drawings before the Local Review Body at its meeting of 9 September 2019, and; (ii) comment from the appointed officer on the safety aspects of vehicles reversing into and out of the proposed parking area. With all further information having been received, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for alterations to boundary wall, formation of vehicular access and car parking area, Perth Bridge Club, 49-51 King Street, Perth, be granted subject to:
  - 1. The imposition of relevant terms, conditions and informatives, including a condition for the retention of sufficient walling to support a full length of the coping stone to the northern side of the original cast iron gate, the finishing of the exposed wall end with a dressed stone coin detail and the provision and retention of the proposed landscaping strip on the southern boundary of the proposed parking area.

**Justification**

The proposed development, with the imposition of relevant terms, conditions and informatives, was not assessed as being contrary to the Local Development Plan and was sufficiently compatible with Policy HE3: Conservation Areas of the Perth and Kinross Local Development Plan 2014, recognising the presence of similar developments in the area.

**Note:** Councillor Simpson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and alterations to boundary wall, formation of vehicular access and car parking area be refused. In his view, the proposal did not comply with Policy HE3: Conservation Areas of the Perth and Kinross Local Development Plan 2014 and compromised the integrity of

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Conservation Areas, irrespective of the presence of other private parking provision in the locality.

COUNCILLOR R WATTERS LEFT THE MEETING AT THIS POINT.

COUNCILLOR W WILSON RETURNED TO THE MEETING AT THIS POINT.

**4. APPLICATIONS FOR REVIEW**

**(i) TCP/11/16(567) – Planning Application – 18/00750/IPL – Erection of a dwellinghouse (in principle) on land 40 metres north west of Trinity Gask Public Hall, Trinity Gask – Mr J Roberts**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle) on land 40 metres north west of Trinity Gask Public Hall, Trinity Gask.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 40 metres north west of Trinity Gask Public Hall, Trinity Gask, be refused for the following reasons:
  - 1. The backland/tandem nature of the site to the rear of the existing building group is not in keeping with the existing road side building pattern of the existing building group. To this end, the proposal is contrary to the specific requirements of both the Building Groups and Infill Sites sections of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Local Development Plan 2014, both of which seek to ensure that all proposals which extend building groups must respect the character, layout and building pattern of the group.
  - 2. The site does not have a) a good landscape framework which is capable of absorbing the proposal or b) site boundaries which are capable of providing a suitable setting. To this end, the proposal is contrary to the specific requirements the Building Groups section of the Council's Housing in the Countryside Guide 2012 and

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Policy RD3 of the Perth and Kinross Local Development Plan 2014, both of which seek to ensure that all proposals which extend existing building groups takes place within definable sites that are formed by existing topography and/or well established landscape features and have a good landscape setting with suitable site boundaries.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Note:** Councillor Wilson dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that the erection of a dwellinghouse (in principle) be granted. In his view, whilst the proposal did not fully comply with the Local Development Plan, he considered that the site was sufficiently contained by neighbouring buildings.

**(ii) TCP/11/16(568) – Planning Application – 18/01302/FLL – Erection of a dwellinghouse on land 30 metres north west of Nether Gothens Farm, Meikleour – Mr S G Mercer Nairne**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse on land 30 metres north west of Nether Gothens Farm, Meikleour.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse on land 30 metres north west of Nether Gothens Farm, Meikleour, be granted subject to:
  - 1. The imposition of relevant conditions and informatives, including conditions regarding the provision of significant structural landscaping on land adjoining the application site and Nether Gothens Farm Cottage and archaeological matters.

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2. A suspensive condition preventing work from beginning on the proposed dwellinghouse until after the demolition of the existing wooden house on the site.

**Justification**

The proposed development, was not assessed as complying with Policy RD3 of the Perth and Kinross Local Development Plan 2014. However, recognising the presence of the derelict timber house and the prospect of providing a suitable landscape setting for the existing and proposed properties, the proposal was considered as being capable of securing an overall improvement to the existing condition of the site.

**Note:** Councillor Anderson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and erection of a dwellinghouse be refused. In his view, the proposal did not comply with Policy RD3 of the Perth and Kinross Local Development Plan 2014 and there was not sufficient evidence to justify overturning the Appointed Officer's decision.

**(iii) TCP/11/16(569) – Planning Application – 18/01180/FLL – Extension to dwellinghouse, Wester Ballindean Farm Cottage, East Inchtute, Perth, PH14 9QS – Mr & Mrs Smith**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse, Wester Ballindean Farm Cottage, East Inchtute, Perth, PH14 9QS.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for an extension to dwellinghouse, Wester Ballindean Farm Cottage, East Inchtute, Perth, PH14 9QS, be refused for the following reasons:
  1. The proposals, by virtue of their inappropriate design, form, detailing and materials, would have a significant adverse impact on the character and special interest of the Listed Building. Approval would therefore be contrary to Scottish Planning Policy 2014, Policies 2 and 9 of TAYplan 2017 and Policy HE2 of the Perth and Kinross

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- Local Development Plan 2014, which seek to protect the character and special interest of Listed Buildings.
2. The proposals, by virtue of their inappropriate design, form, detailing and materials, would have an adverse impact on visual amenity. Approval would therefore be contrary to Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that developments contribute positively to the quality of the surrounding built environment by respecting the character of the area.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**(iv) TCP/11/16(571) – Planning Application – 18/01335/FLL – Alterations to dwellinghouse, Lagan-Righ, Logierait, Pitlochry, PH9 0LH – Mrs A Gilmour**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to dwellinghouse, Lagan-Righ, Logierait, Pitlochry, PH9 0LH.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for alterations to dwellinghouse, Lagan-Righ, Logierait, Pitlochry, PH9 0LH, be refused for the following reason:
1. The proposal, by its virtue of its unsympathetic design, inappropriate materials, bulk, scale and visual massing, excessive proportions, poor form and composition, would overwhelm and unbalance the existing cottage and compromise its architectural integrity, resulting in an adverse impact on the visual amenity of the cottage and surrounding area.

Approval would therefore be contrary to Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that

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development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, scale and massing.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**(v) TCP/11/16(572) – Planning Application – 18/01083/FLL – Erection of 4 dwellinghouses, 2 garages and associated works on land 45 metres south of Hillcrest, Maryburgh, Kelty – KJJ Properties Limited**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 4 dwellinghouses, 2 garages and associated works on land 45 metres south of Hillcrest, Maryburgh, Kelty.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of 4 dwellinghouses, 2 garages and associated works on land 45 metres south of Hillcrest, Maryburgh, Kelty, be refused for the following reasons:
  - 1. The proposal is contrary to Policies PM1A, PM1B(b) and PM1B(c): Placemaking, of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design of the development should respect the character and amenity of the place. The proposed development, by virtue of the layout not reflecting the prevailing character of development, would constitute the overdevelopment of the site. As such, the proposal would not contribute positively to the area and would not respect the character, density or amenity of Maryburgh.
  - 2. The proposal is contrary to Policy RD1: Residential Areas, of the Perth and Kinross Local Development Plan 2014, which requires that all development must not have



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an adverse impact upon residential amenity. The proposed development does not have sufficient amenity space associated with plots 3 and 4 for the scale of the proposed dwellinghouses and is therefore contrary to the policy as future occupiers will not have suitable amenity space.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

THERE FOLLOWED A 37 MINUTE RECESS.

**(vi) TCP/11/16(574) – Review of Condition 1 of Planning Consent – 18/01331/FLL – Alterations and erection of gatepiers and gate at Craiginsh, Blairadam, Kelty, KY4 0HX – Mr A Sham**

Members considered a Notice of Review seeking a review of Condition 1 of Consent 18/01331/FLL, alterations and erection of gatepiers and gate at Craiginsh, Blairadam, Kelty, KY4 0HX.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for review of Condition 1 of Consent 18/01331/FLL, alterations and erection of gatepiers and gate at Craiginsh, Blairadam, Kelty, KY4 0HX, be granted, with Condition 1 now to read:
  - 1. Prior to the commencement of development for the erection of the stone piers, a detailed specification of wooden gates shall be submitted to, and approved in writing by, the Council as Planning Authority, and thereafter installed as approved.  
Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
  - 2. All proposed external finishing materials for the proposed wall and piers shall match those of the existing frontage boundary wall in type, colour and texture.  
Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

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**Justification**

The Local Review Body considered that the proposed entrance gates could be of vertical timber boarding without significant adverse impact on the environmental quality of the locality, subject to the approval of a suitably detailed design specification through the revised conditions of the existing Planning Permission 18/01331/FLL.

**(vii) TCP/11/16(575) – Planning Application – 18/00874/FLL – Erection of a dwellinghouse on land 300 metres south west of Nether Allan, Blackford – Mr and Mrs W McLaren**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse on land 300 metres south west of Nether Allan, Blackford.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (iii) following the receipt of all requested further information, and the undertaking of the site visit, the application be brought back to the Local Review Body.

**3. DEFERRED APPLICATIONS FOR REVIEW CONT.**

**(ii) TCP/11/16(550) - Planning Application – 18/00473/FLL – Erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross – Ecotricity**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 16 October 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the applicant providing a

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set of full size photographs for VP's 9 and 10, and the additional photographs for VP's 7 and 8, and; (ii) an unaccompanied site visit. With all further information having been received, and the unaccompanied site visit having taken place on 5 December 2018, the Local Review Body reconvened. It was further noted that, at its meeting of 11 December 2018, the Local Review Body resolved that insufficient information was before the Local Review Body without; (i) a further unaccompanied site visit, due to a lack of visibility at its site visit on 5 December 2018. With a further unaccompanied site visit having taken place on 7 January 2019, and the further information requested at its meeting of 16 October having been previously received, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with all requested further information having been received, and having carried out a site visits on 5 December 2018 and 7 January 2019, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross, be granted subject to:
  - 1. The imposition of relevant terms, conditions and informatives, including a condition regarding finishing.

**Justification**

The proposed development, with the imposition of relevant terms, conditions and informatives, was not assessed as being contrary to the Local Development Plan and was compatible with Policies ER1A(a), ER6(a) and ER6(b) of the Perth and Kinross Local Development Plan 2014.

- (iii) **TCP/11/16(552) – Planning Application – 18/00263/FLL – Erection of an office building (class 4) including access ramp, 3 ancillary storage sheds, formation of car parking, external storage area, landscaping and associated works (in retrospect) at Hillview, Kinloch, Blairgowrie, PH10 6SD – Mr P Brown**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of an office building (class 4) including access ramp, 3 ancillary storage sheds, formation of car parking, external storage area, landscaping and associated works (in retrospect) at Hillview, Kinloch, Blairgowrie, PH10 6SD.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 16 October 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the papers and plans before the Local Review Body when previous application relating to the property was considered - Reference 16/01937/FLL; (ii) the applicant submitting a plan showing the full extent of land and property in their ownership, or in which they have an interest in this locality; (iii) the applicant submitting a plan identifying the location and extent of their business premises previously owned and/or occupied at Blairgowrie, as referred to in their submission; (iv) the applicant submitting a plan and details of drainage provision envisaged at Chestnut Cottage/ WoodAcre, and referred to in their submission, accompanied by written confirmation of the acceptance of that proposal from the owner(s) of those properties involved, and; (v) an unaccompanied site visit. With all further information having been received, and an unaccompanied site visit having taken place on 7 January 2019, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with requested further information having been received, and having carried out a site visit on 7 January 2019, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of an office building (class 4) including access ramp, 3 ancillary storage sheds, formation of car parking, external storage area, landscaping and associated works (in retrospect) at Hillview, Kinloch, Blairgowrie, PH10 6SD, be refused for the following reason:
  - 1. The proposal is contrary to Policy ED3: Rural Business, of the Perth and Kinross Local Development Plan 2014, which states that there is a preference that rural businesses are located within or adjacent to settlements. This site is located outwith a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site.
  - 2. The storage shed located to the front of the main building in a prominent location fails to respect the quality of the surrounding natural and residential environment, and fails to respect the agricultural character and visual amenity of the area and is therefore contrary to Policy PM1A and the Perth and Kinross Local Development Plan 2014.

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**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Thursday 10 January 2019 at 9.30am.

Present: Councillors C Ahern (Convener), K Baird, A Coates, D Illingworth, A Parrott, F Sarwar and M Williamson.

In Attendance: PC C Forbes (Police Scotland); K Spalding (Housing and Environment); M McLaren, D Merchant, S Michie and D Williams (all Corporate and Democratic Services).

Apologies for Absence: Councillors B Brawn, R Brock, I James, A Jarvis, J Rebbeck, and R Watters.

Councillor C Ahern (Convener), Presiding.

5. WELCOME AND APOLOGIES

The Convener welcomed all present to the meeting. Apologies for absence were noted as above.

6. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

7. MINUTES

The Minute of Meeting of the Licensing Committee of 15 November 2018 was submitted and approved as a correct record.

8. TAXI AND PRIVATE HIRE DRIVERS' KNOWLEDGE TEST

There was submitted a report by the Head of Legal and Governance Services (19/1) seeking approval for the introduction of a knowledge test for Private Hire Car Drivers' and Taxi Car Drivers'.

Resolved:

- The Committee agreed;
- (i) That the Taxi/Private Hire Car Driver knowledge test be introduced from 11 January 2019.
 - (ii) The fee for new applications received from 11 January 2019 for a Taxi/Private is increased by £30.

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9. VARIATION OF CONDITION 7 OF A STREET TRADERS LICENCE NO. ST375

This item of business was withdrawn prior to the meeting.

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.

10. GRANT OF A STREET TRADERS LICENCE NO. ST375

This item of business was withdrawn prior to the meeting.

11. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE (1 YEAR) NO. TD1816 – 1 YEAR.

There was submitted a report by the Head of Legal and Governance Services (19/4) together with a letter dated 16 November 2018 from Police Scotland regarding Continued Suspension of Taxi/Private Hire Car Driver's Licence No. TD1816.

The applicant was in attendance.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence No. TD1816 be not granted.

12. RENEWAL OF A LATE HOURS CATERING LICENCE – 3 YEARS NO. LH120

There was submitted a report by the Head of Legal and Governance Services (19/5) together with a letter of representation dated 23 November 2018 from Police Scotland regarding Renewal of a Late Hours Catering Licence – 3 Years No. LH120.

The applicant was in attendance.

Resolved:

Consideration of Renewal of a Late Hours Catering Licence – 3 Years No. LH120 be deferred to the next meeting of the Licensing Committee scheduled to take place on Thursday 21 February 2019.

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13. GRANT OF A WINDOW CLEANERS LICENCE – 3 YEARS NO. WC320

There was submitted a report by the Head of Legal and Governance Services (19/6) together with a letter of representation dated 27 November 2018 from Police Scotland regarding Grant of a Window Cleaners Licence – 3 Years No. WC320.

The applicant was in attendance, along with a perspective employer.

Resolved:

Window Cleaners Licence Licence WC320 be granted for a period of 3 years with effect from 10 January 2018.

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## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 16 January 2019 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, H Coates, E Drysdale, T Gray, D Illingworth (substituting for Councillor I James), C Ahern (substituting for Councillor A Jarvis), X McDade (substituting for Councillor M Barnacle), L Simpson, R Watters and W Wilson.

In Attendance: A Condliffe, D Niven, A Belford, D Littlejohn, D Salman and L Reid (all Housing and Environment); C Elliott, D Williams and M Willis (all Corporate and Democratic Services).

Apologies: Councillors M Barnacle, I James and A Jarvis

Councillor R McCall, Convener, Presiding.

### **14. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

### **15. DECLARATIONS OF INTEREST**

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

### **16. MINUTES**

- (i) The minute of meeting of the Planning and Development Management Committee of 24 October 2018 (Arts. 601-605) was submitted, approved as a correct record and authorised for signature, subject to the following amendments:

Art. 605 – Line presently reading “(vi) for both applications it was accepted that a Species Protection Plan for bats had previously been requested by officers”, be replaced by “(vi) for both applications it was accepted that a Species Protection Plan for bats had not previously been requested by officers”.

Art. 605(1)(iii) – In the first line, “Team Leader” be replaced with “Interim Development Quality Manager”.

Art. 605(2)(i) – In the first line of the Motion “Councillor” be replaced by “Councillors”.

In the first line of the Amendment “Councillor” be replaced by “Councillors”.

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Art. 605(2)(iii) – In the first line of the Motion “Councillor” be replaced by “Councillors”.

In the first line of the Amendment “Councillor” be replaced by “Councillors”.

- (ii) The minute of meeting of the Planning and Development Management Committee of 21 November 2018 (Arts. 699-673) was submitted, approved as a correct record and authorised for signature, subject to the following amendments:

“Councillor B Brawn, Vice-Convener, Presiding”, be replaced by “Councillor R McCall, Convener, Presiding”.

Art. 671 – ‘26 September 2018’, be replaced by ‘24 October 2018’.

- (iii) The minute of meeting of the Planning and Development Management Committee of 18 December 2018 (Arts. 703-707) was submitted, approved as a correct record and authorised for signature subject to the following amendment:

Under Minutes (i) – “25 October 2018”, be replaced by “24 October 2018”.

## 17. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

| Planning Application No. | Art. No.  |
|--------------------------|-----------|
| 18/01591/AMM             | 19(1)(i)  |
| 18/01592/AMM             | 19(1)(ii) |

## 18. UPDATE

A Condliffe, Interim Development Quality Manger, delivered a verbal update to members on Planning Application 18/00094/IPM, Residential development (in principle) for up to 70 dwellings, former Murray Royal Hospital, Muirhall Road, Perth, and Planning Application 18/00408/FLM, Change of use, alterations and selective demolition to former hospital building to form 58 flats and associated works, former Murray Royal Hospital, Muirhall Road, Perth, both of which were deferred by the Planning and Development Management Committee at its meeting of 24 October 2018, to allow for further information and a site visit. A Condliffe informed members that the Council as planning authority were advised on 21 December 2018 that the Applicant had appealed both applications to the Planning and Environment Appeals Division (DPEA) on the grounds of non-determination, and that the applications would now be determined by the DPEA. C Elliott, Legal Adviser, advised members that the Council’s response to the appeals was submitted on 14 January 2019, and that the Committee’s reasons for deferring the applications were included.

**19. APPLICATIONS FOR DETERMINATION**

**(1) Major Applications**

- (i) 18/01591/AMM – AUCHTERARDER – Erection of 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works (approval of matters specified in conditions 16/01809/IPM) (Phase 2), land east of Stewart Milne Homes, Hunter Street, Auchterarder – Report 19/7 – Stewart Milne Homes Central Scotland Ltd**

A Condliffe, Interim Development Quality Manager, delivered an update on proposed conditions, which were circulated to members prior to the meeting.

Mrs Hill, on behalf of an objector to the application, followed by Ms Donald and Mr Henderson, on behalf of the applicant's agent and applicant respectively, addressed the Committee, and following their representations, withdrew to the public gallery.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives, including amendments to conditions as above and additional condition 14:

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. For clarification and in association with construction phasing plan 18/01591/149, the link road between Hunter Street and the A824 referred to as 'the spine road' shall be constructed to an adoptable standard and open to public traffic prior to Friday 1 November 2019.  
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
3. Prior to occupation of units 60 - 71 of the development, provision of a pedestrian footway along the A824 shall be provided, to a design and specification agreed in writing by the Council as Planning Authority.  
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
4. No removal of vegetation, including trees and shrubs will be permitted between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests

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immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the Planning Authority for approval prior to commencement of works.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

5. Prior to the commencement of development hereby approved, details of the location and specification of swift brick(s) or swift nest box(s) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box (s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of enhancing biodiversity.

6. All road gullies within 500m of a SUDS pond shall have a wildlife kerb installed adjacent to it to allow amphibians to pass safely. Details of the specification of the affected kerbing shall be submitted for the further written agreement of the Council as Planning Authority prior to its installation. Thereafter, the wildlife kerbing shall be installed in accordance with the agreed details, prior to the completion of the development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

7. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

8. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

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9. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.  
Reason: In the interests of public health and to prevent noise pollution.
10. The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan and thereafter maintained. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.  
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.
11. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan (SAMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP.  
Reason: In the interest of protecting environmental quality and existing residential amenity.
12. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.  
Reason: In the interests of best practice surface water management: to avoid undue risks to public safety and flood risk during the construction phases.

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13. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on each plot shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of each individual plot, whichever is the earlier.  
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
14. In addition to the requirements of condition 10, prior to the commencement of development, details of the revised boundary treatment between Plots 39 & 40 and 37 The Feus shall be submitted to and agreed in writing by the Council as Planning Authority. Thereafter the scheme as approved shall be implemented to the satisfaction of the Council as Planning Authority prior to the occupation of either Plot 39 or Plot 40.  
Reason: In the interests of the residential amenity of the existing property at 37 The Feus, Auchterarder.

**Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure from the relevant policies.

**Informatives**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and

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Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
  7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk).
  8. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
  9. No work shall be commenced until an application for building warrant has been submitted and approved.
  10. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
  11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.
  12. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the

development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available directly from the Tayside Biodiversity Partnership. Further guidance is available on <https://www.hedgehogstreet.org/>

13. The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
14. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste
15. The applicant should note that road and pavement from the bin collection point to the refuse collection vehicle must be at a maximum of 10 metres on a hard standing surface. It must have a level gradient and a smooth surface; using dropped kerbs where appropriate.
16. The applicant is advised to contact the area [Community Waste Adviser](#) to incorporate a suitable location(s) for the provision of recycling facilities to complement the existing kerbside recycling services offered in the area.
17. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/0189/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).
18. The applicant is recommended to contact PKC Environmental Health Team to establish if the Tipperwhy Well serves directly or indirectly as a private water supply. If it is a current private water supply, the applicant should thereafter make contact with SEPA to discuss.



- (ii) **18/01592/AMM – AUCHTERARDER – Erection of 12 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 3A), land north east of Stewart Milne Homes, Hunter Street, Auchterarder – Report 19/8 – Stewart Milne Homes Central Scotland Ltd**

A Condliffe, Interim Development Quality Manager, delivered an update on proposed conditions, which were circulated to members prior to the meeting.

Additionally, paragraph 79 (Page 107) should refer to Conditions 7 & 8 not Conditions 8 & 9 and paragraph 98 (Page 109) should refer to Conditions 3, 4 & 5 not Conditions 4, 5 & 6.

Ms Donald and Mr Henderson, on behalf of the applicant's agent and applicant respectively, addressed the Committee, and, following their representation, withdrew to the public gallery.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives, including amendments to conditions as above:

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. For clarification and in association with construction phasing plan 18/01592/62, the link road between Hunter Street and the A824 referred to as 'the spine road' shall be constructed to an adoptable standard and open to public traffic prior to Friday 1 November 2019.  
Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
3. No removal of vegetation, including trees and shrubs will be permitted between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the Planning Authority for approval prior to commencement of works.  
Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any

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- protected species as identified under the Wildlife and Countryside Act (1981).
4. Prior to the commencement of development hereby approved, details of the location and specification of swift brick(s) or swift nest box(s) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.  
Reason - In the interests of enhancing biodiversity.
  5. All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.  
Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).
  6. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.  
Reason - In order to prevent animals from being trapped within any open excavations.
  7. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.  
Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
  8. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.  
Reason - In the interests of public health and to prevent noise pollution.
  9. The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements and thereafter maintained. Any planting failing to become established within five years shall be replaced

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in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.

10. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason - In the interests of best practice surface water management: to avoid undue risks to public safety and flood risk during the construction phases.

11. Prior to the commencement of development, further clarification on detailed matters of the proposed surface water drainage strategy shall be provided for further written approval by the Council as Planning Authority. The approved surface water drainage strategy shall thereafter be installed in accordance and association with the approved phasing plan. All works shall be carried out in accordance with the agreed scheme and be operational prior to the completion of this phase of the development.

Reason - To ensure the provision of effective drainage for the site.

12. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on each plot shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of each individual plot, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

### **Justification**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure from the relevant policies.

### **Informatives**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval

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of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk).
8. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate

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application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is reminded that, should any protected species be present, a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance
11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.
12. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available directly from the Tayside Biodiversity Partnership.
13. The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
14. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
15. The applicant should note that road and pavement from the bin collection point to the refuse collection vehicle must be at a maximum of 10 metres on a hard standing surface. It must have a level gradient and a smooth surface; using dropped kerbs where appropriate.
16. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/0189/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.

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The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).

**(2) Proposal of Application Notice (PAN)**

- (i) 18/00012/PAN – PERTH – Low carbon energy park including solar, heat pump, biomass and combined heat and power generation, power distribution and storage with associated vehicle access and service infrastructure, land at Cotton Wood, Lamberkine Wood, Coldwells Wood, Broxden Wood, Gallowspark Wood and East Lamberkin Farm, Perth – Report 19/9 – Dupplin Estate Renewable Energy Company**

A Condliffe, Interim Development Quality Manager, advised that with regards to Paragraph 4 of Report 19/9, the public exhibition due to be held on 15 January 2019 had been cancelled with no revised date. It would be likely that a revised PAN will have to be submitted in due course, however, any comments members had would still be noted.

Councillor Coates commented on the visual amenity of the surrounding area, requesting that consideration be given to this when an application comes forward.

Councillor Simpson requested that vibration issues be considered.

Councillor Anderson requested that consideration be given to construction access, and also an agreement be put in place for roads to be made good following the completion of works.

Councillor Wilson requested that consideration be given to Policies NE2A, NE2B, NE3, NE4, NE5, ER1A, EP3C, EP11 of the Perth and Kinross Local Development Plan 2014.

Members also noted the issues identified by the Interim Development Quality Manager.

- (ii) 18/00013/PAN – KINROSS – Residential development (density and re-mix of Phase 2), land north west of Lathro Farm, Kinross – Report 19/10 – Persimmon Homes North Scotland**

Councillor McCall informed members of a request to circulate information by the Kinross-shire Civic Trust. However, as that is part of an ongoing formal complaint which is an alternative process, this information would not be brought to Committee.

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Anne Condliffe, Interim Development Quality Manager advised that with regards to Paragraph 4 of Report 19/10, the public exhibition was held on 10 December 2018 and not 10 November 2018.

Councillor McCall noted that a local councillor had asked that education and health matters be taken into account.

Councillor Watters asked that consideration be given to (i) the play area, which was temporarily moved, be returned to its permanent location; (ii) that planting due in phase 1 was moving ahead; and (iii) that full engagement with the Roads Authority take place regarding traffic modelling.

Councillor Wilson added that consideration be given to (i) engagement with Transport Scotland on motorway links, and (ii) social infrastructure.

Councillor McDade asked that consideration be given to the increase in density in the re-mix.

Councillor Simpson added concern that responses from statutory consultees was not matching the speed of development.

Members also noted the issues identified by the Interim Development Quality Manager.

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HOUSING AND COMMUNITIES COMMITTEE

Minute of meeting of the Housing and Communities Committee held in the Council Chambers, 2 High Street, Perth on Wednesday 23 January 2019 at 10.00am.

Present: Councillors P Barrett, B Brawn, C Ahern, A Bailey, H Coates, E Drysdale, T Gray, D Illingworth, A Jarvis (substituting for Councillor C Shiers), S McCole, T McEwan, C Reid and R Watters.

In Attendance: B Renton, Executive Director (Housing and Environment); S MacKenzie (Head of Finance); C Mailer, F Crofts, M Dow, S Coyle, E Ritchie J McColl, J Cruickshank, S Watson, P Turner, R Duarte and A McKenzie (all Housing and Environment); F Robertson (Education and Children's Services); C Flynn and A Taylor (all Corporate and Democratic Services).

Also in Attendance: Chief Inspector I Scott (Police Scotland); Area Manager G Pryde and Group Manager B McLintock (both Scottish Fire and Rescue Service); T Bremner and L Palmer (both Tenants' Representatives).

Apology for Absence: Councillor C Shiers.

Councillor Barrett, Convener, Presiding.

20. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting. An apology for absence and a substitute was noted as above.

21. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors Code of Conduct.

22. MINUTE OF THE MEETING OF THE HOUSING AND COMMUNITIES COMMITTEE OF 31 OCTOBER 2018 FOR APPROVAL AND SIGNATURE

The minute of the meeting of the Housing and Communities Committee of 31 October 2018 (Art. 606-616) was submitted, approved as a correct record and authorised for signature.

23. COMMUNITY PLANNING PARTNERSHIP UPDATE

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (19/11) providing an update on the activities of the Community Planning Partnership.

Resolved:

The progress made in relation to Community Planning be noted.

24. HOUSING REVENUE ACCOUNT (HRA) STRATEGIC FINANCIAL PLAN INCORPORATING THE 5 YEAR CAPITAL INVESTMENT PROGRAMME AND RENT STRATEGY TO 2023/24, RESERVES STRATEGY AND OTHER HOUSING CHARGES FOR 2019/20

There was submitted a joint report by the Executive Director (Housing and Environment) and the Head of Finance (19/12) (1) setting out the proposed Housing Revenue Account (HRA) Budget for five years from 2019/20 to 2023/24; (2) recommending increases to rents for houses and other HRA property service charges and also recommending an appropriate level of reserves; and (3) presenting the proposed budget for the next five years of the Capital Investment Programme totalling £68 million from 2019/20 to 2023/24.

C Mailer, Head of Housing, delivered a presentation providing a summary of the report.

Resolved:

- (i) The Housing Revenue Account Budget for 2019/20 and provisional budgets for financial years 2020/21 to 2023/24 as set out in Appendix 1 to Report 19/12, be approved.
- (ii) The proposed Housing Revenue Account Capital Investment Programme for 2019/20 to 2023/24 as set out in Appendix 4 to Report 19/12, be approved.
- (iii) The Rent Strategy for 2019/20 and a provisional Rent Strategy for the following 4 years to 2023/24 as detailed in Section 6 of Report 19/12, be approved.
- (iv) The 1.5 % rent increase for the year commencing 1 April 2019 for all Council houses be approved, meaning the average weekly rent would be £68.81 per week based on 52 weeks.
- (v) The rent increase of 1.5% for the year commencing 1 April 2019 be approved for the following:
 - All lock-ups
 - All garage sites
 - Chalets and stances for travelling people at Double Dykes and Bobbin Mill
 - Dispersed tenancies owned by the HRA
 - Greyfriars Hostel
- (vi) The Housing Revenue Account Reserves Strategy as detailed in Section 7 of Report 19/12, be approved.
- (vii) The proposal to set Housing service charges from 1 April 2019 as stated in Section 10 of Report 19/12, be approved.
- (viii) Notes and approves where necessary the revised level of all housing related charges as detailed in Appendix 6 to Report 19/12.
- (ix) The progress made to date in delivering and maintaining the Scottish Housing Quality Standard (SHQS) for improving and managing the housing stock as set out in Section 4 of Report 19/12 and the related Business Cases, be noted.

S MACKENZIE AND F CROFTS LEFT THE MEETING AT THIS POINT.

25. PERTH & KINROSS COUNCIL'S RAPID REHOUSING TRANSITION PLAN

There was submitted a report by the Executive Director (Housing and Environment) (19/13) seeking final approval for Perth and Kinross Council's Rapid Rehousing Transition Plan which had been submitted to the Scottish Government on 21 December 2018.

Resolved:

- (i) The Perth and Kinross Council's Rapid Rehousing Transition Plan, submitted to the Scottish Government on 21 December 2018, be approved.
- (ii) It be noted that the implementation of certain aspects of the Rapid Rehousing Transition Plan are dependent on funding being awarded by the Scottish Government.
- (iii) It be approved that the Rapid Rehousing Transition Plan will become part of the suite of strategic documents that form the Local Housing Strategy 2016-2021 and progress reporting will be provided as part of the wider Local Housing Strategy reporting arrangements.

M DOW, S COYLE, E RITCHIE, J MCCOLL AND J CRUICKSHANK ALL LEFT THE MEETING AT THIS POINT.

26. POLICE AND FIRE REFORM: LOCAL SCRUTINY AND ENGAGEMENT

(i) Scottish Fire and Rescue Service Performance Report – Interim Activity Report

There was submitted a report by Area Manager G Pryde, Scottish Fire and Rescue Service (19/14) providing an interim update on the activity within the Perth and Kinross area for the period 1 December 2018 to 1 January 2019.

Resolved:

The interim update on operational and community safety engagement activities of the Scottish Fire and Rescue Service in the Perth and Kinross area, as detailed in Report 19/14, be noted.

T BREMNER AND L PALMER LEFT THE MEETING AT THIS POINT.

(ii) Perth and Kinross Local Policing Area Performance Results – Interim Activity Report

There was submitted a report by Chief Superintendent A Todd, Police Scotland 'D' Division (Tayside) (19/15) providing an interim update on local policing activity in the Perth and Kinross area for the period 21 December 2018 to 1 January 2019.

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Councillor Coates made reference to the hate crimes recorded and queried whether any specific ethnic group were regularly the target of these crimes. In response Chief Inspector Scott advised that around 50% of the hate crime recorded in Perth and Kinross was linked to the night time economy be it catering premises, taxi drivers and involves the use of inappropriate language which would suggest that alcohol plays a significant role in these type of incidents.

Councillor Drysdale made reference to incidents of drink-driving and sought some clarity on the best method for members of the public to report it to Police Scotland. In response Chief Inspector Scott advised that if the member of the public knew that the individual had been consuming alcohol and was about to get behind the wheel of a vehicle then it would be appropriate to call 999 as there could be a potential threat to lives, more general concerns should be reported through the 101 number or via Crimestoppers.

Councillor McCole made reference to the statistics surrounding drink-driving and queried that since the introduction of the new limit in Scotland whether there was any notable increases in the time of day where people were more likely to fail the breathalyser test. In response Chief Inspector Scott advised the vast majority of positive breath tests are provided in the evenings and at the weekend, although occasional morning after readings have been detected, he advised there has been no noticeable increase in these.

Councillor Drysdale made reference to the risks involved with people choosing to defrost their vehicles in their driveways with the engine running and then re-entering the house and queried whether there was any data available or trends that show the frequency of cars stolen from outside properties due to these actions. In response Chief Inspector Scott advised that there have been no reports of this kind of criminality in the area.

Councillor McEwan made reference to the drug test kits which are used elsewhere in the UK and queried whether these were available to Police Scotland Officers. In response Chief Inspector Scott confirmed test kits are available for certain types of drugs but it can be difficult for officers when trying to determine what drugs to test for.

Resolved:

The interim update on the Perth and Kinross Local Policing Area Performance Results as detailed in Report 19/15, be noted.

IT WAS RECOMMENDED 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 SCHEDULED 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

27. SCOTTISH FIRE AND RESCUE SERVICE – OPERATIONAL UPDATE FOR PERTH AND KINROSS

The Committee received and noted a verbal report from Area Manager G Pryde of the Scottish Fire and Rescue Service (SFRS) on information which was not to be made publically available.

28. POLICE SCOTLAND – OPERATIONAL UPDATE FROM PERTH AND KINROSS

The Committee received and noted a verbal report from Chief Inspector I Scott of Police Scotland “D” Division (Tayside) on information which was not to be made publically available.

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## **ENVIRONMENT AND INFRASTRUCTURE COMMITTEE**

Minute of meeting of the Environment and Infrastructure Committee held in the Council Chamber, 2 High Street, Perth on 23 January 2018 at 1.00pm.

Present: Councillors A Forbes, A Bailey, K Baird, M Barnacle, D Doogan, J Duff, A Jarvis (from Art. 32), G Laing, R McCall, X McDade (substituting for Councillor M Barnacle), T McEwen (substituting for Councillor S Donaldson), A Parrott, C Reid, W Robertson (from Art. 32), L Simpson and M Williamson.

In Attendance: B Renton, Executive Director (Housing and Environment); W Young, Head of Environmental and Consumer Services (Housing and Environment); P Dickson, C Haggart, D Littlejohn, J McCrone, J Scott and D Strang (all Housing and Environment); C Flynn, G Fogg and K Molley (all Legal and Governance Services).

Apologies for Absence: Councillors M Barnacle and S Donaldson.

Councillor A Forbes, Convener, Presiding.

### **29. WELCOME AND APOLOGIES**

The Convener welcomed everyone to the meeting and apologies were noted above.

### **30. DECLARATIONS OF INTEREST**

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

### **31. MINUTE OF PREVIOUS MEETING**

The minute of the meeting of the Environment and Infrastructure Committee of 7 November 2018 (Arts 629-648) was submitted and approved as a correct record and authorised for signature.

### **32. SUSTRANS PROJECT**

D Littlejohn, Head of Planning and Development, delivered a presentation to raise awareness of a forthcoming Perth Cycle Network masterplan investment in active travel.

COUNCILLORS A JARVIS AND W ROBERTSON ENTERED THE MEETING AT THIS POINT.

D Littlejohn answered questions from members. The Convener thanked D Littlejohn for his presentation.

**Resolved:**

Councillor Lewis Simpson be appointed as the Council's Travel Ambassador to promote sustainable travel across elected members and members of the community to support the Sustran project.

**33. THE FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 PUBLICATION OF INTERIM REPORT**

There was submitted a report by the Executive Director (Housing and Environment) (19/16) (1) presenting the final drafts of the Council's interim reports on the progress made in implementing the Local Flood Risk Management plans; and (2) seeking approval of the content of the interim reports on the Local Flood Risk Management Plans to be published no later than 22 June 2019.

**Resolved:**

- (i) The progress made on delivering the Local Flood Risk Management Plans published in June 2016 as set out in the interim reports, be endorsed.
- (ii) The content of the interim reports on the Local Flood Risk Management Plans for the Tay District and the Council's input to the interim reports for the Forth, the Forth Estuary and the Tay Estuary & Montrose Basin Districts, be approved.
- (iii) It be approved that the Head of Environmental & Consumer Services will carry out final minor amendments prior to publication on 1 March 2019.
- (iv) The proposed arrangements for publication of the interim reports, be approved.

**34. REVIEW OF PLANNING ENFORCEMENT CHARTER**

There was submitted a report by the Executive Director (Housing and Environment) (19/17) seeking approval of an amended version of the Council's Planning Enforcement Charter, following a regular review, as required by legislation.

**Resolved:**

The proposed Planning Enforcement Charter 2018 contained in Appendix 1 to Report 19/17, be approved.

**35. PROPOSED VARIATION TO WAITING RESTRICTIONS, MAIN STREET, INVERGOWRIE (WARD 1)**

There was submitted report by the Depute Director (Housing and Environment) (19/19) (1) outlining the problems experienced by residents in Main Street, Invergowrie due to indiscriminate parking; and (2) recommending a variation to the Invergowrie Waiting Restrictions Order to vary the Waiting restrictions on Main Street, Invergowrie (Ward 1).

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to introduce No Waiting at Any Time restrictions and reduce the Limited Waiting parking on Main Street, as described in Appendix 1 to Report 19/19, be approved.

**36. PROPOSED ONE WAY ROAD AND VARIATION TO WAITING RESTRICTIONS, LOWER MILL STREET, BLAIRGOWRIE (WARD 3)**

There was submitted a report by the Depute Director (Housing & Environment) (19/20)(1) outlining the problems experienced by residents and business owners in Lower Mill Street, Blairgowrie due to indiscriminate parking; and (2) recommending a start to the process to vary the Blairgowrie Traffic Management Order to introduce a one way road restriction and waiting restrictions on Lower Mill Street, Blairgowrie (Ward 3).

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to introduce No Waiting at Any Time restrictions and reduce the Limited Waiting parking on Lower Mill Street, Blairgowrie, as described in Appendix 1 to Report 19/20, be approved.

**37. PROPOSED VARIATION TO WAITING RESTRICTIONS, AVENUE ROAD, TALLA PARK & HIGH STREET, KINROSS (WARD 8)**

There was submitted a report by the Depute Director (Housing & Environment) (19/21)(1) outlining the problems experienced by residents in Avenue Road, Talla Park and High Street, Kinross due to indiscriminate parking; and (2) recommending a start to the process to vary the Kinross Traffic Management Order to introduce additional waiting restrictions on Avenue Road, Talla Park and High Street, Kinross (Ward 8).

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to introduce No Waiting at Any Time waiting restrictions on Avenue Road, Talla Park and High Street, as described in Appendix 1 & 2 to Report 19/21, be approved.

**38. PROPOSED WAITING RESTRICTIONS GOWANS TERRACE, PERTH AND MONCUR ROAD, INCHTURE – SCHOOL KEEP CLEAR ORDER (WARDS 12&1)**

There was submitted a report by the Depute Director (Housing & Environment) (19/22) (1) outlining the problems experienced at the entrance to Perth Grammar School and Inchture Primary School; and (2) recommending a variation to the School Keep Clear Order to vary the waiting restrictions on Gowans Terrace, Perth and Moncur Road, Inchture (Wards 12 & 1).

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to introduce School Keep Clear waiting restrictions on Gowans Terrace, Perth and Moncur Road, Inchture, as described in Appendix 1 & 2 to Report 19/22, be approved.

**39. AMENDMENTS TO THE LIST OF PUBLIC ROADS**

There was submitted a report by the Depute Director (Housing & Environment) (19/23) recommending that the List of Public Roads be updated to take account of the amendments detailed in this report.

**Resolved:**

The amendments to the List of Public Roads as detailed in Appendix 1 to Report 19/23, be approved.

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AUDIT COMMITTEE

Minute of meeting of the Audit Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 30 January 2019 at 9.30am.

Present: Councillors E Drysdale, S Donaldson, A Coates, D Illingworth, X McDade, M Williamson and W Wilson.

In Attendance: J Clark, C Irons, S Mackenzie, M Morrison, C Robertson, L Simpson and L Gowans (all Corporate and Democratic Services); C Taylor (Education and Children's Services); F Crofts and S Merone (Housing and Environment).

Also In Attendance : N Duncan and M Stewart, Internal Audit.

Councillor Drysdale, Convener, Presiding.

40. WELCOME AND APOLOGIES/SUBSTITUTIONS

The Convener welcomed everyone to the meeting. There were no apologies.

41. DECLARATIONS OF INTEREST

Councillors S Donaldson and X McDade declared a non-financial Interest in Art. 45(iii)(a) on LEADER in terms of the Councillors' Code of Conduct.

42. MINUTE

The minute of meeting of the Audit Committee of 7 November 2018 (Arts 649-658) was submitted and approved as a correct record and authorised for signature.

In relation to Article 656, it was noted that the two contracts which had not been notified to Public Contracts Scotland within the appropriate time limit had been fifteen and twenty-eight weeks outwith the time limit.

43. INTERNAL AUDIT FOLLOW UP

There was submitted a report by the Chief Internal Auditor (19/24) presenting a current summary of Internal Audit's follow up work.

It was noted that in respect of action plan 17-22 relating to Elected Members Allowances, that a decision had been made not to progress the action. L Simpson confirmed that a pragmatic approach had been taken as Elected Members were not subject to the Maximising Attendance Policy introduced for staff.

Resolved:

- (i) The current position in respect of the agreed actions arising from internal and external work, be noted.
- (ii) The action plans be progressed, taking into account the recorded audit opinions.

44. INTERNAL AUDIT UPDATE

There was submitted a report by the Chief Internal Auditor (19/25) presenting a summary of Internal Audit's work.

In response to a question from Councillor S Donaldson, J Clark advised that usually Internal Audit were contacted by a Team Leader to provide advice, assurance and/or assistance to services regarding specific issues where a process was being reviewed or changed. J Clark would confirm to Councillor Donaldson whether or not the eleven occasions they were asked for advice this year was higher than last year.

Resolved:

The progress of assignments from the 2018/19 Audit Plan, be noted.

45. INTERNAL AUDIT UPDATE

(i) Education and Children's Services

(a) 18-11 –School Estate Strategy

There was submitted a report by the Chief Internal Auditor (19/26) on an audit to ensure (1) there was a clear vision and strategy of how the School Estate was managed; (2) that consideration was given to appropriate matters, such as condition, suitability and sufficiency of the School Estate and (3) that there were robust governance arrangements in place and operating effectively for School Estate planning.

It was noted that the School Estate Sub-Committee and the Property Sub-Committee had been amalgamated for one Committee to deal with all property issues.

Resolved:

Internal Audit's findings, as detailed in Report 19/26, be noted.

(b) 18-17 – Remodelling of Residential Care For Children and Young People

There was submitted a report by the Chief Internal Auditor (19/27) on an audit to ensure the adequacy of arrangements relating to the REACH (Review and remodelling of residential care for Children and Young People) Project.

Councillor W Wilson asked why this audit had been included in the audit plan when there had been strong controls and J Clark advised it had been agreed as part of the audit plan approved by Committee in June 2018 as it was important to look at areas of significant change or risk.

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It was noted that the Committee should not only focus on areas of concern and lessons can be learned from audits where the internal controls are strong and there were lessons to be learned and applied elsewhere.

Resolved:

Internal Audit's findings, as detailed in report 19/27, be noted.

(ii) Corporate and Democratic Services

(a) 18-02 – Review of Internal Controls

There was submitted a report by the Chief Internal Auditor (19/28) on an audit to ensure (1) the adequacy of segregation of duties, controls and ensuring access to systems were restricted to appropriate levels (to negate the possibility of individuals processing transactions all the way through the payments process); (2) that feeder systems were effectively reconciled to other systems – specifically the Purchase ledger, using third party information (suppliers statements) and reconciling with payments system for payments of creditors; (3) that system documentation was maintained which detailed key controls to be carried out by staff to prevent fraud or error in payment of creditors and (4) that budget monitoring was at a level that allowed budget holders to identify anomalous payments to suppliers at an early stage.

S Mackenzie advised members that all actions had now been completed and a new software system was being used which checked for anomalies prior to a payment being made and the effectiveness of this would be tested over the next twelve months.

Resolved:

- (i) Internal Audit's findings, as detailed in Report 19/28, be noted.
- (ii) A training session be held for members on the IT systems in place within the Council.

(b) 18-15 – Payroll

There was submitted a report by the Chief Internal Auditor (19/29) on an audit to ensure (1) that the payment of employee salaries, including temporary variations and deductions, are timely, accurate and authorised: (2) that the adequacy of controls in respect of bona fide new employees and leavers were appropriately and adequately authorised and input promptly to the payroll system and (3) that managers were receiving accurate reports on the employees for whom they have responsibility.

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Resolved:

Internal Audit's findings, as detailed in Report 19/29, be noted.

(iii) Housing and Environment

(a) 18-19 – LEADER

There was submitted a report by the Chief Internal Auditor (19/30) on an audit to (1) ensure regulatory requirements were met by reviewing the systems in place to deliver LEADER as well as the financial processes and (2) assess compliance with the Service Level Agreement and conduct a review of a selection of LEADER projects.

S Merone advised that claims to the Scottish Government were up-to-date.

Resolved:

Internal Audit's findings, as detailed in Report 19/30, be noted.

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## **LIFELONG LEARNING COMMITTEE**

Minute of meeting of the Lifelong Learning Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 30 January 2019 at 1.00pm.

Present: Councillors C Shiers, W Wilson, C Purves, D Doogan (substituting for Councillor H Anderson), J Duff, A Forbes, R McCall (substituting for Councillor K Baird), X McDade, T McEwan, B Pover, J Rebbeck, C Reid and F Sarwar; Mrs P Giles, Mr R McCall and Mrs C Weston.

In attendance: S Devlin, Executive Director (Education & Children's Services); J Pepper, G Boland, J Chiles, S Farrer, R Hill, H Robertson and C Taylor (all Education & Children's Services); C Haggart (Housing & Environment); L Simpson, A O'Brien, C Vaskevicius, C Flynn and L Brown (all Corporate and Democratic Services).

Also in attendance: G Conway, C Haxton and F Reilly (all Tayside Contracts).

Apologies for absence: Councillors H Anderson and K Baird; Mrs A McAuley, Mrs M McFarlane and Mr F Macdonald.

Councillor C Shiers, Convener, Presiding.

### **46. WELCOME AND APOLOGIES**

The Convener welcomed all those present to the meeting. Apologies for absence were noted as above.

### **47. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct Councillors Doogan and Forbes declared a non-financial interest as members of Tayside Contracts Joint Committee in Art. 53, a report by the Executive Director (Education and Children's Services) on the Review of Catering Services.

### **48. MINUTES**

#### **(i) Lifelong Learning Committee**

The minute of meeting of the Lifelong Learning Committee of 31 October 2018 (Arts. 617-628) was submitted, approved as a correct record and authorised for signature.

#### **Statutory Consultations on Balhousie, North Muirton and Forteviot Primary Schools**

With reference to the Statutory Consultations on Balhousie, North Muirton and Forteviot Primary Schools, Arts. 622/18 and 623/18 of the minute of meeting of the Lifelong Learning Committee of 31 October

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2018, the Executive Director (Education and Children's Services) advised of a decision made by Scottish Ministers on 20 December 2018 to grant consent to Perth and Kinross Council to implement the Council's decision to permanently close the schools in line with the timescales that were set out in the Council's proposals. In the case of Balhousie and North Muirton Primary Schools the Committee gave a commitment to work with the communities of both schools on the establishment of a user group and to ensure that community engagement was widespread and thorough and to ensure there was full engagement with all key stakeholders in the establishment of a new school at North Muirton Primary, Perth.

**(ii) Executive Sub-Committee**

The minute of meeting of the Executive Sub-Committee of the Lifelong Learning Committee of 21 May 2018 was submitted and noted.  
**(Appendix I)**

**(iii) Joint Negotiating Committee for Teaching Staff**

The minute of meeting of the Joint Negotiating Committee for Teaching Staff of 18 September 2018 was submitted and noted. **(Appendix II)**

**49. CHILDREN, YOUNG PEOPLE AND FAMILIES PARTNERSHIP**

The minute of meeting of the Children, Young People and Families Partnership of 28 September 2018 was submitted and noted.

**50. APPOINTMENT OF THIRD RELIGIOUS REPRESENTATIVE ON LIFELONG LEARNING COMMITTEE**

There was submitted a report by the Head of Legal and Governance Services (19/31) advising of the process undertaken to appoint a third religious representative to fill a vacancy on the Lifelong Learning Committee.

**Resolved:**

- (i) The nominations received for the appointment of a third religious representative to the Lifelong Learning Committee, attached as Appendices 1-3 of Report 19/31, be noted.
- (ii) The appointment of Mr Adrian Ferguson as the third religious representative on the Lifelong Learning Committee up until the next local government elections in May 2022, be approved.

**51. EDUCATION AND CHILDREN'S SERVICES SIX MONTH PERFORMANCE SUMMARY 2018**

There was submitted a report by the Executive Director (Education and Children's Services) (19/32) reviewing the performance of Education and Children's

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Services against its Business Management and Improvement Plan for the period 1 April 2018 to 30 September 2018.

**Resolved:**

- (i) The contents of Education and Children's Services Six Month Performance Summary 2018, as detailed in Appendix 1 to Report 19/32, be accepted.
- (ii) It be noted that Report 19/32 will also be submitted to the Scrutiny Committee on 6 February 2019 for scrutiny and comment as appropriate.

**52. COLLABORATIVE APPROACH TO SCHOOL/LEARNING ESTATE TRANSFORMATION**

There was submitted a report by the Executive Director (Education and Children's Services) (19/33) (1) detailing opportunities for Perth & Kinross Council to collaborate with Dundee City Council and Angus Council in the development of the combined school/learning estate; (2) seeking approval to explore the potential for a 3-18 community learning campus which would accommodate pupils from all three Local Authorities; and (3) noting that Perth & Kinross Council would not seek nursery or primary accommodation in the proposed campus.

**Resolved:**

- (i) The proposal that Perth & Kinross Council explore in more detail, working in collaboration with Dundee City Council and Angus Council on the practicalities of developing a new joint community learning campus be approved.
- (ii) The Executive Director (Education and Children's Services) be instructed to update Committee on progress in relation to the key points, detailed in paragraphs 2.2 to 2.6 of Report 19/33, at a future meeting.
- (iii) The Executive Director (Education and Children's Services) be instructed to expedite the informal consultation with communities to determine the level of support for the proposal for a joint community learning campus and report back on the finding to a Special Meeting of the Lifelong Learning Committee before the Summer Recess.

**53. REVIEW OF CATERING SERVICES**

There was submitted a report by the Executive Director (Education and Children's Services) (19/34) proposing to change and modernise the way primary schools, Early Learning and Childcare (ELC) meals and the main meal element of the secondary schools menu are delivered across Tayside.

**Motion (Councillors Purves and Shiers)**

- (i) **The content of Report 19/34 be noted.**
- (ii) **The Executive Director (Education and Children's Services) be instructed to continue to work in partnership with Angus and Dundee City Councils and Tayside Contracts to plan for the implementation of a cook-freeze centralised meals production facility method for the delivery**

- of the primary school and ELC meals service and the main meal element of the secondary schools menu;
- (iii) The estimated savings of £426,000 (plus £32,000 returned to the Council from surpluses) which could be realised from this project, be noted.
  - (iv) The Executive Director (Education and Children's Services) be instructed to update this Committee on the outcome of the detailed consultancy work, as mentioned in paragraph 3.4 of Report 19/34, later in 2019.

Amendment – (Councillors Rebbeck and Sarwar)

- (i) Note the content of Report 19/34.
- (ii) Instruct the Executive Director (Education and Children's Services) to cease plans to enter into arrangements for a Central Production Unit in Dundee with attendant job losses in Perth and Kinross kitchens. The resulting budget pressure to be addressed at the Council's budget meeting in February 2019.

THE COMMITTEE ADJOURNED TO CONSIDER THE AMENDMENT.

THE COMMITTEE RECONVENED.

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

6 Members voted for the Amendment as follows:  
Councillors Doogan, McDade, McEwan, Pover, Rebbeck and Sarwar.

7 Members voted for the Motion as follows:  
Councillors Duff, Forbes, McCall, Purves, Reid, Shiers and Wilson.

**Resolved:**

In accordance with the Motion.

**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.**

MRS GILES LEFT THE MEETING DURING THE FOLLOWING ITEM.

**54. REDUCTION IN FACILITY MANAGEMENT COSTS FOR SCHOOLS**

There was submitted a report by the Executive Director (Education and Children's Services) (19/35) providing proposals to meet the £463,000 required savings as agreed at the Special Meeting of the Council of 22 February 2017.

**Motion (Councillors Shiers and Purves)**

- (i) The intent to restructure and realign duties within Business and Resource Services be noted.



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- (ii) **The ongoing partnership arrangements with Tayside Contracts in the restructure of the Facilities Management Team be noted.**
- (iii) **The Executive Director (Education and Children's Services) be instructed to proceed with the Lets arrangements, as detailed in paragraph 2.3 of, and Appendix 1 to Report 19/35.**
- (iv) **The Executive Director (Education and Children's Services) be instructed to proceed with the remodelling of the school crossing patrol service, as detailed in paragraph 2.4 of, and Appendix 2 to Report 19/35.**
- (v) **The Executive Director (Education and Children's Services) be instructed to proceed with the efficiency saving within the cleaning services budget.**

Amendment (Councillors Rebbeck and Doogan)

- (i) The intent to restructure and realign duties within Business and Resource Services be noted.
- (ii) The ongoing partnership arrangements with Tayside Contracts in the restructure of the Facilities Management Team be noted.
- (iii) The Executive Director (Education and Children's Services) be instructed to proceed with the Lets arrangements, as detailed in paragraph 2.3 of, and Appendix 1 to Report 19/35.
- (iv) Agree the reduction to the SCP service subject to the deletion of the changes recommended in paragraph 2.4.2, bullet points 1 and 3 of Report 19/35 and meet the resulting budget pressure at the Council's budget meeting in February 2019.

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

6 Members voted for the Amendment as follows:  
Councillors Doogan, McDade, McEwan, Pover, Rebbeck and Sarwar.

7 Members voted for the Motion as follows:  
Councillors Duff, Forbes, McCall, Purves, Reid, Shiers, and Wilson.

**Resolved:**

In accordance with the Motion.

Councillor McDade requested his dissent be recorded to Report 19/35 being considered in private session.

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EXECUTIVE SUB-COMMITTEE OF THE LIFELONG LEARNING COMMITTEE

Minute of Meeting of the Executive Sub-Committee of the Lifelong Learning Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Monday 21 May 2018 at 10.00am.

Present: Councillors C Shiers, W Wilson, R McCall (substituting for Councillor C Purves), F Sarwar and J Rebbeck.

In Attendance: R Hill, Head of Education – Secondary, S Johnston, Head of Education – Early Years and Primary, J Chiles; S Hatch and D Millar (both until Item 5); M MacDuff, K Ramsay, J Sorrie; L Lambert, Head Teacher, Robert Douglas Memorial Primary School; C Letford, Head Teacher, Alyth Primary School (all Education and Children's Services); D Williams, Corporate & Democratic Services.

Apology for absence: Councillor C Purves.

Councillor C Shiers, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting. An apology for absence was noted as above.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Executive Sub-Committee of the Lifelong Learning Committee of 29 January 2018 was submitted, approved as a correct record and authorised for signature.

4. INSPECTIONS OF SERVICES FOR CHILDREN AND YOUNG PEOPLE BY THE CARE INSPECTORATE

There was submitted a report by the Executive Director (Education and Children's Services) (18/164) setting out the key findings following the unannounced inspection of Perth & Kinross Council's Woodlea Cottage. The inspection was carried out in December 2017 and published in February 2018 by the Care Inspectorate.

Resolved:

The key findings of the unannounced inspection of Perth & Kinross Council's Woodlea Cottage, as detailed in Appendix 1 to Report 18/164, be noted.

5. SUMMARY REPORT ON CARE INSPECTORATE AND EDUCATION SCOTLAND INSPECTIONS

There was submitted a report by the Executive Director (Education and Children's Services) (18/165) providing an overview of the performance of Education and Children's Services inspected and reported on over the past year by the Care Inspectorate and Education Scotland, since the previous report of this type, and setting out the Services' approach to implementing improvement actions arising out of inspection.

Resolved:

The contents of Report 18/165, and appendices to the report, be noted.

6. STANDARDS AND QUALITY IN SCHOOLS, LEARNING COMMUNITIES AND PRE-SCHOOL CENTRES/DAY CARE OF CHILDREN

There was submitted a report by the Executive Director (Education and Children's Services) (18/166), setting out the key findings following inspections of pre-school centres and schools undertaken by Education Scotland and, by exception, Care Inspectorate inspections on the day care of children since the Executive Sub-Committee of Lifelong Learning Committee on 29 January 2018.

Resolved:

The key findings of the inspections reports attached as Appendices 1 to 4 to Report 18/166, be noted as follows:

Muthill Pre School Group (Appendix 1)

Robert Douglas Memorial School and Nursery Class (Appendix 2)

Alyth Primary School and Nursery Class (Appendix 3)

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**JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF**

Minute of meeting of the Joint Negotiating Committee for Teaching Staff (JNCT) held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Tuesday 18 September 2018 at 2.30pm.

**Present:**                   **Representing Perth and Kinross Council**  
Councillors K Baird, J Rebbeck and C Shiers; S Devlin,  
S Hagney, S Johnston and D MacLeod, (all Education and  
Children's Services); P Johnstone (Corporate & Democratic  
Services).

**Representing Teachers' Associations**  
B Berhane, E Campbell, E Connon, M Laurie, M Swan,  
S Topen-Cooper and C Weston.

**In Attendance:**       S Ni Riain (ECS); A McAuley, Joint Secretary (Trade Unions);  
C Flynn and L Brown (for Joint Secretary, Management).

**Apologies:**           J Cook, M Mackie and C Rose (Teachers' side); R Hill and  
M Donaghy (Management side).

E Campbell, Convener, Presiding.

**1.     APOLOGIES FOR ABSENCE**

Apologies for absence were submitted and noted as above.

**2.     DECLARATIONS OF INTEREST (ELECTED MEMBERS ONLY)**

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

**3.     MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Joint Negotiating Committee for Teaching Staff of 19 June 2018 was submitted and approved as a correct record.

**4.     MATTERS ARISING**

**(i)    Membership – (Item 5 refers)**

E Campbell reported the following change to the membership from the Teachers' side:

Murray Swan to replace Caroline McDonald.

**(ii) Bertha Park High School (Item 12 refers)**

D MacLeod reported that the topping off ceremony for the new school had taken place in July 2018. The Headteacher and the Quality Improvement Officers were currently working on the design of the school's curriculum. Recruitment for principal teacher posts and a Depute Headteacher would commence shortly. Appointees to take up post in April 2019 and work on curriculum design.

The Committee noted the position.

**5. JOB SIZING PROCEDURE**

There was submitted a report by the Corporate Human Resources Manager G/18/131 seeking approval of a Local Agreement on the Job Sizing Procedure for Teaching posts in Perth and Kinross Council with effect from 18 September 2018.

The Committee agreed:

The introduction of a Job Sizing Procedure to ensure a clear and structured process for the determination of the grade for promoted teaching posts, as appended to Report G/18/131, be approved.

**6. INCLUSION POLICY STATEMENT**

There was submitted a Policy Statement G/18/132 detailing the vision and values of Education and Children's Services to enhance inclusion for children, young people and families in Perth and Kinross.

S Johnston advised that Headteachers had received a presentation on the Inclusion Policy Statement at their development day and the views of the teaching unions on the policy statement were now being sought.

C Weston advised that the Trade Union side were supportive of the document.

The Committee agreed to adopt the Inclusion Policy Statement.

**7. SEVERE WEATHER DE-BRIEF**

S Johnston advised that the guidance on school closures during severe weather was examined each year based on the experience of the previous year. Detailed plans were put in place to minimise disruption to the children and young people attending Perth and Kinross Council schools.

Following the introduction of a new national red weather warning the Council was looking at what new guidance should be put in place during such extreme weather conditions.

S Devlin advised that it was quite difficult to make a universal call on school closures due to the geographical diversity of the Perth and Kinross area.

C Weston expressed concern about staff being instructed to attend schools that were closed to pupils as well as the timing of the information. In response S Devlin advised that in order to ensure all Council functions remained open during severe weather a general policy applied to all Perth and Kinross Council employees advising that they should make their way to the nearest available Council office if their usual place of work was closed. However, the Council would not expect any of its employees to put themselves in jeopardy trying to get to work. S Devlin said that teachers had particular conditions of service that were different to other staff (eg others may have to use flexi or leave to cover any absence caused by adverse weather, teachers did not). There was no, and had been no suggestion that staff would not be paid. She acknowledged that the timing of information being able to be shared via the "snowline" was not always early enough and indicated that there was a need to review when the snowline was opened. She also commented that it was not helpful to have some employees not adhering to the agreed policies and guidance with regard to adverse weather. C Weston concurred with this. Finally she cautioned individual staff on the use of social media to share information as it could get confused with the Council's and an individual school's comms strategy.

The Committee noted the position.

## **8. ANY OTHER COMPETENT BUSINESS**

### **(i) Appointment of Joint Secretary for Management Side**

The Committee was advised that Gillian Taylor, Head of Democratic Services and a Joint Secretary would be retiring from Perth and Kinross Council on 30 November 2018 and consequently would be resigning as Joint Secretary with effect from 30 September 2018.

The Committee agreed to appoint Christina Flynn, Democratic Services Manager, as Joint Secretary for the Management side, with effect from 1 October 2018.

### **(ii) JNC Papers**

Concern was expressed by C Weston regarding reports being issued timeously. She requested that they be available at least one week in advance of the meeting.

## **9. DATE OF NEXT MEETING**

4 December 2018 at 2.30pm.

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PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 5 February 2019 at 10.30am.

Present: Councillors L Simpson, B Brawn and W Wilson.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (Housing and Environment); L Potter (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

55. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

56. MINUTES

- (i) The minute of meeting of the Local Review Body of 11 December 2018 was submitted and noted.
- (ii) The minute of meeting of the Local Review Body of 8 January 2019 was submitted and noted.

57. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(570)**
Planning Application – 18/01196/FLL – Formation of a vehicular access on land 20 metres south of Beech Manor Care Home, Golf Course Road, Blairgowrie – Mrs D MacMillan

Members considered a Notice of Review seeking the removal of Condition 2 from planning permission 18/01196/FLL for the formation of a vehicular access on land 20 metres south of Beech Manor Care Home, Golf Course Road, Blairgowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

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Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the removal of Condition 2 from planning permission 18/01196/FLL for the formation of a vehicular access on land 20 metres south of Beech Manor Care Home, Golf Course Road, Blairgowrie, be refused with the conditions remaining as:
 - 1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
 - 2. The vehicular access as shown on the approved plans is approved to serve the property known as Stonefield only.
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

- (ii) **TCP/11/16(576)**
Planning Application – 18/01227/IPL – Erection of a dwellinghouse (in principle) on land 40 metres east of Yetts O Hyuax, Glendevon – Mr F Worrell

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle) on land 40 metres east of Yetts O Hyuax, Glendevon.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 40 metres east of Yetts O Hyuax, Glendevon, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, as the proposal

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fails to satisfactorily comply with category (1) Building Groups in that, as an extension to the existing building group, the proposal would detract from the visual amenity of the group and that the site by virtue of its topography would not provide a suitable setting, due to the elevated nature of the site. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or replacement of redundant non-domestic buildings, (6) Rural Brownfield Land.

2. The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as it is considered that the development of the site would not respect the character and amenity of the place due to the elevated nature of the site.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**(iii) TCP/11/16(577)
Planning Application – 18/01294/IPL – Residential development (in principle) on land 120 metres north east of Longforgan
Transmission Station, Longforgan – Mrs H Craven**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a residential development (in principle) on land 120 metres north east of Longforgan Transmission Station, Longforgan.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (iii) following the undertaking of the site visit, the application be brought back to the Local Review Body.

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(iv) **TCP/11/16(578)**
Planning Application – 18/01419/FLL – Erection of a fence at 2
Gowrie Farm, Stanley, Perth – Mrs M Souter

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a fence at 2 Gowrie Farm, Stanley, Perth.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a fence at 2 Gowrie Farm, Stanley, Perth, be refused for the following reasons:
 - 1. The fence, by virtue of its design, height, extent and visually prominent location, is out of keeping with the rural character of the surrounding area. Accordingly, it is considered to have a significant adverse impact on the visual amenity of the area. The proposal is therefore contrary to Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.
 - 2. The development would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established rural character of the area, and therefore contrary to the established Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014 and Scottish Planning Policy 2014.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Note: Councillor Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for erection of a fence be granted. He considered that the proposal did accord with Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan in that the proposed fencing, which would normally be Permitted Development, would not be out of place at this locality.

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(v) **TCP/11/16(581)**
Planning Application – 18/01400/FLL – Alterations to roof at
Wester Parkhead House, Parkhead Road, Blairgowrie – Farmcare
Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to roof at Wester Parkhead House, Parkhead Road, Blairgowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for alterations to roof at Wester Parkhead House, Parkhead Road, Blairgowrie, be refused for the following reason:
 - 1. The proposal would have a significant adverse impact on the character of the existing building and adjoining traditional buildings by introducing an untraditional and unsympathetic material onto the roof of a traditional two story dwellinghouse. Accordingly, the proposal is contrary to Policies PM1A and PM1B (c) of the Perth and Kinross Local Development Plan 2014 which seek to ensure that developments contribute positively to the quality of the surrounding built environment by respecting the character and amenity of the place.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Note: Councillor Wilson dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for alterations to roof be granted. Whilst accepting that the proposal did not accord with the Local Development Plan, he considered that, with the imposition of relevant conditions regarding colour and materials, the alterations to the roof would be beneficial in retaining the dwellinghouse.

58. DEFERRED APPLICATION FOR REVIEW

- (i) **TCP/11/16(575)**
Planning Application – 18/00874/FLL – Erection of a dwellinghouse on land 300 metres south west of Nether Allan, Blackford – Mr and Mrs W McLaren

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse on land 300 metres south west of Nether Allan, Blackford.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 1 January 2019, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. With the unaccompanied site visit having taken place on 4 February 2019, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and having carried out a site visit on 4 February 2019, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for erection of a wind turbine and associated works on land 300 metres south west of Nether Allan, Blackford, be granted subject to:
1. The imposition of relevant terms, conditions and informatives, including a condition regarding external finishing materials of render, natural stone and natural slate, acoustic fencing, structural landscaping, the extent of the house plot curtilage.

Justification

Whilst accepting that the proposal was not fully in accordance with the Local Development Plan, the Local Review Body deemed that there was still sufficient justification for approval on the grounds of economic need, animal welfare and security.

Note: Councillor Simpson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and the erection of dwellinghouse be refused. In his opinion, the proposal did not comply with either the Local Development Plan or the Council's Housing in the Countryside Guide, and there was not sufficient justification to depart from these policies and guidance.

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## **STRATEGIC POLICY AND RESOURCES COMMITTEE**

Minute of meeting of the Strategic Policy and Resources Committee held in the Council Chamber, Council Building, 2 High Street, Perth on Wednesday 6 February 2019 at 9.30am.

Present: Councillors P Barrett, C Stewart, A Bailey, K Baird (substituting for M Lyle), B Band, S Donaldson, D Doogan, J Duff, A Forbes, G Laing, R McCall, S McColl, A Parrott, C Purves and C Shiers.

In Attendance: K Reid, Chief Executive; J Valentine, Depute Chief Executive and Chief Operating Officer; K Fraser, S Mackenzie, C Mackie, L Simpson, E Sturgeon, S Walker and C Irons (all Corporate and Democratic Services); S Devlin and G Boland (Education and Children's Services); B Renton, N Copland, S Coyle, F Crofts, D Fraser and J McCrone (all Housing and Environment) and R Packham, Perth and Kinross Health and Social Care Partnership.

Apologies: Provost D Melloy and Councillor M Lyle.

Councillor P Barrett, Vice-Convener, Presiding.

### **59. WELCOME AND APOLOGIES**

Vice-Convener Barrett welcomed all those present to the meeting. Apologies and substitutions were noted as above.

### **60. DECLARATIONS OF INTEREST**

There were no declarations of interest in terms of the Councillors' Code of Conduct.

### **61. MINUTES OF PREVIOUS MEETINGS**

#### **(i) Strategic Policy and Resources Committee**

The minute of meeting of the Strategic Policy and Resources Committee of 28 November 2018 (Arts.674-687) was submitted, approved as a correct record and authorised for signature.

#### **(ii) Appeals Sub-Committee of the Strategic Policy and Resources Committee**

The minute of meeting of the Appeals Sub-Committee of 10 December 2018 was submitted and noted. (*Appendix I*)

**(iii) Corporate Health, Safety and Wellbeing Consultative Committee**

The minute of meeting of the Corporate Health, Safety and Wellbeing Consultative Committee of 17 September 2018 was submitted and noted. **(Appendix II)**

**(iv) Employees Joint Consultative Committee**

The minute of meeting of the Employees Joint Consultative Committee of 27 September 2018 was submitted and noted. **(Appendix III)**

**(v) Perth and Kinross Integration Joint Board**

The minute of meeting of the Integration Joint Board of 28 September 2018 was submitted and noted. **(Appendix IV)**

**(vi) Perth City Development Board**

The minute of meeting of the Perth City Development Board of 14 November 2017 was submitted and noted. **(Appendix V)**

**62. REVENUE BUDGET 2018/19 – MONITORING REPORT NUMBER 3**

There was submitted a report by the Head of Finance (19/36), providing an update (1) on progress with the 2018/19 General Fund Revenue Budget based on the November 2018 ledger, updated for subsequent known material movements; and (2) on the projected financial position of the Housing Revenue Account.

**Resolved:**

- (i) The contents of Report 19/36 be noted.
- (ii) The adjustments to the 2018/19 Management Revenue Budget, as detailed in Appendices 1 to 6 to and Sections 2, 3 and 4 of Report 19/36, be approved.
- (iii) The 2018/19 service virements, as summarised in Appendices 2, 5 and 6 to Report 19/36, be approved.
- (iv) The Health and Social Care projected outturn, as summarised in Paragraphs 3.1 to 3.8 of and Appendix 5 to Report 19/36, be noted.
- (v) The Housing Revenue Account projected outturn summarised in Section 4 of and Appendix 6 to Report 19/36, be noted.

**63. COMPOSITE CAPITAL BUDGET 2018/28 AND HOUSING REVENUE ACCOUNT CAPITAL INVESTMENT PROGRAMME 2018/23 – MONITORING REPORT NUMBER 3**

There was submitted a report by the Head of Finance (19/37) (1) providing a summary position to date for the 10 year Composite Capital Programme for 2018/19 to 2027/28 and the 5 year Housing Revenue Account (HRA) Capital Investment Programme 2018/19 to 2022/23; and (2) seeking approval for adjustments to the programmes.

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**Resolved:**

- (i) The contents of Report 19/37, be noted.
- (ii) The proposed budget adjustments to the 10 year Composite Capital Budget 2018/19 to 2027/28, as set out in sections 2 and 3 of and summarised at Appendices I and II to Report 19/37, be approved.
- (iii) The proposed budget adjustments to the HRA Capital Investment Programme Budget 2018/19 to 2022/23, as set out in section 4 of and summarised at Appendix III to Report 19/37, be approved.
- (iv) The position for individual projects reported in sections 3 and 4 of and summarised in Appendix IV to Report 19/37, be noted.

**64. TRANSFORMATION PROGRAMME 2015-2020**

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (19/38) providing (1) an update on phase four of the Transformation Programme approved by Council on 1 July 2015; (2) providing an overview of the projects transferred to the Health and Social Care Partnership; and (3) providing an update of progress through the Can Do Challenge process.

**Resolved:**

- (i) The progress related to the Transformation Programme, as detailed in Appendices 1 and 2 to Report 19/38, be noted.
- (ii) The progress with the Can Do Challenge Fund Project for Perth and Kinross Smart Energy Network project, be noted.

COUNCILLOR D DOOGAN REQUESTED THE DISSENT OF THE SNP GROUP BE RECORDED IN RELATION TO PROCEEDING WITH THE CENTRAL PROCESSING UNIT FOR SCHOOL MEALS.

**IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

**65. UPDATE ON ASSISTANCE TO SUPPORT FOR BUSINESS OCCUPATION OF KEY VACANT PROPERTY IN PERTH AND KINROSS THROUGH NON-DOMESTIC RATES RELIEF**

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (19/39) providing an update on support for business occupation of key vacant property in Perth and Kinross through non-domestic rates relief.

THERE FOLLOWED A 10 MINUTE RECESS AND THE MEETING RECONVENED AT 10.35AM.

Motion (Councillors D Doogan and G Laing)

- (i) The outcome of support provided via previous targeted non-domestic rates relief assistance to key vacant properties in Perth and Kinross, be noted.

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- (ii) The provision of national schemes for rates relief assistance primarily via the Fresh Start Scheme to provide adequate support which negates the need for the Council's policy and assistance to be extended or continued at a local level, be approved.

**Amendment (Councillors C Stewart and C Shiers)**

- (i) **The outcome of support provided via previous targeted non-domestic rates relief assistance to key vacant properties in Perth and Kinross, be noted.**
- (ii) **The provision of national schemes for rates relief assistance primarily via the Fresh Start Scheme to provide adequate support which negates the need for the Council's policy and assistance to be extended or continued at a local level, be approved.**
- (iii) **With the end of the scheme, £38,000 within the earmarked reserve for the discretionary non-domestic rates relief scheme, referred to in paragraphs 3.13 and 3.14 of the Revenue Budget 2018/19 – Monitoring Report Number 3 (19/36) be transferred to the Rural Perth and Kinross Micro Enterprise Fund in 2018/19 which would have no impact on the level of reserves.**

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

7 members voted for the Motion as follows:

Councillors A Bailey, B Band, S Donaldson, D Doogan, G Laing, S McCole and A Parrott.

8 members voted for the Amendment as follows:

Councillors K Baird, P Barrett, J Duff, A Forbes, R McCall, C Purves, C Shiers and C Stewart.

**Resolved:**

In accordance with the Amendment.

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APPEALS SUB-COMMITTEE

Minute of meeting of the Appeals Sub-Committee held on Monday 10 December 2018 in Room 415, Fourth Floor, Council Building, 2 High Street, Perth.

Present: Councillors C Ahern, H Anderson and B Brawn.

In Attendance: Appellant; Service's Representative (S Devaney, Human Resources); and M McLaren, Legal and Governance.

Also in Attendance: S Lawson, Senior Human Resources Officer (as an observer).

1. APPOINTMENT OF CONVENER

It was unanimously agreed that Councillor Ahern be appointed Convener of the Appeals Sub-Committee.

Councillor Ahern took the Chair.

IT WAS AGREED THAT THE PUBLIC AND PRESS BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH WAS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

P1. APPEAL AGAINST DISMISSAL (C/HR/20/040)

The Appeals Sub-Committee was convened to consider an appeal against dismissal by a member of staff from the Housing and Environment Service.

The Appeals Sub-Committee considered documentation lodged by both parties and heard evidence from the appellant, the Human Resources representative and their witness. Thereafter the parties each summed up their case and withdrew.

Resolved:

That the dismissal was found to be fair and reasonable and the appeal be not upheld.

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**PERTH AND KINROSS COUNCIL**  
**STRATEGIC POLICY AND RESOURCES COMMITTEE**  
**CORPORATE HEALTH, SAFETY AND WELLBEING**  
**CONSULTATIVE COMMITTEE**

Minute of meeting of the Corporate Health, Safety and Wellbeing Consultative Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Monday 17 September 2018 at 10.00am.

- Present:**
- Representing Perth and Kinross Council**
    - Councillor P Barrett
    - Councillor D Illingworth (substituting for Councillor K Baird)
    - Councillor S McCole
    - G Boland (on behalf of Executive Director (Education and Children's Services))
    - C Flynn (on behalf of the Chief Executive)
    - P Johnstone (on behalf of Corporate Human Resources Manager)
  - Trade Union Safety Representatives and Elected Representatives of Employee Safety Committees**
    - M Blacklaws (SSTA)
    - T Todd (Unite)
    - M Swan (EIS)
- In attendance:**
- S Crawford, Head of Property Services, The Environment Service
  - J Handling, Health, Safety and Wellbeing Manager, The Environment Service
  - L McGeorge, Property Compliance Team Leader, Environment Service
  - K Molley, Professional Trainee, Corporate and Democratic Service
- Apologies:**
- Councillor K Baird, Councillor E Drysdale, S Hope (UNISON) and J Dickson, Housing & Environment Service.

**1. APPOINTMENT OF VICE-CONVENER**

It was announced that L McLaren had resigned as Vice-Convener of the Corporate Health, Safety and Wellbeing Consultative Committee. Councillor S McCole gave a Valedictory to L McLaren, thanking him for all his hard work he had achieved through the years of being Convener and Vice-Convener of the Committee.

It was agreed to defer the item of Appointment of Vice-Convener to the next meeting as not all trade union representatives were present.

T Todd announced that this would be his last meeting as a Trade Union representative on the Corporate Health, Safety and Wellbeing Consultative

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Committee. Councillor S McCole thanked T Todd for all his hard work throughout his time on the Committee.

M SWAN ENTERED THE MEETING AT THIS POINT.

**2. POSITION OF JOINT SECRETARY**

The Committee is advised that Gillian Taylor, Head of Democratic Services and a Joint Secretary to the Committee is retiring from Perth and Kinross Council on 30 November 2018, and consequently will be resigning as Joint Secretary with effect from 30 September 2018.

The Committee agreed to appoint Christina Flynn, Democratic Services Manager as Joint Secretary with effect from 1 October, 2018.

M Blacklaws wished G Taylor all the best in her retirement.

**3. DECLARATIONS OF INTEREST**

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

**4. MINUTES**

The minute of the meeting of the Corporate Health, Safety and Wellbeing Consultative Committee of 11 June 2018 was submitted and approved as a correct record.

**Corporate Health Safety and Wellbeing Consultative Committee Review on Constitution and Remit Update:**

Councillor S McCole updated the Committee on the review of the constitution and remit of the Corporate Health, Safety and Wellbeing Consultative Committee and advised that another meeting of the review will take place once a new Vice-Convenor has been appointed.

**5. CORPORATE ANNUAL HEALTH & SAFETY REPORT 2017-2018**

There was submitted and noted the Corporate Annual Health and Safety Report (G/18/115) reviewing Health and Safety management activities between 1 April 2017 and 31 March 2018.

J Handling provided a summary of the report and referred to the highlights of the year.

In response to a query from M Blacklaws on the decrease in number of employees receiving defibrillator training, J Handling emphasised that it is not necessary to be trained to use a defibrillator as the machine comes with instructions.

In response to a query for T Todd regarding the lack of training of employees who are clearing council houses in relation to needles/sharps, S McCole emphasised the importance of reporting every incident and requested an update on this to be brought back to the next committee meeting.

M Blacklaws thanked property services for their work in tackling outstanding actions at Perth Academy.

**6. HEALTH AND SAFETY PERFORMANCE QUARTERLY REPORT**

There was submitted a report by the Health, Safety and Wellbeing Manager (Housing and Environment) (G/18/116) (1) informing and assisting the Committee in monitoring health and safety performance across Perth & Kinross Council; and (2) asking for the progress to be noted.

**Resolved:**

The Contents of the report, be noted.

**7. FIRE SAFETY QUARTERLY REPORT**

There was submitted a report by the Health, Safety and Wellbeing Manager (G/18/117) preparing to inform and assist the Corporate Health, Safety & Wellbeing Consultative Committee in monitoring fire safety performance across Perth and Kinross Council; and (2) providing the Committee with the Fire Safety Key Performance Indicators for Quarter 1 of 2018/19 for noting.

**Resolved:**

The contents of the report, be noted.

**8. ANY OTHER COMPETENT BUSINESS**

The Customer contact – Unacceptable Actions Policy document was tabled at Committee for noting.

**Resolved:**

- (i) The Customer Contact – Unacceptable Actions Policy document, be noted.
- (ii) The Head of Legal and Governance be requested to provide a report to the next meeting to provide more detailed background information on the Unacceptable Actions Policy.

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**PERTH AND KINROSS COUNCIL
STRATEGIC POLICY AND RESOURCES COMMITTEE
EMPLOYEES JOINT CONSULTATIVE COMMITTEE**

Minute of meeting of the Employees Joint Consultative Committee, held in Room 414, Fourth Floor, Council Building, 2 High Street, Perth on Thursday 27 September 2018 at 10.00am.

Present: Representing Perth and Kinross Council:

Councillors H Anderson; D Illingworth (on behalf of Councillor M Lyle), R McCall and S McCole (all Perth and Kinross Council); G Boland (on behalf of Executive Director (Education and Children Services)).

Present: Representing Trade Unions:

S Hope, (UNISON); H Meldrum (GMB) and T Todd (Unite the Union).

In Attendance: K Donaldson (Corporate Human Resources Manager); K Ridley, P Johnstone and L Brown (all Corporate and Democratic Services).

Apologies: Councillor M Lyle (Perth and Kinross Council); M Dickson, F Fraser, T Maric and B Nichol (all UNISON); S Robertson (Unite the Union).

S Hope in the Chair

1. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

2. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Employees Joint Consultative Committee of 24 May 2018 was submitted and approved.

3. MATTERS ARISING

(i) Job Families and Job Matching

K Ridley reported that the Professional and Business Support Job Family had now been implemented. Consultation continued with the Working Groups on the three remaining job families; Community & Operational, Regulatory, Technical & Property and Senior Leadership. Once the finalised generic role profiles have been signed off by Senior Management Teams, employees will be advised in writing and issued with their new role profiles. It was anticipated the implementation

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process for the remaining job families will be concluded by the end of 2018.

The Committee agreed an update be provided to the next meeting.

4. JOINT SECRETARIES

(i) Management Side

The Committee was advised that Gillian Taylor, Head of Democratic Services and a Joint Secretary to the Committee was to retire from Perth and Kinross Council on 30 November 2018 and as a consequence would be resigning as Joint Secretary with effect from 30 September 2018.

The Committee agreed Christina Flynn, Democratic Services Manager, be appointed Joint Secretary for the Management side, with effect from 1 October 2018.

(ii) Trade Union Side

The Committee was advised that nominations were being sought from the Trade Unions to fill a vacancy for a Joint Secretary for the Trade Union side following the retirement of Lindsay McLaren from the Committee.

Following a request from the Trade Unions the Committee agreed to defer the appointment of a Joint Secretary for the Trade Union side to the next meeting.

5. UPDATE ON BREXIT WORKFORCE IMPLICATIONS

There was submitted a briefing paper by the Human Resource Manager (G/18/133) which provided the Committee with an update on Brexit workforce implications.

K Ridley reported that over the previous 12 months Human Resources had undertaken some preparatory work to understand the implications of Brexit on the workforce in terms of service delivery. He advised that the Council has 90 known non UK EU/EEA nationals currently in posts many of whom are aged under 40. The Council wrote to 700 employees whose nationality was not held on their employee record. 300 responses were received and the information gathered was updated on Resource- Link. In relation to the 400 outstanding responses K Ridley advised that staff in Human Resources would endeavour to gather the outstanding information from employees' personal files which is a very labour intensive process and may not provide all the information which is required.

Data gathered to date indicated that the EU/EEA nationals were dispersed throughout Perth and Kinross Council services with no vulnerability identified

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in key areas other than teaching where there could be an impact on hard to fill posts. K Ridley advised that Human Resources would continue to monitor the position closely when collecting details of employees' nationality.

An awareness programme had been set up to support the Council's EU/EEA employees with a number of half hourly sessions provided by Gurjeet Singh from the Ethnic Minorities Law Centre in April 2018. Further sessions will be offered over the coming weeks.

At the present time European Social Funding supports Skills Development Scotland which in turn provides funding for the Modern Apprenticeship training scheme. Although this could present a risk in terms of funding to the Council's Modern Apprenticeship scheme K Ridley advised that funding received had been reducing over the last 5 years and the Council was managing that.

K Ridley referred to the findings of a 2017 survey which had estimated that migrant workers represented at least 10.4% of the independent home care sector commissioned by the Council. He advised that as a consequence Brexit is likely to have a greater impact on that sector as the proportion of EU nationals is significantly greater than those working directly for the Council.

Councillor Anderson suggested that the 400 employees who had yet to respond might be fearful of providing this information. H Meldrum concurred and suggested managers should be making every effort to instil confidence in those employees who had yet to respond. K Donaldson invited the trade unions to also give this reassurance should any trade union members raise issues with them.

Councillor McCole enquired if any plans had been put in place to mitigate risk to the Council should the staff situation in the social care sector become acute post-Brexit.

In responding, K Donaldson advised that the Council was working with home care providers to give them access to HR support. She acknowledged the difficulties in recruiting to posts in the social care sector and the need to look at new ways of increasing the pool of people who saw a role in that sector as an attractive career.

The Committee agreed that a further report be submitted to the next meeting.

6. UPDATE ON REVIEW OF CORPORATE FLEXITIME SCHEME

There was submitted a briefing paper by Human Resources Manager (G/18/134) providing an update on the review of the Council's Corporate Flexitime Scheme.

K Donaldson advised that HR staff had supported a pilot which had involved around 100 employees in Housing and Environment. Consultation had taken place with the Trade Unions in August on the proposed changes and their response had been generally positive. The Council's Executive Officer Team

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had now approved the changes to the Corporate Flexitime Scheme as follows:

- Removal of core hours
- Change for 13x 4 weekly accounting period to 12 x calendar monthly accounting periods
- Maximum of 2 flexi days per calendar month, no change to the maximum of 20 flexi days per year
- No changes to existing bandwidth of 0.700-21.00 hours, Monday to Friday.
- No changes to the existing 11 hours debit/18 hours credit carry forward
- No change to the requirement for an employee to work at least 3 hours (equivalent to the existing core time hours) unless a flexi day is booked in advance. This will be prorated for part time/non-standard working pattern.
- Where the minimum hours are worked these must be within normal office hours or with prior line manager agreement, at a time there is a business requirement to work e.g. to represent the Council at an evening meeting.
- There will no longer be facility to book a half day flexi – time off can be accommodated with prior line manager agreement within revised arrangements.
- A 30 minute lunch break will be automatically deducted after the employee has worked six hours, if they have not already taken a break. This can be manually adjusted through normal approval process.

The Committee noted the changes to the Corporate Flexitime Scheme as detailed in report G/18/134 with a target implementation date of 1 January 2019.

7. OTHER COMPETENT BUSINESS

(i) Health and Social Care – Joint Working Agreement

S Hope reported that a report would be submitted to the Council's Strategic Policy and Resources Committee on 28 November 2018 and to NHS Tayside Board on 4 December 2018.

K Donaldson expressed her thanks for the support the Trade Unions had given to the development of the Joint Working Agreement.

(ii) Valedictory – Tommy Todd

The Convener thanked Tommy Todd for the effort and support he had given to the Joint Consultative Committee since 1996 and wished him all the best for a long and happy retirement.

K Donaldson echoed the Convener's comments.

8. DATE OF NEXT MEETING

22 November 2018 at 10.00am.

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## PERTH AND KINROSS INTEGRATION JOINT BOARD

Minute of Meeting of the Perth and Kinross Integration Joint Board (IJB) held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Friday 28 September 2018 at 9.30am.

**Present:**

**Voting Members**

Councillor C Stewart, Perth and Kinross Council (Vice-Chair)  
Councillor E Drysdale, Perth and Kinross Council  
Councillor T McEwan, Perth and Kinross Council (substituting for Councillor X McDade)  
Councillor C Purves, Perth and Kinross Council (up to and including Item 3.2)  
Councillor A Jarvis, Perth and Kinross Council (from Item 3.3 onwards, substituting for Councillor C Purves)  
Prof N Beech, Tayside NHS Board  
J Brown, Tayside NHS Board (substituting for L Birse-Stewart)  
R Peat, Tayside NHS Board

**Non-Voting Members**

J Foulis, NHS Tayside (from Item 3.1 onwards)  
R Packham, Chief Officer  
J Pepper, Chief Social Work Officer, Perth and Kinross Council  
J Smith, Chief Finance Officer

**Additional Members**

Dr A Noble, External Adviser to Board

**Stakeholder Members**

B Campbell, Carer Public Partner (from Item 3.1 onwards)  
A Drummond, Staff Representative, NHS Tayside  
C Gallagher, Independent Advocacy Perth and Kinross  
L Lennie, Service User Public Partner

**In Attendance:**

G Taylor (Clerk), S Hendry and S Richards (all Perth and Kinross Council); H Dougall, V Aitken, C Jolly, D Mitchell, R Duarte, D Fraser, V Johnson, and M Rapley (all Perth and Kinross Health and Social Care Partnership); B Nicoll and D Huband (both NHS Tayside).

**Apologies:**

Councillor X McDade, Perth and Kinross Council  
L Birse-Stewart, Tayside NHS Board  
Dr D Carey, Independent Contractor  
Dr C Rodriguez and Dr D Lowdon, NHS Tayside  
Dr D Walker, NHS Tayside  
F Fraser, Staff Representative, Perth and Kinross Council

## **1. WELCOME AND APOLOGIES**

Councillor Stewart welcomed all those present to the meeting and apologies were noted as above.

It was noted that S Hay had recently stepped down as a member of the Tayside NHS Board and was therefore no longer Chair or a member of the IJB. Councillor Stewart, J Brown and members of the Board paid tribute to the contribution that S Hay had made to the work of the IJB.

Councillor Stewart also welcomed J Brown, Chair of Tayside NHS Board who was attending as a substitute member, and welcomed Professor Beech and R Peat to their first Board meeting.

## **2. DECLARATIONS OF INTEREST**

In terms of the Perth and Kinross Integration Joint Board Code of Conduct, C Gallagher declared a non-financial interest in Item 5.2 as Chief Executive of Independent Advocacy Perth and Kinross.

*IT WAS AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.*

## **3. FINANCE AND GOVERNANCE**

### **3.1 AUDIT AND PERFORMANCE COMMITTEE**

#### **(i) Verbal Update by Chair of Audit and Performance Committee**

Councillor Purves, Chair of the Audit and Performance Committee, updated the Board following the recent meeting of the Committee on 20 September 2018.

It was noted that the terms of reference for the Committee were currently being reviewed and updated for submission to the IJB at a future date. Further meetings were also taking place regarding clinical care and professional governance arrangements within the Partnership.

Following consideration of the Annual Governance Statement at the June 2018 meeting of the Committee, work was continuing to take place on the Transforming Governance Action Plan for 2018/19.

In relation to Risk Management, further workshop sessions were being arranged with IJB members and the refreshed risk management framework had been approved by the Committee.

It had been noted that the IJB had issued confirmation of the adequacy and effectiveness of the governance arrangements in place with the IJB for 2017/18 to both NHS Tayside and Perth and Kinross Council.

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Written confirmation had been received from Perth and Kinross Council as to the Council's governance arrangements, however the Chief Officer and Chief Executive of NHS Tayside were in continued correspondence regarding governance arrangements at NHS Tayside.

The Committee had also approved the Audited Annual Accounts 2017/18 for consideration by the IJB.

The Board noted the position.

- (ii) In line with the recording of meetings of the Integration Joint Board, it was agreed to record meetings of the Audit and Performance Committee for public viewing online following the meeting.

*J PEPPER LEFT THE MEETING DURING THE FOLLOWING ITEM.*

### **3.2 ANNUAL ACCOUNTS 2017/18**

There was submitted a report by the Chief Financial Officer (G/18/135) presenting the Integrated Joint Board's Audited Annual Accounts for the period to 31 March 2018.

**Resolved:**

- (i) It be noted that the Audit and Performance Committee approved the Audited Annual Accounts and KPMG'S Annual Audit Report at its meeting on 20 September 2018 for consideration by the IJB;
- (ii) The contents of KPMG's Annual Audit Report to Members of Perth & Kinross IJB and the Controller of Audit on the 2017/18 Audit, attached as Appendix 1 to Report G/18/135, be noted and it be agreed to recommend to KPMG that the final report include a reference to the number of changes in Board membership since its inception in 2015;
- (iii) The Audited Annual Accounts for 2017/18, attached as Appendix 2 to Report G/18/135, be approved.
- (iv) The Chief Officer be instructed to circulate to Board Members for information a recent joint letter from the Scottish Government, NHS Scotland and COSLA on the delivery of health and social care integration in Scotland.

*THERE WAS A SHORT BREAK AT 10.13AM FOR THE SIGNING OF THE ANNUAL ACCOUNTS.*

*THE BOARD RECONVENED AT 10.29AM.*

### **3.3 2018/19 FINANCIAL POSITION**

There was submitted a report by the Chief Financial Officer (G/18/136) providing a summary of the issues impacting on the financial position of Perth and Kinross Integration Joint Board in 2018/19, based on the 4 months to 31 July 2018.

**Resolved:**

- (i) The forecast financial position for 2018/19 and the potential implications for both NHS Tayside and Perth & Kinross Council, as set out in Report G/18/136, be noted.
- (ii) It be noted that the Audit & Performance Committee had instructed the Chief Officer to seek formal agreement from Perth & Kinross Council and NHS Tayside on the risk sharing arrangements for 2018/19.

*COUNCILLOR PURVES LEFT THE MEETING AT THIS POINT AND COUNCILLOR JARVIS ENTERED THE MEETING.*

### **3.4 MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Perth and Kinross Integration Joint Board of 22 June 2018 was submitted and approved as a correct record.

### **3.5 ACTION POINT UPDATE**

There was submitted and noted the action point update for the Perth and Kinross Integration Joint Board as at 28 September 2018 (G/18/137).

### **3.6 MATTERS ARISING**

There were no matters arising from the previous minute.

### **3.7 BOARD MEMBERSHIP UPDATE**

There was submitted a report by the Clerk to the Board (G/18/147) updating the Board on a number of recent appointments to the voting members of the Board. The report also made proposals in terms of the appointment of non-voting members to the Board, as well as further appointments to the Audit and Performance Committee.

**Resolved:**

- (i) The appointment of Professor Nic Beech as a voting member by NHS Tayside Board be noted.
- (ii) It be noted that following the resignation of Stephen Hay, Robert Peat and Gillian Costello would be nominated for the positions of Chair of the IJB and voting member respectively for consideration by the NHS Tayside Board at it's next meeting on 25 October 2018.
- (iii) The appointment of Clare Gallagher as the Third Sector Representative, with Sandy Watts as substitute, until 28 September 2019, be agreed.
- (iv) The reappointment of Linda Lennie and Sandra Auld in their respective roles as public partners until October 2020 be agreed.
- (v) Dr Drew Walker and Dr Alastair Noble be reappointed in their respective roles until 31 March 2019, with a review at that time following the development of a skills matrix for the Board.
- (vi) Professor Beech be appointed as a voting member from NHS Tayside to the Audit and Performance Committee.

### **3.8 APPOINTMENT OF DATA PROTECTION OFFICER**

The Board agreed that Donald Henderson, Data Protection Officer, Perth and Kinross Council, be appointed as the Data Protection Officer for the Perth and Kinross Integration Joint Board.

### **3.9 STANDING ORDERS**

In accordance with the Board's Standing Orders, revised Standing Orders (G/18/148) were submitted for consideration by the Board.

It was agreed that any further comments on the Standing Orders be submitted to the Clerk for final approval at the next Board meeting on 30 November 2018.

## **4. DEVELOPING STRATEGIC OBJECTIVES**

J PEPPER REJOINED THE MEETING DURING THE FOLLOWING ITEM.

### **4.1 CHIEF OFFICER STRATEGIC UPDATE**

There was submitted a report by the Chief Officer (G/18/138) updating Board members on progress against tasks outlined in the rolling actions list.

**Resolved:**

- (i) The refresh of the Perth and Kinross Integration Joint Board Strategic Commissioning Plan be noted;
- (ii) The preparations for the Joint Inspection of Perth and Kinross Health and Social Care Partnership be noted;
- (iii) The Mental Health and Learning Disability Transformation Plan Update be noted;
- (iv) The Mental Welfare Commission 'Right to Advocacy' response be noted.;
- (v) The contents of Report G/18/138 otherwise be noted.

## **5. PROGRAMMES OF CARE**

### **5.1 PRIMARY CARE IMPROVEMENT PLAN AND GENERAL MEDICAL SERVICES CONTRACT IMPLEMENTATION: PROGRESS UPDATE**

There was submitted a report by the Clinical Director and Programme Manager (G/18/140) providing an update on progress made to date in respect of implementing the Primary Care Improvement Plan that encompasses the 2018 General Medical Services Contract.

**Resolved:**

- (i) The proposed allocation of Primary Care Improvement Funds across the programme of projects, which seek to implement the Primary Care Improvement Plan and the 2018 General Medical Services Contract, as set out in Report G/18/140, be noted.

- (ii) Further progress reports to be brought to each meeting of the Board as the implementation programme develops.

## **5.2 REVIEW OF DAY SERVICES UPDATE**

There was submitted a report by the Chief Officer (G/18/139) providing an update on the outstanding savings balance noted at April 2018 for the Review of Day Services transformation project.

**Resolved:**

The progress achieved with the transformation project, and the current savings balance which would be fully met by September 2018, as set out in Report G/18/139, be noted.

## **6 INFORMATION**

There were submitted and noted the following reports for information:

### **6.1 ANNUAL PERFORMANCE REPORT 2017/18**

### **6.2 PERTH AND KINROSS JOINT STRATEGY TO SUPPORT INDEPENDENT LIVING & QUALITY OF LIFE FOR ADULTS WITH A PHYSICAL DISABILITY AND/OR SENSORY IMPAIRMENT 2014 – 2017 AND ASSOCIATED IMPLEMENTATION OF THE NATIONAL SEE HEAR SENSORY IMPAIRMENT FRAMEWORK 2015 – 2018 – Report by Chief Officer (G/18/243)**

**Note:** A progress report on the above Item to be provided to the Board in twelve months time.

### **6.3 CARE INSPECTORATE INSPECTIONS 2017/18 – Report by Head of Adult Social Care (G/18/141)**

### **6.4 ADULT PROTECTION COMMITTEE BI-ENNIAL REPORT 2016- 18**

There was submitted a joint report by Chief Social Work Officer and Independent Convener of the Adult Protection Committee (G/18/151) providing an update of the work of the Perth and Kinross Adult Protection Committee (APC) and activity over 2016-2018.

**Resolved:**

- (i) The contents of the bi-ennial report to be submitted to the Scottish Government in October 2018 be noted;
- (ii) A report on the activity of the Perth and Kinross Child Protection Committee 2017-2018 to be submitted to the next meeting of the Board;
- (iii) A development session to be held on the subject of child and adult protection by the end of November 2018.

**7 FUTURE MEETING DATES 2018**

Friday 26 October 2018 (Briefing Session)  
Friday 30 November 2018 at 9.30am (Board Meeting)

**8 PROPOSED 2019 BOARD MEETING DATES**

Further discussion to take place on 2019 meeting dates for resubmission to the next meeting on 30 November 2018.

**9 VALEDICTORY**

Councillor Stewart referred to the retiral of Gillian Taylor, Head of Democratic Services at Perth and Kinross Council at the end of November 2018 after almost thirty nine years working in local government. Gillian had been the Clerk and Standards Officer for the IJB since its inception in 2015 and had also heavily been involved in providing advice to the Pathfinder Board for Health and Social Care Integration for Perth and Kinross.

Councillor Stewart and Board Members thanked Gillian for her contribution to the work of the IJB and wished her a happy retirement.

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PERTH CITY DEVELOPMENT BOARD

Minute of meeting of the Perth City Development Board, held in Perth Theatre on Tuesday 14 November 2017 at 4.30pm.

Present: J Bullough, SCAA (Chair)
Councillor I Campbell
Ms B Malone, Perth and Kinross Council
Mr J Valentine, Perth and Kinross Council
Mr K Bazley, Scottish Enterprise (substituting for Dr E Mitchell)
Mr M Beale, Algo (Blairgowrie) Ltd
Ms M Cook, Perth College UHI
Ms D Fuge, Perth Traders' Association
Mr G Gibbons, Horsecross Arts Ltd
Mr K Greenhorn, SSE Enterprise
Dr T Ryan, Perthshire Photographic Society and Perthshire Society of Natural Sciences
Mr D Robertson, Stagecoach East Scotland
Mr D Ross, Kilmac Construction
Mr M Stuart, The Sandeman

In Attendance: D Bradley, Scotrail
M Evans, The Retail Group
T Flanagan, Perth and Kinross Council
J Howarth, Perth College UHI
D Littlejohn, Tay Cities Deal
J McCrone, Perth and Kinross Council
K Molley, Perth and Kinross Council
D Williams, Perth and Kinross Council

Apologies: Councillor P Barrett
Councillor D Doogan
Councillor S McCole
Councillor C Stewart
Mr J Fyffe, Perth and Kinross Council
Ms M Crockart, Aviva
Mr C Kinnoull, Culture Perth and Kinross
Dr E Mitchell, Scottish Enterprise
Mr G Ruddock, Giraffe
Mr M Robinson, Live Active Leisure
Mr S Stewart, Perthshire Chamber of Commerce
Mr M Stuart, The Sandeman
Ms V Unite, Perthshire Chamber of Commerce

J Bullough, Chair, Presiding.

1. WELCOME AND INTRODUCTIONS

J Bullough, Chairman, Perth City Development Board, welcomed all present to the meeting, and apologies were noted as above.

Prior to the commencement of the meeting, J Bullough paid tribute to former Chair of the Tay and Earn Trust, David Clarke, who led on much of the activity relating to regeneration of the Tay and who had sadly recently passed away. J Bullough expressed his gratitude for D Clarke's work, and had passed on best wishes to Mrs Clarke on behalf of the Board.

It was noted that S Roue, Scone Palace, would be leaving the board on maternity leave, and would be replaced by S Branigan.

It was agreed that Councillor M Lyle, Perth and Kinross Council, would attend future meetings of the Board as an observer.

2. DECLARATIONS OF INTEREST

There were no declarations of interest in any item on the agenda.

The Chair reminded private sector members to complete their registers of interests and short biographies and send them to Committee@pkc.gov.uk.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Perth City Development Board of 5 September 2017 was submitted and approved as a correct record.

4. MATTERS ARISING

There were no matters arising.

5. CITY OF KNOWLEDGE AND LEARNING, PERTH COLLEGE UHI

M Cook, Principal, Perth College UHI, delivered a slide based presentation on the City of Knowledge and Learning, Perth College UHI.

The presentation covered the following topics:

- Summary of student numbers;
- Employment opportunities for College leavers;
- Partnership working;
- Knowledge economy/innovation;
- International work.

M Cook added that added that student figures were liable to change, with variables such as January intake. She added that partnership working helped

to offer further positive destinations for students, and highlighted that international students attending UHI would be based in Perth.

The Chairman observed that Perth College UHI offered education through from school-leavers to PhD, and asked M Cook how unique this was. M Cook responded that Perth College UHI was the only education institute in Scotland to offer this, and informed the Chair that further work was taking place around the marketing of this.

In response to a query from T Flanagan, Perth and Kinross Council, of any possible economic impact for the area, M Cook informed members that Perth College UHI were collaborating with other universities as part of the Tay cities deal to grow key sectors and had engaged with private investors to support investment in new student accommodation in the city centre..

6. SCOTRAIL TRAVEL PLAN

D Bradley, Transport Integration Manager, ScotRail, delivered a slide based presentation on the ScotRail Travel Plan.

The presentation covered the following topics:

- A background to the ScotRail Franchise;
- The key commitments of Abellio ScotRail;
- The new Hitachi trains and refurbished inter-city trains;
- Perth in a rail context, highlighting the importance of at the centre of an inter-city network;
- 'Revolution in Rail' and key benefits for Perth;
- Perth Station improvements;
- Perth Station travel plan and key issues identified in the plan.

D Bradley added that, with regards to 'Revolution in Rail', that there would be an hourly service on the Perth to Inverness line and that smaller stations around Perth would begin to get hourly services. D Bradley also mentioned the scope for current retail opportunities at Perth Station, highlighting the recently redeveloped café at the station as a starting point.

In response to a query from the Chair regarding broader rail transport infrastructure improvements to improve Perth Station and services from Perth Station to Edinburgh, J McCrone, Perth and Kinross Council, responded that this was being considered as part of Tay Cities deal investment and collaboration with Network Rail. In response to a further question from the Chair, D Bradley informed members that ScotRail's focus was more upon providing service, whereas infrastructure lay with Network Rail.

In response to a query from M Beale, Algo (Blairgowrie) Ltd., regarding the timescale for the Travel Plan, D Bradley informed members that ScotRail were contracted to put together the business case for Perth Station redevelopment. D Bradley added that the train aspect was scheduled for late 2018-early 2019, and that there was funding available for immediate

improvements to Perth Station. J Valentine, Depute Chief Executive, Perth and Kinross Council, added that the Government had committed to a programme for investment in rail networks, and franchised operators to increase capacity.

MEMBERS AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT

7. TAY CITIES DEAL UPDATE

D Littlejohn, Tay Cities Deal, delivered a verbal update to the Board on the Tay Cities Deal.

D Littlejohn informed members that negotiations were continuing with UK and Scottish Governments on the terms of the deal. D Littlejohn highlighted the importance of creating more high value jobs, increasing productivity and reducing inequality in the region. D Littlejohn also highlighted the importance of infrastructure allowing access to jobs.

D Littlejohn informed members that 5 out of 7 challenge workshops with civil servants from both UK and Scottish governments had been completed. He added that it was hoped that a deal would be reached with UK and Scottish Government by March 2018.

D LITTLEJOHN AND B MALONE LEFT THE MEETING AT THIS POINT

8. FUTURE TARGET CUSTOMERS AND OCCUPIERS

M Evans, Director, The Retail Group, delivered a slide based presentation on future target customers and occupiers in Perth city centre.

The presentation covered the following topics:

- The resident catchment of Perth and catchment profile;
- Expenditure patterns;
- Street survey responses;
- Operator survey responses;
- Stakeholder priorities;
- Perth's current retail offer;
- Current retail trends and landscape;
- Indicative target operators;
- Target location opportunities;
- Potential expansion zones/areas.

M Evans highlighted that a wide range of research had been undertaken in its study of Perth, including that of the public, more than 70 traders, and The Retail Group's own critique of Perth city centre. M Evans also noted that retail had been explored in a wider sense, and both tourism and student numbers were increasing in Perth, and highlighted the importance of easier access to the city centre.

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M Evans highlighted Perth's existing retail offer, and that market and customer profiles survey results indicated potential for investment and existing operators and key stakeholders support for further retail in the city centre. M Evans further highlighted the need for further improvements to accessibility and opportunities for collaboration to secure investment in key sites within the city.

J HOWARTH LEFT THE MEETING AT THIS POINT

In response to a query from J Bullough, M Evans highlighted how the building of a new theatre in Aylesbury, of similar catchment to Perth, had facilitated retail opportunity and noted other examples of how cultural investment can drive footfall.

J Valentine added that the Perth City Plan, included cultural investment within key themes to support the city centre and visitor economy and had supported the redeveloped Perth Theatre and its links with the city centre and public realm improvement.

J McCrone advised that the purpose of the study was to create a framework, to support marketing and promotion and further encourage partnership working and collaboration in investment between the public and private sector.

COUNCILLOR CAMPBELL, D BRADLEY AND M EVANS LEFT THE MEETING AT THIS POINT

9. PERTH CITY PLAN DELIVERY – PROGRESS

There was submitted a report by the Chairman (G/17/193) updating the Board on the delivery of the Perth City Plan in respect of the key themes and associated Big Moves.

With regards to Economic Prosperity and Enterprise, J Bullough informed members that the Story of Place Board had now been established by S Stewart, and S Merone, Perth and Kinross Council, had been nominated as project manager. J Bullough added that there was a workshop scheduled for 18 December 2017, and a report would be submitted to the Perth City Development Board in 2018.

The Chair informed members that there was an opportunity to review progress on the delivery of the Plan and the Board's role in supporting this. Previous review and development work had been assisted Yellow Book. Members agreed to hold a workshop early in 2018, and J Valentine informed members that this workshop should be left until the budgets for the Tay Cities Deal and Perth and Kinross Council had been established.

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Resolved:

The progress in respect of the delivery of the Perth City Plan, be noted and the scope and methodology of a review be considered at the next Board meeting. **Action J Bullough**

10. ANY OTHER COMPETENT BUSINESS

There was no other competent business.

11. DATE OF NEXT MEETING

The date of next meeting still to be confirmed, and members will be notified in due course.

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## **SCRUTINY COMMITTEE**

Minute of meeting of the Scrutiny Committee held in the Council Chamber, 2 High Street, Perth on Wednesday 6 February 2019 at 2.25pm.

Present: Councillors G Laing, A Parrott, H Coates, M Barnacle, D Doogan, D Illingworth, R McCall (substituting for Councillor C Ahern), T McEwan, C Purves and C Stewart.

In Attendance: K McNamara, Depute Director (Housing and Environment); J Pepper, Depute Director (Education and Children's Services); R Hill and J Chiles (both Education and Children's Services); L Simpson, L Gowans, D McPhee, S Munro and D Williams (all Corporate and Democratic Services).

Apologies: Councillor C Ahern.

Councillor G Laing, Convener, Presiding.

### **66. WELCOME AND APOLOGIES**

The Convener welcomed all those present to the meeting and apologies were noted as above.

### **67. DECLARATIONS OF INTEREST**

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

### **68. MINUTE OF THE MEETING OF THE SCRUTINY COMMITTEE OF 28 NOVEMBER 2018**

The minute of meeting of the Scrutiny Committee of 28 November 2018 (Arts. 688-698) was submitted, approved as a correct record and authorised for signature.

### **69. EDUCATION AND CHILDREN'S SERVICES SIX MONTH PERFORMANCE SUMMARY 2018**

There was submitted a report by the Executive Director (Education and Children's Services) (19/32) reviewing the performance of the Education and Children's Services against its Business Management and Improvement Plan (BMIP) for the period 1 April 2018 to 30 September 2018.

In response to a query from Councillor Stewart regarding the number of subjects available to students in S4 and S5, R Hill, Education and Children's Services, informed members that a wide range of subjects were available to students, but was dependent upon the school. In response to a further query from Councillor Stewart, R Hill advised that digital learning was in process.

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In response to a query from Councillor Laing regarding resources of adult volunteers for the Duke of Edinburgh Awards, R Hill informed members that there was room for more participants in the Duke of Edinburgh Awards, and that the issue of recruiting adult volunteers would be addressed.

**Resolved:**

The contents of Report 19/32, be noted.

J PEPPER, R HILL AND J CHILES ALL LEFT THE MEETING AT THIS POINT.

**70. EQUALITIES PERFORMANCE REPORT 2017/18**

There was submitted a report by the Depute Chief Executive, Chief Operating Officer (18/414) seeking scrutiny and comment on the Equalities Report 2017/18.

In response to a query from Councillor Illingworth regarding Interpreting services in Perth and Kinross, D McPhee, Corporate and Democratic Services, advised that close work was being undertaken with Partners to provide Interpreting services.

In response to a query from Councillor McCall regarding Sign Language provision, D McPhee informed members that a Sign Language programme is being rolled out and emphasised the importance of maintaining positive progress in this regard.

**Resolved:**

The contents of Report 18/253, be noted.

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PERTH AND KINROSS COUNCIL

27 February 2019

TREASURY ACTIVITY AND COMPLIANCE REPORT – 2018/19 QUARTER 3

Report by the Head of Finance (Report No. 19/58)

PURPOSE OF REPORT

The purpose of this report is to provide a summary of Loans Fund transactions for the quarter ending 31st December 2018 and to report on compliance with the Council's Treasury Management Policy Statement (TMPS); Treasury Management Practices (TMPs); and the Investment Strategy.

1. BACKGROUND / MAIN ISSUES

- 1.1 Treasury Management Practice 6 (TMP 6 - Reporting Requirements & Management Information Arrangements) requires that Loans Fund borrowing and lending activities are reported quarterly to the Council. This report covers the third quarter of the financial year for the period from 1 October to 31st December 2018. TMP 6 also requires that compliance with the approved TMPs, Treasury Policies and Investment Strategy are reported quarterly and this report also covers compliance for the period.

2. ECONOMIC BACKGROUND

- 2.1 The Bank of England Monetary Policy Committee (MPC) made no change to the bank rate of 0.75% or the quantitative easing (QE) programme of £435bn during the quarter. The global outlook for economic growth has declined, with increased downside risks to growth. Declining oil prices mean that UK CPI inflation is forecast to fall below 2%. Brexit uncertainties have also intensified, giving added volatility to the UK financial markets. UK equity prices have fallen and Sterling has depreciated further, however they remain subject to continuing volatility. All these factors contributed to the MPC not increasing the bank rate during the quarter.
- 2.2 In the UK the rate of inflation (Consumer Price Index) reduced over the quarter from 2.4% in October to 2.1% in December 2018. During the quarter, unemployment remained near to the lowest levels since the 1970's. At the same time, wages continued to grow and remained above the rate of Inflation. Gross Domestic Product (GDP) economic growth in the UK increased by 0.3% in the three months to November, however this was lower than the 0.4% in the three months to October. Retail sales over the whole quarter fell by 0.2%, therefore putting further pressure on economic growth.

- 2.3 Internationally, Eurozone GDP growth was 0.2% in the quarter to September 2018, whilst inflation fell to 1.6% in December 2018. This was mainly as a result of reduced costs of energy and food. EU unemployment for the whole economic area was 6.7% in November 2018, which was unchanged from the previous month.
- 2.4 In the US, the Federal Reserve increased interest rates to between 2.25% and 2.50% in December 2018. This rise was due to a strong labour market and economic growth. The economy grew by 3.4% on an annual basis over the third quarter, however this was lower than the previous quarter and attributed to reduced personal spending and a reduction in net trade. Economic growth in the US is expected to slow further in 2019, and therefore fewer interest rate rises are projected.
- 2.5 The Public Works Loan Board's (PWLB) Certainty fixed interest rates, which are based on yields on UK gilts, are shown in the graph at Appendix I. The rates decreased over the quarter, however they were subject to increased volatility during the period. This was particularly evident around the time of the Brexit debate in Parliament during December.

3. TREASURY ACTIVITY

- 3.1 A summary of the Council's treasury position and transactions is shown at Appendix II. The main activities are detailed below.
- 3.2 There was one long term fixed rate PWLB maturity loan borrowed in the quarter. As a result of the falls in UK gilts yields in December, £10M was borrowed as part of the required funding of the ongoing Capital Programme. The loan was borrowed on 13 December 2018 for a period of 49 years and at an interest rate of 2.38%. In addition, on the 23 October 2018 there was a scheduled repayment of a maturing £5M PWLB fixed rate loan. The loan was originally borrowed for 9.5 years at a rate of 3.31%.
- 3.3 Therefore, the Council's total long-term debt increased by a net £5M from £359M to £364M over the quarter, whilst the average interest rate on the debt fell from 3.28% to 3.26%. This reduction in the average interest rate equates to savings in interest of £73,000 per annum.
- 3.4 The Council made use of short term temporary borrowing to meet cashflow requirements, and there were 3 short term market loans borrowed in the quarter. The average amount was £3.66M, for an average period of 40 days and at an average interest rate of 0.71%. These were required to cover short-term cashflow requirements. There were no short term market loans outstanding at 31 December 2018.
- 3.5 Common Good and Charitable Funds held on fixed deposit within the Loans Fund remained at around £2.1M. The average interest rate paid on these funds increased from 1.00% to 1.02% reflecting the increase in the base rate in the previous quarter and the reinvestment for longer periods. Funds held from associated bodies and organisations reduced to £2.1M over the quarter, in line with their own cash flow requirements. The average rate paid on these funds reduced from 0.17% to 0.10% as the balance on one temporary loan reduced, thus attracting a lower rate of interest.

- 3.6 In line with the Council's approved Investment Strategy and Permitted Investments, short term cashflow surpluses were invested in a mixture of fixed term investments, instant access accounts, notice accounts and money market funds.
- 3.7 For fixed term investments, due to cashflow requirements over the quarter, the amount of fixed deposits undertaken reduced. However, for the fixed deposits that were undertaken, the average investment period rose to 171 days from the previous quarter's average of 132 days. In addition, the average rate achieved increased to 0.97%, from 0.90% in the previous quarter, reflecting the higher bank rate and longer investment period in the quarter.
- 3.8 In line with the daily cashflow liquidity requirements, most of the investment transactions in the quarter were through the Council's instant access, notice deposit accounts and money market funds. The daily average over the quarter was £5.4M, compared to £4.1M in the last quarter, reflecting the need for increased liquidity in the Council's portfolio. The average interest rate achieved on these accounts over the quarter increased from 0.64% to 0.75%, reflecting the impact of the Base Rate increase in August. All of the above investment activities are consistent with the Council's current investment strategy and cashflow requirements.
- 3.9 The total amount of investments outstanding at the end of the quarter decreased, closing at £44.4M compared with £61M at the end of the last quarter. This decrease can be attributed to routine expenditure despite the increase in long term debt as outlined in Section 3.3. The overall average rate of interest earned on the investments outstanding at the end of the quarter increased to 0.94% from 0.79% in the previous quarter.

4. COMPLIANCE

- 4.1 For the quarter ending 31 December 2018, there were no breaches in compliance with the Council's approved Treasury Management Policy Statement, Treasury Management Practices (TMPs) or lending limits as detailed in TMP4 (Approved Instruments, Methods & Techniques).
- 4.2 TMP4 also requires that a working list of specific approved counterparties (including lending limits) is maintained by the Head of Finance and continuously reviewed and updated for any movements in credit ratings, Credit Default Swap (CDS) prices and other factors including press coverage of emerging issues. The Council's Treasury advisor's (Link Asset Services) suggested maximum lending period for each counterparty is also included within the Council's approved lending policy. Appendix III shows the list of approved counterparties, based on the current lending policy, as at February 2019.
- 4.3 A further requirement of TMP4 is to measure cashflow performance, which is expressed as the average closing cleared bank balance for the period. For the quarter ending 31 December 2018 the average closing cleared bank balance was £14,845.75 in credit. This is within the set target range of £50,000 (debit or credit).

5. INVESTMENT STRATEGY COMPLIANCE AND PERFORMANCE

- 5.1 The Treasury Investment Strategy for 2018/19 approved by the Council at its meeting on 7 March 2018 (Report No. 18/67 refers) sought to ensure security over principal sums invested, whilst obtaining optimum returns consistent with this approach. Therefore, the only Permitted Investments are in low risk organisations. The limits for each Permitted Investment and individual counterparty ensure a spread of investments, thereby also spreading any risk. The Council needs to ensure sufficient liquidity at all times to meet its obligations as they fall due and consequently investments must be made in accordance with cashflow requirements. The approved Strategy was based on the assumption that the level of investments would increase in the first half of the year, however, they were not expected to exceed £70,000,000 unless new borrowing was undertaken early in the year.
- 5.2 The level of investments peaked at £81.5M on 17 October 2018. This peak was a result of several factors, including the mid-month receipt of grant, subsidies and non-domestic rates income, and the short term borrowing undertaken in lieu of requirements later in the month. Consequently, the balance outstanding reduced to £49.5M by 31 October 2018. The average daily investment balance over the quarter was £60.1M, which has increased from the average of £56.7M in the previous quarter and increased from £49.4M in the same quarter of last year.
- 5.3 The Investment Strategy was applied in full over the quarter with no breaches in compliance with treasury limits, whilst liquidity was maintained by the use of instant access accounts, notice accounts and money market funds as detailed in Section 3 above.
- 5.4 There were no other risks identified, nor borrowing in advance of need undertaken, in the quarter.
- 5.5 The Investment Strategy also incorporates investments held by the Common Good Funds. All such investments during the quarter were in line with the approved Strategy. The only Council funds held by external fund managers relate to Council administered Charitable Trusts and which are, therefore, not covered by this Investment Strategy.
- 5.6 The Annual Property Investment Strategy for 2018/19 was also approved by the Council at its meeting on the 7 March 2018 (Report No. 18/67 refers) and has been complied with in full, with no breaches in compliance with Permitted Investment limits.
- 5.7 The budgeted income for 2018/19 for Commercial Property investments was originally projected to be £1,707,000 and was subsequently increased to £1,717,068. Projections for 2018/19 have been obtained from the Concerto Corporate Property system, and the latest forecast remains unchanged from the last quarter at £1,867,068, including additional rental income from sub-letting.
- 5.8 There were neither additional risks identified nor new property investments entered into during the quarter. The Strategy action plan for the rationalisation of the commercial property portfolio remains on programme.

6. PRUDENTIAL INDICATORS

- 6.1 New Prudential Indicators are to be considered under a separate report to this meeting of the Council as part of the Treasury & Investment Strategy and Prudential Indicators 2019/20 to 2028/29 report. This includes an update on the Prudential Indicators for the current year. The new indicators, once approved, will continue to be monitored in the next Quarterly report.

7. CONCLUSION AND RECOMMENDATIONS

- 7.1 UK GDP grew by 0.3% in the three months to November, whilst CPI inflation reduced to 2.1% over the quarter. Unemployment levels remained at 4.1%, whilst average earnings remained above inflation for the quarter. The Bank of England's Monetary Policy Committee made no change to the Bank Rate of 0.75%.
- 7.2 Activities during the quarter included new long-term PWLB borrowing, a scheduled repayment of a PWLB loan, as well as short term borrowing. Investment of short term surplus cashflows consisted of a reduced level of fixed investments, whilst instant access, notice accounts and money market funds were used to meet short term liquidity requirements. The level of investments decreased over the quarter in line with expectations.
- 7.3 The Council adhered to its Investment Strategy and policies throughout the quarter, with no breaches in compliance.
- 7.4 It is recommended that the Council notes the content of this report, which is submitted in accordance with the Council's approved Treasury Management Practices.

Author(s)

Name	Designation	Contact Details
John Jennings	Senior Accountant	CHXFinance@pkc.gov.uk

Approved

Name	Designation	Date
Stewart MacKenzie	Head of Finance	13 February 2019
Jim Valentine	Depute Chief Executive (Chief Operating Officer)	13 February 2019

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All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	None
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Corporate Plan

1.1 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

1.2 This report relates to all of these objectives.

2. Resource Implications

Financial

2.1 There are no direct financial implications arising from this report other than those reported within the body of the main report.

Workforce

- 2.2 There are no direct workforce implications arising from this report.

Asset Management (land, property, IT)

- 2.3 There are no direct asset management implications arising from this report other than those reported within the body of the main report.

3 Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The information contained within this report has been considered under the Corporate Equalities Impact Assessment process (EqIA) and has been assessed as **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.6 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

4. Consultation

- 4.1 The Chief Executive, and the Council's Treasury advisors, Link Asset Services, have been consulted in the preparation of this report.

2. BACKGROUND PAPERS

- 2.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

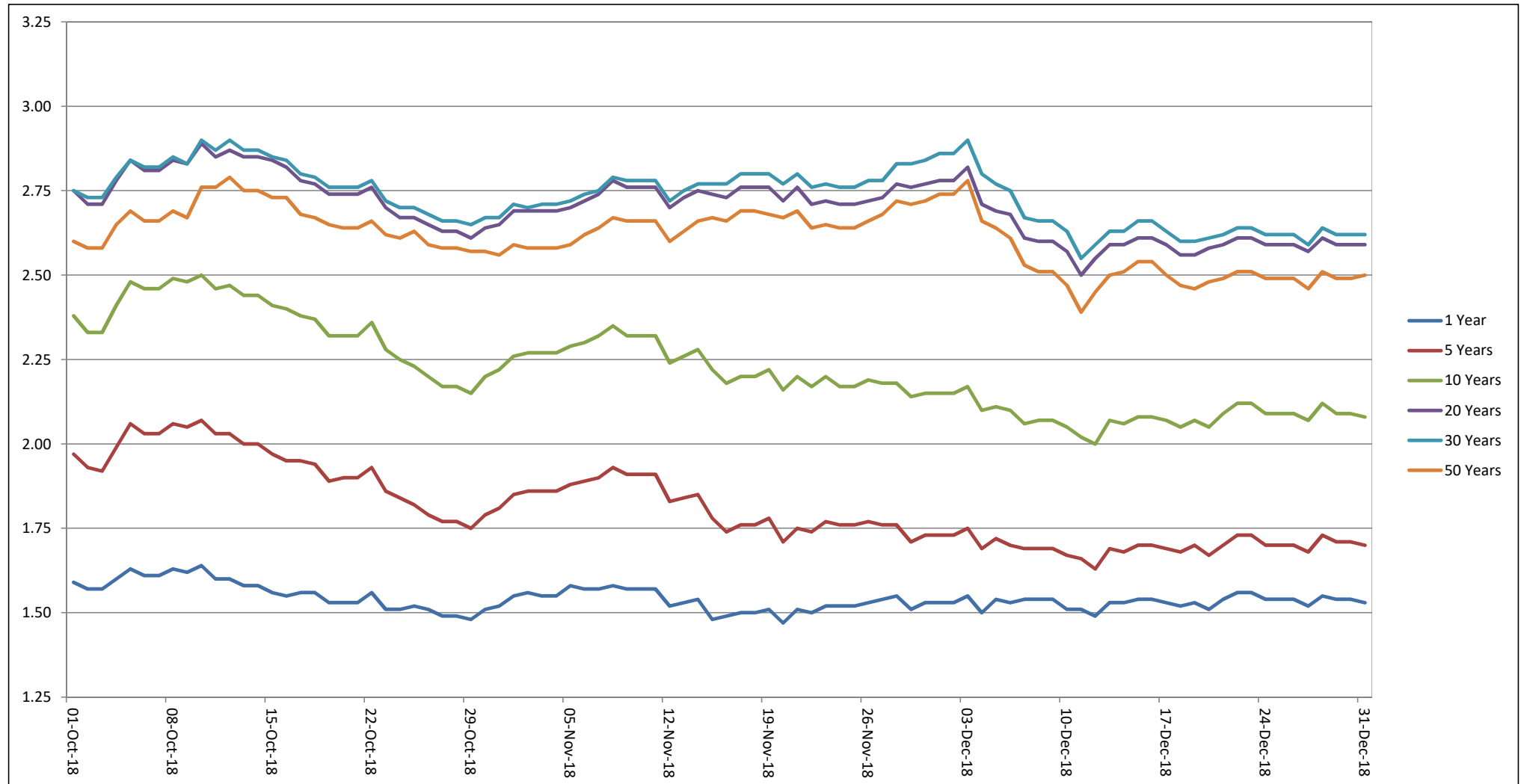
3. APPENDICES

Appendix I – PWLB Fixed Maturity Interest Rates from 1 October to 31 December 2018.

Appendix II – Summary of the Treasury Position and Transactions from 1 October to 31 December 2018.

Appendix III – Approved Investment Counterparty List.

**PWLB Fixed Maturity Interest Rates
From 1st October to 31st December 2018
(Certainty Rate)**



**SUMMARY OF THE TREASURY POSITION AND TRANSACTIONS
FROM 1 OCTOBER TO 31 DECEMBER 2018**

APPENDIX II

5

1 LONG TERM BORROWING

(a) Long Term Borrowing 1st October to 31st December 2018

	<u>No.</u>	<u>Average Rate (%)</u>	<u>Average Life (years)</u>	<u>Amount (£)</u>
PWLB - Maturity Loans	1	2.38%	49.0	10,000,000
	<u>1</u>	<u>2.38%</u>	<u>0.0</u>	<u>10,000,000</u>

(b) Long Term Debt Repayments 1st October to 31st December 2018

	<u>No.</u>	<u>Average Rate (%)</u>	<u>Amount (£)</u>
PWLB - Maturity Loan - Scheduled Repayments	1	3.31%	5,000,000
	<u>1</u>	<u>3.31%</u>	<u>5,000,000</u>

(c) Long Term Debt Outstanding

	<u>Outstanding 30-Sep-18 £</u>	<u>Average Rate</u>	<u>Outstanding 31-Dec-18 £</u>	<u>Average Rate</u>
Public Works Loan Board	315,000,000	3.11%	320,000,000	3.09%
Money Market Loans (LOBO's)	43,200,000	4.59%	43,200,000	4.59%
Other Long Term Debt	463,779	0.00%	463,779	0.00%
TOTAL	<u>358,663,779</u>	<u>3.28%</u>	<u>363,663,779</u>	<u>3.26%</u>

2 SHORT TERM BORROWING

(a) Short Term Market Borrowing - 1st October to 31st December 2018

	<u>No.</u>	<u>Average Amount (£)</u>	<u>Average Rate (%)</u>	<u>Average Term (Days)</u>	<u>Interest (£)</u>
Other Local Authorities	3	3,666,667	0.71%	40	8,580.82
	<u>3</u>	<u>3,666,667</u>	<u>0.71%</u>	<u>40</u>	<u>8,580.82</u>

(b) Short Term Borrowing Outstanding

	<u>Outstanding 30-Sep-18 £</u>	<u>Average Rate</u>	<u>Outstanding 31-Dec-18 £</u>	<u>Average Rate</u>
Market Borrowing	20,000,000	0.78%	0	0.00%
Common Good and Charitable Funds	2,198,841	1.00%	2,123,841	1.02%
Local Trusts & Investors	2,461,872	0.17%	2,132,695	0.10%
TOTAL	<u>24,660,713</u>	<u>0.74%</u>	<u>4,256,536</u>	<u>0.56%</u>

**SUMMARY OF THE TREASURY POSITION AND TRANSACTIONS
FROM 1 OCTOBER TO 31 DECEMBER 2018**

APPENDIX II

3 INVESTMENTS

(a) Investment Transactions - 1st October to 31st December 2018

<u>Fixed Deposits & Investments</u>	<u>No.</u>	<u>Average Amount (£)</u>	<u>Average Rate (%)</u>	<u>Average Term (Days)</u>	<u>Total Interest (£)</u>
Banks	5	2,620,000	0.99%	189	70,136.22
Foreign Banks and Institutions	1	3,000,000	0.90%	92	6,805.48
	<u>6</u>	<u>2,683,333</u>	<u>0.97%</u>	<u>171</u>	<u>76,941.70</u>

<u>Instant/Notice Accounts & Money Market Funds</u>	<u>Average Amount (£)</u>	<u>Average Rate (%)</u>	<u>Total Interest (£)</u>
Instant Access/Notice accounts	1,411,577	0.83%	14,007.62
Money Market Funds	6,629,412	0.73%	27,218.13
	<u>5,443,540</u>	<u>0.75%</u>	<u>41,225.75</u>

(b) Investments Outstanding

	<u>Outstanding 30-Sep-18 £</u>	<u>Average Rate</u>	<u>Outstanding 31-Dec-18 £</u>	<u>Average Rate</u>
Banks	42,751,978	0.83%	34,703,975	0.97%
Foreign Banks and Institutions	8,657,037	0.71%	6,657,037	0.90%
Money Market Funds	9,575,000	0.70%	3,050,000	0.79%
Other Local Authorities	0	0.00%	0	0.00%
TOTAL	<u>60,984,015</u>	<u>0.79%</u>	<u>44,411,012</u>	<u>0.94%</u>

APPROVED INVESTMENT COUNTERPARTY LIST

	<u>Country</u>	<u>Fitch Credit Rating</u>	<u>CDS Range</u>	<u>Maximum Lending</u>	<u>Note (2)</u>
Category 1 - Principal UK Clearing Banks - max £20M per Counterparty					
(Minimum rating required Fitch A, F1)					
Bank of Scotland (RFB) (5)	UK	A+, F1	In range	12 months	£30million Group limit
Barclays Bank plc (RFB) (5)	UK	A, F1	In range	6 months	
Barclays Bank plc (NRFB) (5)	UK	A, F1	No data	6 months	
Close Brothers	UK	A, F1	No data	6 months	
Goldman Sachs International Bank	UK	A, F1	In range	6 months	
Handelsbanken plc	UK	AA, F1+	No data	12 months	
HSBC Bank plc (NRFB)	UK	AA-, F1+	In range	12 months	
HSBC Bank plc (RFB)	UK	AA-, F1+	No data	12 months	
Lloyds Bank Corporate Markets Plc (NRFB)	UK	A, F1	No data	6 months	£30million Group limit
Lloyds Banking Group plc (RFB)	UK	A+, F1	In range	12 months	£30million Group limit
Royal Bank of Scotland plc (RFB) (inc Nat West) (3) (4)	UK	A-, F2	Nationalised	12 months	Sovereign Rating AA
Santander UK plc (inc Cater Allen)	UK	A, F1	No data	12 months	
Standard Chartered Bank	UK	A+, F1	In range	6 months	
Sumitomo Mitsui Banking Corporation Europe	UK	A, F1	In range	6 months	
UBS Ltd	UK	AA-, F1+	In range	12 months	

Category 2 - Foreign Banks & Institutions - max £10M per Counterparty

(Minimum rating required Fitch A, F1)

Australia and New Zealand Banking Group Ltd	Aus	AA-, F1+	In range	12 months	
Commonwealth Bank of Australia	Aus	AA-, F1+	In range	12 months	
Macquarie Bank Ltd	Aus	A, F1	No data	6 months	
National Australia Bank Ltd	Aus	AA-, F1+	In range	12 months	
Westpac Banking Corporation	Aus	AA-, F1+	In range	12 months	
BNP Paribas Fortis Bank	Belgium	A+, F1	No data	1 month	Sovereign Rating AA-
KBC Bank	Belgium	A+, F1	No data	1 month	Sovereign Rating AA-
Bank of Montreal	Can	AA-, F1+	No data	12 months	
Bank of Nova Scotia	Can	AA-, F1+	No data	12 months	
Canadian Imperial Bank of Commerce	Can	AA-, F1+	No data	12 months	
National Bank of Canada	Can	A+, F1	No data	6 months	
Royal Bank of Canada	Can	AA, F1+	No data	12 months	
Toronto Dominion Bank	Can	AA-, F1+	No data	12 months	
Danske Bank	Denmark	A, F1	In range	6 months	
Nordea Bank Finland plc	Finland	AA-, F1+	No data	1 month	Sovereign Rating AA+
OP Corporate Bank (formerly Pohjola) (1)	Finland	AA-, A-1+	No data	1 month	Sovereign Rating AA+
BNP Paribas	France	A+, F1	In range	1 month	Sovereign Rating AA
Credit Agricole Corporate and Investment Bank	France	A+, F1	In range	1 month	Sovereign Rating AA
Credit Agricole SA	France	A+, F1	In range	1 month	Sovereign Rating AA
Credit Industriel et Commercial	France	A+, F1	No data	1 month	Sovereign Rating AA
Societe Generale	France	A, F1	In range	1 month	Sovereign Rating AA
DZ Bank AG	Germany	AA-, F1+	No data	12 months	
Landesbank Hessen-Thueringen Girozentral (Helaba)	Germany	A+, F1+	In range	12 months	
Landwirtschaftliche Rentenbank	Germany	AAA, F1+	No data	24 months	
NRW Bank	Germany	AAA, F1+	No data	24 months	
ABN AMRO Bank	Netherlands	A+, F1	No data	6 months	
Bank Nederlandse Gemeenten	Netherlands	AA+, F1+	No data	24 months	
Cooperatieve Rabobank	Netherlands	AA-, F1+	In range	12 Months	
ING Bank	Netherlands	A+, F1	In range	12 Months	
Nederlandse Waterschapsbank NV (1)	Netherlands	AAA, A-1+	No data	24 Months	
DBS Bank Limited	Singapore	AA-, F1+	No data	12 months	
Oversea Chinese Banking Corp Ltd	Singapore	AA-, F1+	No data	12 months	
United Overseas Bank Ltd	Singapore	AA-, F1+	No data	12 months	
Skandinaviska Enskilda Banken AB	Sweden	AA-, F1+	No data	12 months	
Svenska Handelsbanken AB	Sweden	AA, F1+	No data	12 months	
Swedbank AB	Sweden	AA-, F1+	No data	12 months	
Credit Suisse	Switzerland	A, F1	In range	6 months	
UBS AG	Switzerland	AA-, F1+	In range	12 months	
Bank of America, NA	USA	AA-, F1+	No data	12 months	
Bank of New York Mellon	USA	AA, F1+	No data	24 months	
Citibank, NA	USA	A+, F1	In range	12 months	
JP Morgan Chase Bank, NA	USA	AA, F1+	No data	12 months	
Wells Fargo Bank, NA	USA	AA-, F1+	In range	12 months	

APPROVED INVESTMENT COUNTERPARTY LIST

	<u>Country</u>	<u>Fitch Credit Rating</u>	<u>CDS Range</u>	<u>Maximum Lending</u>	<u>Note (2)</u>
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Category 3 - Subsidiary Banks & Building Societies - max £5M per Counterparty

(Minimum rating required Fitch A, F1)
(parent bank shown in brackets)

Subsidiary Banks

Cater Allen plc (unconditionally guaranteed by Santander UK plc)	UK	A, F1	No data	6 months
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Building Societies

Coventry Building Society	UK	A, F1	No data	6 months
Nationwide Building Society	UK	A, F1	No data	6 months

Category 4 - Other Local Authorities - max £10M per Counterparty

As arranged

Category 5 Money Market Funds - max £10M per Counterparty

(Minimum rating required Fitch AAA)

Aberdeen Standard Investments	UK	AAA
Aviva Investors Liquidity Fund	UK	AAA
Federated Sterling Liquidity Fund (Class 3)	UK	AAA
Insight Sterling Liquidity Fund (Class 5)	UK	AAA
Deutsche Bank Sterling Fund	UK	AAA
BNP Paribas	UK	AAA

Note:

- (1) - Standard & Poor's credit ratings shown, as no Fitch credit rating available
- (2) - All Sovereign credit ratings for above Countries are AAA, unless stated otherwise.
- (3) - Banks are part/majority owned by the UK government
- (4) - UK Sovereign Rating is AA (Fitch and Standard & Poor's)
- (5) - NRFB = Non Ring Fenced Bank, RFB = Ring Fenced Bank

Last Updated: 13-Feb-19

PERTH AND KINROSS COUNCIL

27 February 2019

TREASURY & INVESTMENT STRATEGY and PRUDENTIAL INDICATORS 2019/20 – 2028/29

Report by the Head of Finance (Report No. 19/59)

PURPOSE OF REPORT

This report details the Council's proposed Treasury Strategy and activities for 2019/20 to 2028/29 and the Investment & Property Strategy for 2019/20.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Treasury and Investment Strategy details the expected activities of the treasury function for the relevant financial years. Its submission to the Council is a requirement of the Council's approved Treasury Management Practices (TMPs) and is also a requirement under the CIPFA Code of Practice for Treasury Management. The Investment Strategy details the Permitted Investments of the Council, and outlines the risks associated with the expected investment activities. The submission of an annual Investment Strategy is a requirement of the Local Government Investments (Scotland) Regulations 2010.
- 1.2 In determining the Treasury Strategy, the Council is required to review its Prudential Indicators. The Council approved its 10-year Composite Capital Budget for the period to 2028/29 at its meeting on 20 February 2019. Therefore, the new Prudential Indicators for the 10 years 2019/20 to 2028/29 are based on the approved Capital Budget.
- 1.3 The proposed strategy for the financial years 2019/20 to 2028/29 in respect of the treasury management function covers:
 - The current Treasury position
 - Prospects for interest rates
 - Capital requirements and the borrowing strategy 2019/20 to 2028/29
 - The Investment Strategy 2019/20
 - Investment properties 2019/20
 - Debt rescheduling opportunities
 - The Prudential Code
 - Prudential Indicators 2019/20 to 2028/29

2. THE CURRENT TREASURY POSITION

- 2.1 In order to put the proposed treasury strategy into context, the Council's treasury position as at 31st January 2019 is shown below:

		<u>PRINCIPAL AMOUNT (£million)</u>	<u>AVERAGE RATE (%)</u>
Fixed Rate	<ul style="list-style-type: none"> Public Works Loan Board (PWLB) Market Bonds 	320.0 <u>0.5</u> 320.5	3.09 <u>0.00</u> 3.08
Variable Rate	<ul style="list-style-type: none"> Market Bonds Local Loans 	43.2 <u>4.1</u> 47.3	4.59 <u>0.58</u> 4.24
TOTAL GROSS DEBT		367.8	3.23
TOTAL SHORT TERM MARKET INVESTMENTS		47.6	0.99
TOTAL NET DEBT		320.2	3.57

- 2.2 The projected Borrowing Requirement for each of the next ten years, which is a significant determinant of treasury activity, is summarised below. This reflects the approved capital expenditure within the Council's Composite and Housing Capital Investment Budgets which is to be funded by new borrowing. The Borrowing Requirement also takes into account maturing debt requiring to be refinanced, less an annual amount charged (amortised) to the Revenue Budget (to ensure the total debt on the ongoing programme matches the remaining useful life of the underlying assets).

£'M	2019/20	2020/21	2021/22	2022/23	2023/24	2024-2029	Total
Borrowing Requirement	44.2	77.0	91.2	102.1	52.5	103.9	470.9

- 2.3 The above figures are based on the provisional Composite Capital Budget for 2019/20 to 2028/29 considered by the Council on 20 February 2019 (report 19/47 refers), and the Housing Revenue Account Capital Investment Programme for 2019/20 to 2023/24 approved by the Housing & Communities Committee on 23 January 2019 (report 19/12 refers). As the Housing Capital Investment Programme covers a shorter time period than the Composite Programme, Housing estimates have been included for the years to 2028/29 in order to ensure the time periods match.
- 2.4 The above figures do not take account of the estimated annual borrowing requirement carried-forward between years in order to match cashflow requirements. However, they do highlight the front loading of much of the borrowing requirement in the 10 year programme to earlier years to finance major capital projects such as the Cross Tay Link Road and the replacement of Perth High School.

3. PROSPECTS FOR INTEREST RATES

- 3.1 The Council's treasury adviser, Link Asset Services Ltd, assists the Council in formulating a view on interest rates. Appendix I shows forecasts of the Bank Base Rate (or short-term/variable rates) and longer-term fixed interest rates, whilst Appendix II shows the forecast in graphical form.
- 3.2 The Monetary Policy Committee (MPC) increased the Bank Rate to 0.75% in August 2018 and indicated that further increases would be likely over the following 2 year period in order to manage anticipated inflationary pressures from projected economic and wage growth. However, against this, there remains significant uncertainty over the UK economy as the UK negotiates its departure from the EU. This is particularly the case whilst the prospect of leaving with "no deal" has perceived to have increased. This could delay any further increases in interest rates, or even lead to a reduction. The forecast at Appendix I is, however, based on the MPC's forward guidance and the assumption that the UK has an "orderly" departure from the EU.
- 3.3 The above forecasts will be liable to further amendment as economic data and developments in financial markets transpire over the next year. Political developments, especially due to Brexit, as well as in the US and China, could also have a major impact. Such issues have become unpredictable and have resulted in increased volatility in financial markets in recent years.
- 3.4 The Council's borrowing costs are largely determined by the Public Works Loan Board's (PWLB) rates, which in turn are determined by the yield on UK Government gilts. The underlying longer term forecast remains for gilt yields (and PWLB rates) to rise gently. Recent increases in US interest rates and the decision of the Federal Reserve to reduce its quantitative easing programme has had an upward influence on yields. Reducing quantitative easing in the UK would also lead to yields rising, however, the timing remains unknown. This has been countered by reduced economic growth and economic and political uncertainties, particularly in the UK, US, China and Europe.
- 3.5 All of the above factors indicate that longer term rates will remain relatively low over the next year, and follow a rising trend in subsequent years. There are, however, significant uncertainties in the coming years which could impact upon the timing and pace of future interest rate movements.

4. CAPITAL REQUIREMENTS AND BORROWING STRATEGY

- 4.1 Interest rate forecasts throughout the period covered by the 10 year Capital Programme must be considered, particularly when determining the most appropriate new borrowing. This is particularly the case as the Council has approved a Borrowing Requirement in recent years which is larger than historic levels, much of which is required in the earlier years of the 10-year programme. The Treasury Strategy approved by the Council on 7 March 2018 (report 18/67 refers) was to undertake borrowing in the low interest rate environment. The current interest rate forecast indicates that the present period of low interest rates and volatility is likely to continue during 2019, but with rates gradually increasing in subsequent years.

- 4.2 Therefore, it is anticipated that opportunities for new borrowing at low rates will continue in the coming year. The forecasts also show that short term borrowing will continue to be cheaper than longer term borrowing. However, consideration will be given to longer term borrowing to make longer term savings and reduce the refinancing risk in later years.
- 4.3 This strategy will be continuously reviewed, including accelerating longer term borrowing to meet future requirements should rates start to increase faster than forecast. This additional flexibility to borrow in advance of need is permissible, where it can be shown to be cost-effective, but must be considered in conjunction with the associated additional risks and low returns of the resultant increase in short term investments. Alternatively, some of the current long term borrowing requirement may be delayed if rates stay low, with short term temporary borrowing used to meet immediate cashflow requirements.
- 4.4 Other appropriate market instruments may offer favourable rates in comparison to the Public Works Loan Board (PWLb), and may be used where appropriate.
- 4.5 The Council's Treasury Strategy is based on being "risk-aware" and the Council will actively seek to manage its treasury risks. Any changes in the Council's borrowing position will be reported to the Council at the next available meeting as part of the Quarterly Treasury Activities and Compliance report.
- 4.6 As with any forecast, the above interest rate expectations are subject to variation. The main sensitivities of the above forecast are likely to be as follows:
- An unexpected further fall in long term rates which, for example, could occur if economic growth or inflation fell significantly from their current levels. Further, a "disorderly Brexit" could cause rates to fall, as financial markets anticipate this would lead to economic disruption and act as a restraint to economic growth. Other political risks, particularly in America and China, could also contribute to downward pressure on rates. In this scenario, long-term borrowing would be deferred until rates were anticipated to have troughed, with short term borrowing used to meet immediate requirements.
 - An unexpected sharp rise in both long and short term rates which could occur if, for example, economic growth increased significantly, or if inflation continued to increase, thus bringing forward increases in the Bank Rate. Further, a delay or revocation of Brexit could also lead to a sharp rise in interest rates by reducing any economic uncertainty in the UK. In addition, an unwinding of the quantitative easing programmes undertaken in recent years would also cause a sharper rise in rates. In this scenario, fixed rate funding would be considered during the year whilst rates were still relatively low, including the consideration of borrowing to meet future requirements.

- 4.7 The Prudential Code also requires authorities to detail their strategy on gross and net debt where there is a significant level of both investments and borrowing. It is not possible or desirable to have no investments at all, due to the daily variations in the Council's cashflow, or following the borrowing of long term debt. In addition, the level of investments may also increase where there are significant levels of Reserves. The Council's investments only arise from cashflow variations and will be maintained at a level consistent with an acceptable level of risk and subject to short-term variations.

5. INVESTMENT STRATEGY 2019/20

- 5.1 The requirement to set an annual Investment Strategy is determined by the Local Government Investments (Scotland) Regulations 2010. These requirements include specifying the Permitted Investments of the Council and setting an annual strategy, including identifying the risks associated with the strategy and the minimum reporting requirements.
- 5.2 The proposed Permitted Investments of the Council are shown at Appendix III. These reflect low risk investment products and, together with the application of the approved Lending & Investment Policy (*TMP4, Schedule 4.6 Approved Lending & Investment Policy*), ensure investments are only made with low risk counterparties.
- 5.3 It is not proposed to make any changes to the range of investment instruments or monetary limits. The current limits ensure that the Council maintains sufficient liquidity and a spread of investments at all times, whilst the counterparty list is reviewed continuously in light of credit-rating changes and other market information.
- 5.4 Details of how investments are managed are contained in the Treasury Management Practices (TMPs). The TMPs are reviewed annually, whilst the treasury policies are reviewed continuously in light of prevailing economic and market conditions. A copy of the Treasury Systems Document, which includes the TMPs, is available on the Councillor's CHIP Sharepoint site.
- 5.5 The Council generally only invests short-term cashflow surpluses. Such investments in total are unlimited, as they are determined by cashflow balances. However, investments are limited with each counterparty to ensure any risk is spread. Longer term investments may arise where the Council has significant cash-backed reserves, or following a decision to borrow in advance of need within the determined Capital Financing (Borrowing) Requirement. Longer term investments carry greater counterparty risk and a higher market risk of adverse movements in interest rates. Therefore, such investments are limited to £10M in total and up to a maximum of 3 years, and would only be undertaken after consideration of cashflow and interest rate forecasts to determine the optimum duration. Given current interest rate forecasts and counterparty limits, it is unlikely that any investments for more than one year will be made during 2019/20. This strategy will be reviewed continuously in light of economic forecasts and market developments.

- 5.6 It is anticipated that the level of investments may increase early in the financial year, before falling again in the second half of the year as a result of uneven cashflows over the year. The total level of investments is not expected to exceed £80,000,000 at their peak during the year, unless further new borrowing is undertaken early in the year or if the profile of the Council's expenditure during the year is later than originally anticipated.
- 5.7 It is anticipated that the following type of investments will be used by the Council in 2019/20:
- Money Market Funds (MMFs)
 - Bank deposits on instant access or notice accounts,
 - fixed investments for periods of up to one year,
 - negotiable instruments.
- 5.8 The level of investment in MMFs, instant access or notice accounts vary in line with daily fluctuations in the Council's cashflow. The amounts are dependent on several factors, such as changes in cashflow, including long term borrowing, available rates and market opportunities which may arise.
- 5.9 The Permitted Investments also include loans to third parties, which may be given on preferential terms or interest rates. Such loans will be constrained by virtue of the Service having to meet all costs related to the granting of such loans, including any losses to the recoverable amount and any accounting adjustments relating to "soft loans" (ie, loans given on interest free or below market rate terms). All loans to third parties must be individually approved by the full Council.
- 5.10 The Investment Strategy and Activities are approved and scrutinised by the Council, in line with current Treasury Management arrangements. This will be achieved by the submission of Quarterly Treasury Activity & Compliance reports throughout the year, which include monitoring of the investment policies. In addition, the Annual Treasury Report to the Council includes retrospective details of the investment strategy adopted, and compliance and performance against the strategy for that year.
- 5.11 The Common Good Funds operate with relatively small cash balances and with no other financial investments. The Common Good Committees also have authority to grant loans to third parties, and these are included as Permitted Investments. However, the granting of such loans in practice is rare, with each individual proposed loan requiring specific approval of the Common Good Committee. It is proposed that investments with the Perth & Kinross Council Loans Fund, together with third party loans, remain the only Permitted Investments for the Common Good Funds. It is not proposed to change the terms under which the Common Good funds place deposits with the Loans Fund.

- 5.12 In addition, the Common Good Funds hold various properties which generate rental income, and which are therefore deemed to be Investment Properties, and covered by the investment regulations. The Common Good's Property Investment Strategy is included within the Council's Property Investment Strategy (see Section 6 below).
- 5.13 Investments made by any charity or trust administered by the Council are not within the scope of the Investment Regulations and this Strategy. However, any other Council funds that are managed by external investment managers would be covered by this strategy, and the investment manager would be, therefore, bound by this Investment Strategy in relation to those funds. It is not proposed to use any external investment manager during 2019/20, other than for the Council's charitable funds.

6. INVESTMENT PROPERTIES 2019/20

- 6.1 Properties held solely to earn rental income and/or for capital appreciation, and not used by the Council for service delivery or administrative purposes, are also covered by the Investment Regulations. Accordingly, an additional permitted investment category of "Investment Property" has been included in the list of Permitted Investments. The Council's initial limit was established as "unlimited", and this remains unaltered.
- 6.2 Budgeted gross income of the portfolio in 2018/19 is £1,717,000, with the latest projection indicating that the final income will be £1,867,000 as a result of movement in tenancies and vacancies in the small business units. For 2019/20, the projected income is £1,830,000 which will continue to be closely managed in context of the prevailing economic and market conditions and any opportunities to grow income.
- 6.3 The Annual Property Investment Strategy 2019/20 is attached in Appendix IV and covers property purchased or managed for the following purposes:
- Socio Economic e.g. precinct shops and community facilities
 - Economic development e.g. Industrial Estates and workshop units.
 - Revenue generation e.g. St Johns Centre head lease
- 6.4 The overall aim of the attached Property Investment Strategy for Perth & Kinross Council is to support the objectives of the "2018/22 Corporate Plan – Securing the Future", and in doing so, it meets the requirements of the Regulations.
- 6.5 In November 2017 the Strategic Policy and Resources Committee (report 17/390 refers) approved the updated Commercial Property Investment Programme (CPIP) approach to effective delivery of corporate property development and investment activities. The Committee approved a refreshed approach which could include future property investment and development activities, including potential joint venture and innovative funding arrangements for property projects working with the market as opportunities arise. A report with an updated CPIP will be submitted to the Strategic Policy & Resources Committee in 2019.

- 6.6 As part of this proposed approach the intention is to focus on strategic sites with development potential, partnering with the private sector via Memorandums of Understanding intended to explore and exploit development and incoming-producing opportunities. Further details of such opportunities that may arise will be reported to the Council as part of the Quarterly Treasury & Investment reports.

7. DEBT RESCHEDULING

- 7.1 Debt rescheduling involves prematurely repaying existing loans at higher interest rates and replacing them with new loans at lower current rates. Any savings in interest costs, however, must be assessed against the premium payable to the lender to compensate for their loss of interest. The amount of premium payable to the PWLB is calculated by reference to the interest rates on the existing loan and the prevailing interest rates for new borrowing. The main benefits of undertaking rescheduling include:
- Generating interest savings, without exposing the Council to additional risk,
 - Ensuring a better balanced maturity profile and volatility ratio in the portfolio,
 - Reducing the level of investments.
- 7.2 The current low interest rate environment, together with the PWLB's premature repayment terms, means that any early redemption of PWLB loans is likely to be prohibitively expensive and unlikely to generate savings. Further, the low average rates and maturity profile of the Council's long term debt mean that it is unlikely that the current portfolio will offer any further significant opportunities. Consequently, there is unlikely to be any debt rescheduling undertaken in 2019/20, however interest rates will continue to be monitored to identify any opportunities which may arise.

8. THE PRUDENTIAL CODE

- 8.1 The Prudential Code requires the Council to set Prudential Indicators for at least the next three years to ensure that the Council's plans are affordable, sustainable and prudent. However, to improve longer term strategic and forward planning, the Council now maintains a ten year Capital Budget, and the Prudential Indicators are therefore set for the whole ten year period.
- 8.2 The Council has a statutory duty (under the Local Government in Scotland Act 2003) to determine, and keep under review, how much it can afford to allocate to Capital expenditure. The level of Capital Financing Costs strongly influences the level of borrowing that is affordable and, therefore, the size of the ongoing Capital programme. Effective and proactive Treasury Management aims to minimise these costs ("Loan Charges") and their impact on the overall finances of the Council, whilst not exposing the Council to undue risk in the longer term. Adverse movements in interest rates, for example, would directly impact on the level of Capital expenditure which is affordable and sustainable.

- 8.3 The average borrowing costs for all Scottish local authorities are published annually and in recent years the average interest rate payable by this Council (the Loans Fund pooled rate) has consistently been within the three lowest in Scotland. This reflects the Council's prudent and pro-active approach to its borrowing and investment strategy and to minimising its borrowing costs.

9. PRUDENTIAL INDICATORS 2019/20 to 2028/29

- 9.1 The principal means of monitoring and controlling adherence to the Council's capital and treasury plans, and ensuring that they remain affordable, sustainable and prudent, is the determination and monitoring of Prudential Indicators. These Indicators must relate to, and be consistent with, the Council's approved Capital Budget and Treasury Management Strategy.
- 9.2 It is, therefore, proposed to set new Prudential Indicators for the ten year period covered by the Composite Capital Budget considered by the Council on 20 February 2019. In addition, as detailed at Section 2.3 (above), provisional estimates have been assumed for the Housing Capital Programme for the years 2024/25 to 2028/29 in order to match the time period covered by the Capital programmes.
- 9.3 The full set of proposed Prudential Indicators for 2019/20 to 2028/29, including limits, is shown at Appendix V. The Council is free to set each indicator or limit at any level felt appropriate, however, once set, they must not be breached. Any amendment to these limits must be approved by the Council. The limits proposed are based on the levels of capital investment that have been calculated as being affordable and sustainable, on a prudent basis. In the case of Treasury Management, the proposed limits have been set to allow sufficient flexibility for the Council to consider new opportunities which may arise, such as debt rescheduling exercises, or to manage exceptional (short-term) cashflows whilst maintaining the desired level of control and risk management.
- 9.4 The Indicators include estimates of the Council's underlying need to borrow for a Capital purpose (Capital Financing Requirement or Borrowing Requirement), and also ensure that the borrowing periods are consistent with the type of capital expenditure being funded. The amount of external debt is measured at two levels:
- Operational Boundary – is the level of external debt estimated for each year. The actual level of debt may exceed this level in the short-term following exceptional cashflows, however the trend over the period being considered should be consistent with the Operational Boundary. As such it is not a limit, but an indicator of the probable level of external debt.
 - Authorised Limit – is the maximum level of external debt approved by the Council, and is also known as the "Statutory Limit", and must not be exceeded. It includes headroom over the Operational Boundary to allow for some unexpected fluctuations or movements. It therefore measures the level of debt which could be affordable in the medium-term, but which may

not be sustainable in the longer term. Any increase to the Authorised Limit, for example following revision to the Council's Capital Plans or due to unforeseen circumstances, would require the prior approval of the Council.

- 9.5 For the current Capital plans and Treasury Strategy described in this report, it is proposed to increase the Authorised Limit from £770M to £900M for each year from 2019/20 to 2028/29. The increase in this limit arises as a result of rolling forward the period covered, the inclusion of the new DBFM funding arrangements for Bertha Park High School, and the consequences of extending the asset lives and accordingly the period over which debt is repaid within the Loans Fund. The limit is also consistent with the funding strategy for the Council's Capital plans, Loans Fund policies and the Medium Term Financial Plan. It is based on total gross external borrowing and long-term liabilities under PPP/PFI arrangements and takes account of when the borrowing requirement is at its peak over the ten year period which is then applied in each year (to allow flexibility). The Operational Boundary for each year is also shown within Appendix V.
- 9.6 All of the proposed Indicators at Appendix V comply with the CIPFA Code of Practice for Treasury Management in the Public Services.

10. CONCLUSION AND RECOMMENDATIONS

- 10.1 Treasury operations are undertaken within a dynamic and volatile environment, which can significantly affect the cost of borrowing and returns from investing. Given that annual interest charges are currently in the region of £12M per annum and projected to rise to around £23M by 2028/29, the setting of an appropriate strategy is considered essential in ensuring that the Council is not exposed to undue risks and costs. The strategy outlined in this report is, therefore, designed to ensure that the Council achieves the best possible returns on its borrowings and investments, whilst seeking to minimise risk in light of prevailing and forecast market conditions.
- 10.2 The Investment Strategy outlined in this report covers all matters required by the Investment Regulations, and lists the proposed Permitted Investments, including Investment Property, and the strategy for undertaking investments. These will be reviewed on an ongoing basis as the economic environment changes and/or new investment products are introduced into the financial markets. The proposed Permitted Investments for 2019/20 remain unchanged from last year and there are no proposed changes to investment limits, nor to the definition of approved counterparties.
- 10.3 The Investment Strategy, in conjunction with the Treasury Management Practices (TMPs), also includes references to the various risks associated with investments, how these will be controlled, and the considerations and procedures to be followed. Security and liquidity of sums invested remains the primary objectives over investment income. The proposed Permitted Investments carry a low level of risk.

10.4 The report also outlines the link between Treasury Management and the Capital Budget. Accordingly, the proposed new Prudential Indicators are also detailed in this report.

10.5 It is recommended that the Council:

1. Approves the ten year Treasury Strategy for 2019/20 to 2028/29, as detailed in this report, which is submitted in accordance with the Council's approved Treasury Management Practices (TMP).
2. Approves the Permitted Investments and Investment Strategy for 2019/20 outlined at Sections 5 and 6 and detailed at Appendices III and IV of this report.
3. Approves the Prudential Indicators, including increasing the Authorised Limit to £900M, as outlined in Section 9 of this report and detailed at Appendix V, which are submitted in accordance with the CIPFA Prudential Code.

Author(s)

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Approved

Name	Designation	Date
Stewart MacKenzie	Head of Finance	14 February 2019
Jim Valentine	Depute Chief Executive and Chief Operating Officer	14 February 2019

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All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	None
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Corporate Plan

- 1.1 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:
- (i) Giving every child the best start in life;
 - (ii) Developing educated, responsible and informed citizens;
 - (iii) Promoting a prosperous, inclusive and sustainable economy;
 - (iv) Supporting people to lead independent, healthy and active lives; and
 - (v) Creating a safe and sustainable place for future generations.
- 1.2 This report relates to all of these objectives.

2. Resource Implications

Financial

- 2.1 There are no direct financial implications arising from this report other than those reported within the body of the main report.

Workforce

- 2.2 There are no direct workforce implications arising from this report other than those reported within the body of the main report.

Asset Management (land, property, IT)

- 2.3 There are no direct asset management implications arising from this report other than those reported within the body of the main report.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The information contained within this report has been considered under the Corporate Equalities Impact Assessment process (EqIA) and has been assessed as **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.6 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

4. Consultation

- 4.1 The Chief Executive, and the Council's Treasury advisors, Link Asset Services, have been consulted in the preparation of this report.

2. BACKGROUND PAPERS

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

3. APPENDICES

Appendix I – Outlook for Interest Rates.

Appendix II – Forecast for Interest Rates (Link Asset Services Ltd).

Appendix III – Permitted Investments 2019/20.

Appendix IV – Property Investment Strategy 2019/20

Appendix V – Prudential Indicators 2019/20 to 2028/29

Outlook for Interest Rates

The data below shows a variety of forecasts published by a number of institutions. The forecast within this strategy has been drawn from these diverse sources and Council officer's own views.

Link Asset Services Forecast for Interest Rates

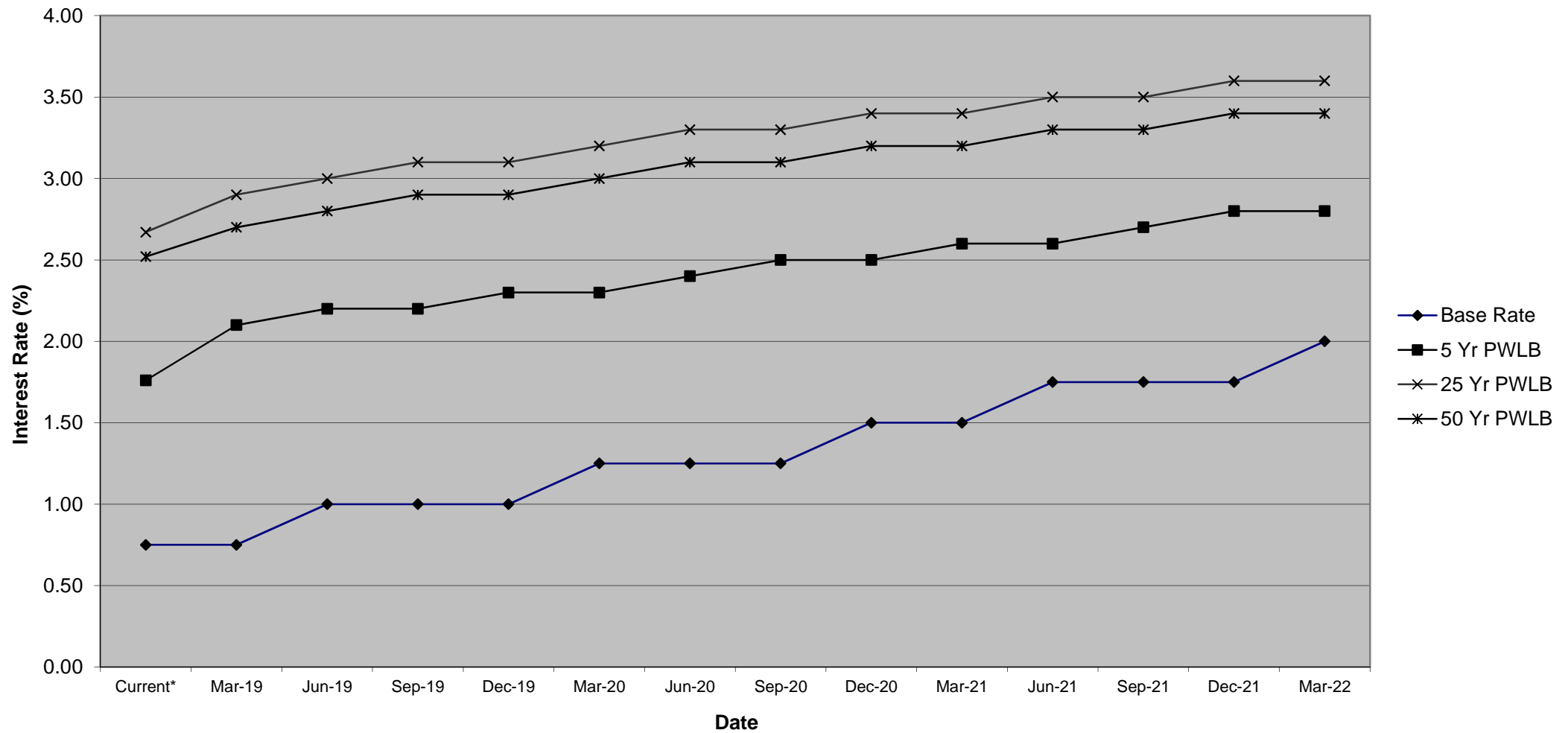
(%)	Current*	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22
Bank Rate	0.75	0.75	0.75	1.00	1.00	1.00	1.25	1.25	1.25	1.50	1.50	1.75	1.75	2.00
5 Yr PWLB	1.70	1.80	1.90	2.00	2.10	2.20	2.30	2.30	2.40	2.50	2.50	2.60	2.60	2.70
10 Yr PWLB	2.05	2.20	2.30	2.40	2.50	2.60	2.60	2.70	2.80	2.90	2.90	3.00	3.00	3.00
25 Yr PWLB	2.55	2.70	2.80	2.90	3.00	3.10	3.20	3.20	3.30	3.40	3.40	3.50	3.50	3.60
50 Yr PWLB	2.40	2.50	2.60	2.70	2.80	2.90	3.00	3.00	3.10	3.20	3.20	3.30	3.30	3.40

* current rates taken as at 31 January 2019.

Capital Economics forecast for interest rates

(%)	Current*	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20
Bank Rate	0.75	0.75	1.00	1.25	1.50	1.75	2.00	2.00	2.00
5 Yr PWLB	1.70	1.90	2.20	2.40	2.70	2.70	2.80	2.80	2.90
10 Yr PWLB	2.05	2.30	2.60	2.80	3.10	3.10	3.10	3.10	3.10
25 Yr PWLB	2.55	2.80	3.10	3.30	3.60	3.50	3.50	3.40	3.40
50 Yr PWLB	2.40	2.70	2.90	3.20	3.40	3.40	3.40	3.40	3.40

Forecast for Interest Rates (Link Asset Services Ltd)



**PERTH AND KINROSS COUNCIL
PERMITTED INVESTMENTS 2019/20**

Treasury Management Investment Type	Total Limit	Individual Limit	Objectives	Risk Assessment		
				Counterparty	Market	Liquidity
Fixed Deposits with approved Banks and Building Societies up to 1 year	Unlimited	per policy	Guaranteed investment returns	Low risk applied in Treasury Policy	Risk of increase in interest rates	Low risk of tied-up funds
Instant Access Deposits with approved Banks and Building Societies	Unlimited	per policy	Maximise liquidity	Low risk applied in Treasury Policy	Risk of fall in interest rates	No risks
Variable Rate deposits with approved Banks and Building Societies up to 1 year	35%	per policy	Maximise returns	Low risk applied in Treasury Policy	Risk of fall in interest rates	Low risk of tied-up funds
Fixed Deposits with approved Banks and Building Societies over 1 year up to 3 Years	£10M	per policy	Guaranteed longer term investment returns	Increased risk applied in Treasury Policy	Risk of increase in interest rates	Higher risk of tied-up funds
Variable Rate deposits with approved Banks and Building Societies over 1 year up to 3 years	Lower of 35% or £5M	per policy	Maximise longer term investment returns	Increased risk applied in Treasury Policy	Risk of fall in interest rates	Higher risk of tied-up funds
Certificates of Deposit, Fixed Bonds and other fixed commercial paper issued by approved Banks and Building Societies, up to 1 Year	Unlimited	per policy	Maximise returns and counterparty diversification	Low risk applied in Treasury Policy	Risk of increase in interest rates	No risk as negotiable
Certificates of Deposit, Fixed Bonds and other fixed commercial paper issued by approved Banks and Building Societies, over 1 Year up to 3 Years	£10M	per policy	Longer term investment returns and counterparty diversification	Low risk applied in Treasury Policy	Risk of increase in interest rates	No risk as negotiable
Floating Rate Notes and other variable commercial paper issued by approved Banks and Building Societies, up to 1 Year	Unlimited	per policy	Maximise returns and counterparty diversification	Low risk applied in Treasury Policy	Risk of decrease in interest rates leading to loss in capital value	No risk as negotiable
Floating Rate Notes and other variable commercial paper issued by approved Banks and Building Societies, over 1 Year up to 3 Years	£10M	per policy	Longer term investment returns and counterparty diversification	Low risk applied in Treasury Policy	Risk of decrease in interest rates leading to loss in capital value	No risk as negotiable

APPENDIX III

**PERTH AND KINROSS COUNCIL
PERMITTED INVESTMENTS 2019/20**

Treasury Management Investment Type	Total Limit	Individual Limit	Objectives	Risk Assessment		
				Counterparty	Market	Liquidity
AAA rated Short Term and Standard Money Market Funds, including Low Volatility Net Asset Value (LVNAV) Funds.	Unlimited	per policy	Maximise returns and liquidity on smaller deposits	Low risk applied in Treasury Policy	No risk as instant access	No risk
Fixed Rate deposits with Local Authorities	Unlimited	per policy	Maximise security on fixed returns	Low risk applied in Treasury Policy	Risk of increase in interest rates	Low risk of tied-up funds
Variable Rate deposits with Local Authorities	35%	per policy	Maximise security on variable returns	Low risk applied in Treasury Policy	Risk of fall in interest rates	Low risk of tied-up funds
Loans to third parties, including "soft loans"	To be reviewed upon each application	Subject to approval by the Council	For operational Service requirements	Higher risk	High risk, often given on interest-free terms, but met by Service.	Higher risk of tied-up funds
Investment Properties (controls and limits per Investment Property strategy document)						

Notes:

1. All investments to be made in sterling
2. The policy referred to above is defined in TMP4, Schedule 4.6 (Approved Lending & Investment Policy)
3. Individual limits apply to all investment types in aggregate
4. Variable rate limit (excluding instant access accounts) applies to all investment types in aggregate
5. The limit for amounts invested over 1 year refer to the remaining period to maturity of investments

**PERTH AND KINROSS COUNCIL
PERMITTED INVESTMENTS 2019/20**

Treasury Management Investment Type	Total Limit	Individual Limit	Objectives	Risk Assessment		
				Counterparty	Market	Liquidity

≡

Property Investment Strategy 2019/20

1. Introduction

The Local Government in Scotland Act 2003 included specific powers (Section 40) for local authorities to invest money in accordance with regulations approved by Scottish Ministers. Under these powers, the Local Government Investments (Scotland) Regulations 2010 were approved by Scottish Ministers on 1 April 2010, and came into effect from that date.

Each Council is granted the freedom to determine what types of investments they may make, and the level of risks acceptable to each Council in making investments must be explicitly stated. These must be approved by the Council in advance of each financial year.

The properties within the Council's commercial investment property estate which are held solely to earn rental income and/or capital appreciation fall within the scope of the regulations. The requirements outlined for financial investments therefore apply to these Council property investments. The Council is required to approve an Investment Strategy before the start of each financial year.

This paper is the Council's Property Investment Strategy for 2019/20, which forms part of the Council's requirement for an annual overall Investment Strategy.

2. Context

The Council does not normally acquire property solely for investment purposes.

New property acquisitions generally support one of the functions noted below and do not therefore fall within the scope of the Local Government Investments (Scotland) Regulations 2010;

- **direct service provision** e.g. new school sites and land for road junction improvements, or
- **Socio economic or economic development** e.g. land and buildings held on the Commercial Property Investment Programme (CPIP) to support a supply of land to businesses and industry.

The Regulations do, however, cover those parts of the commercial estate which are generally held to provide rental income. Predominantly these properties would have initially been acquired to meet a socio economic or economic development need, but having met that need at some time in the past, are now retained for the rental income they produce. The portfolio has therefore been developed over a long period and includes properties such as

shops, offices, small workshop units, industrial and commercial ground and land purchased to facilitate development etc.

3. Strategic Vision for the Property Investment Portfolio

To move from the historic legacy of a portfolio of properties acquired or developed over many years to a more balanced sustainable portfolio to meet the future financial and corporate objectives of the Council.

4. Corporate Aims and Objectives

The overall aim of the Property Investment Strategy is to support the objectives of the 2018/22 Corporate Plan.

The Property Investment Strategy supports corporate objectives by seeking to:

- Maximise and enhance socio economic and economic development opportunities to the benefit of local communities and businesses.
- Encourage new business take up, retain and enhance existing businesses and opportunities.
- Maximise community benefit through the provision of land and premises.
- Clearly identify the primary purpose for holding individual assets (and groups of assets) and apply appropriate management, retention and disposal policies, and procedures relevant to the asset categories by completing a review of the commercial property portfolio.
- Optimise financial return and best value.

5. Current Portfolio

Perth and Kinross Council's commercial portfolio currently consists of approximately 215 properties together with land held for future investment, infrastructure or disposal;

The properties currently held for income generation are managed through the use of lease agreements and the number of leases per asset type is approximately;

32 Shops
9 Offices
39 Industrial premises
120 Ground leases
15 Miscellaneous properties

The budgeted gross income for the financial year 2018/19 is £1,867,068 and regular appropriate monitoring and reporting of the current position has been carried out.

The Council holds a number of town and village halls, leisure facilities etc which are “let” to management committees, community groups and Live Active. As these assets are effectively managed to provide functions which would otherwise be provided by the Council, they are not classified as investment properties and, therefore, lie outwith the remit of the regulations.

6. Categorisation

In developing a strategy for managing the commercial investment property portfolio it is necessary to define the reasons for retaining non-operational properties, to categorise the individual properties, and to apply criteria to ensure that the appropriate return (financial, economic or community benefit) is achieved from each property.

The portfolio can be split into the following categories, with each requiring a different approach when deciding future management and retention policies.

The categories adopted are:

- Socio economic
- Economic development
- Operational occupation
- Revenue generation (Investment)
- Housing Revenue Account (non-Housing - includes investment)

7. General Strategic Principles

There will be a presumption against the acquisition of new heritable properties solely for financial investment purposes.

- Heritable property will only be acquired to support the Council’s strategic objectives, with the property’s investment potential being secondary to securing Council objectives.

Existing Council owned properties which become surplus to operational requirements will be disposed of in line with the Disposal of Land and Buildings Policy.

- There will be a presumption against the retention of surplus property assets for financial investment purposes unless the retention supports Council strategic objectives. As with new acquisitions, the assets investment potential is secondary to securing Council objectives

There are a number of general principles that will be applied to the management of the retained investment portfolio;

- Day to day decisions on the management of the portfolio should support the efficient & effective delivery of the Council's strategic and operational objectives.
- The portfolio should reflect strategic and operational objectives by clearly differentiating between those held for the benefit of the community (economic development and socio economic) and those retained purely as investment opportunities.
- "Added value" principles should apply – investment and expected returns should be on the basis of what is "best for communities" rather than concentrating on purely financial return.

8. Specific Strategic Principles

The Council will use the portfolio to support corporate objectives by adopting the following principles in the future management of the various categories of commercial properties:

- **Socio Economic Portfolio** – Held primarily for promotion or enhancement of the Council's 5 strategic objectives for securing the future. Revenue generation for this category, although important and justifiable, is secondary to supporting Council objectives.
- **Economic Development Portfolio** - Held primarily to support strategic objectives but with an emphasis on supporting Objective (iii) - a prosperous, sustainable and inclusive economy. The portfolio will be used to safeguard, control and promote the use of land for economic development and regeneration through;
 - **Business Opportunity enhancement** – Land and buildings acquired or provided to facilitate and encourage business opportunities in local communities where the private sector has failed to provide infrastructure due to market conditions. There is a general presumption that this provision will be made available at sustainable market levels but with an acceptance that provision may have to be subsidised to generate development in certain areas. As part of this proposed approach the intention is to focus on strategic sites with development potential partnering with the private sector via Memorandums of Understanding intended to explore and exploit development and incoming-producing opportunities
 - **Start-up Workshop Units** – units should be held to encourage new and expanding businesses locate and flourish. Such units, where available, should be on short term lets with flexible terms to assist firms become established.

- **Commercial Investment Property** – Properties will generally only be held for rental income generation whilst generating an adequate and competitive return. There will be a presumption in favour of disposal of poorly performing properties. Units which are difficult to let, expensive to manage or present a company growth opportunity for a sitting tenant will generally be positively considered for disposal unless these form part of a larger grouping where disposal of part would be detrimental to the value of the whole e.g. part of a row of workshop units.

In appropriate circumstances, consideration will be given to sales to sitting tenants if the disposal would not adversely affect the remaining portfolio; but only at full market value and at a price economically advantageous to the Council e.g. sales may be resisted at times of economic downturn when sale prices are unfavourable.

Poorly performing multi occupancy investments; industrial estates, rows of shops etc will be considered for disposal to either existing occupiers or as investments.

There is a presumption against properties held on the commercial estate being occupied by Council Services. Properties held for revenue generation may, however, be occupied by Council Services, with that service meeting the full cost of occupation, including payment of a market rent where appropriate.

Commercial Property Investment Programme

In September 2013, the Council approved a comprehensive 10 year programme of employment land acquisition, servicing and development to support the Council objectives of attracting investment and supporting businesses across Perth and Kinross. The programme (CPIP 2013-23) which is funded through sales receipts from sites and properties sold to developers and businesses has delivered 9.15ha of business land to support company growth since inception in 2013. The latest priorities and revised programme was approved by the SP&R Committee on 29 November 2017 (Report 17/390), which included a review of the approach to ensure effective delivery of corporate property development and investment activities. The CPIP is kept under regular review by the Estates & Commercial Investment Team and the Executive Director (Housing & Environment) through the SP&R capital monitoring process and appropriate committee approval is sought regarding land and property disposals with an impact on the revenue budget. A report with an updated CPIP will be submitted to the Strategic Policy Resources Committee in 2019.

Housing Revenue Account (non-housing) – There is no general presumption in favour of the disposal of investment properties held on the Housing Revenue Account (HRA) and the Executive Director (Housing & Environment) is consulted prior to the consideration of disposal of any HRA assets to allow consultation in accordance with current Housing Legislation to be carried out. The same principles as applied to the rental income-generating portfolio will generally be applied to the HRA portfolio.

9. Portfolio Management Principles

Socio Economic Portfolio:

- Clearly identify any “subsidy” level in leases to future socio economic and community lets.
- Only consider future lets on socio economic grounds where supported by a business case clearly identifying the community benefits and financial viability of the proposed let and having identified a sponsoring Service within the Council to provide support.

Economic Development Portfolio:

- The sale or lease of land and premises held for economic development purposes will be considered against the economic benefit to the local community and business needs.

Revenue generating portfolio:

- Always seek to maximise the return from the investment by applying market rents to all properties held in this category.
- Wherever practical, identify and allocate all running costs associated with the portfolio including “hidden” costs e.g. management costs.
- Monitor return on investment.
- Regularly review portfolio performance.
- Assess requests to sell from sitting tenants against the return on investment and the impact of sale on any remaining holdings in the immediate area.
- Manage the portfolio to maximise returns, balancing maintenance expenditure requirements against capital and rental growth potential.
- Support capital receipt generation (disposal of poorly performing assets) whilst seeking to achieve a balance between revenue and capital. Investigate options for investment to maximise and maintain revenue streams.

HRA (non-housing) Portfolio:

- Unless identified by the Executive Director (Housing & Environment) as a property held for socio economic or economic development purposes, manage the portfolio on terms consistent with the management of the general fund revenue generating portfolio.
- Consult with the Executive Director (Housing & Environment) prior to agreeing to the disposal of investment properties, providing advice on whether disposal represents a good return on the investment.

10. Risk Management

Risk of falling rental income

A substantial unforeseen decrease in projected rental income could present a risk to the Council’s revenue planning. Rental forecasts are regularly reviewed and managed in consultation with the Head of Finance.

The major risks affecting income potential are;

- Changing market conditions and
- Reducing rental income through disposal of investment properties.

Changing market Conditions – Low to Medium Risk

The risk of a substantial unanticipated decrease in income resulting from changes in market conditions was previously considered to be “Low” as leases tend to terminate on set dates, with a relatively small proportion terminating within a single year. The risk element in the retail sector of the portfolio rose to “Low to Medium” for 2013/14 due to challenging economic conditions and currently sits at medium due to permanent changes in shopping habits i.e. internet shopping. Any likely reduction in income can however, generally be anticipated. As leases terminate, even if unanticipated, the Council retains the capital asset which can be made available for re-letting or disposal. The current economic climate however, continues to make re-letting challenging.

Disposal of investment properties – Low Risk

Disposal of investment properties will result in a capital receipt, but the consequence of this will be the loss of rental income from the asset. Decisions to dispose of major assets will therefore affect income. Disposal will be discussed with the Head of Finance and a programme agreed as appropriate to support the Council’s revenue budget and capital programme needs.

Risk associated with new investment acquisitions

Procedures are in place to assess and manage the risk attached to any new investment proposal as the acquisition will be subject to a full business case analysis and risk assessment by the appropriate corporate group and will require subsequent Committee approval.

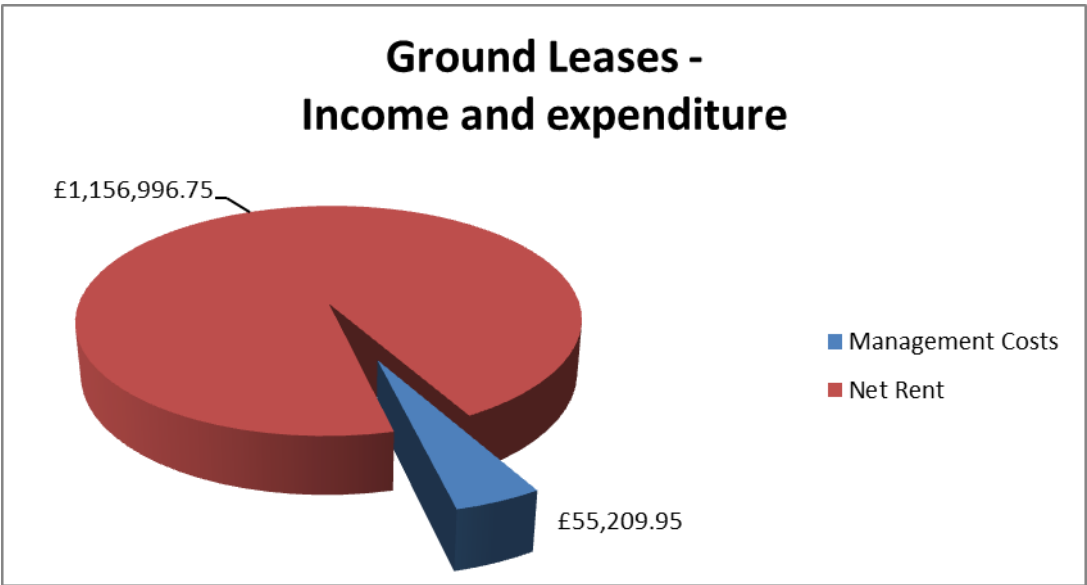
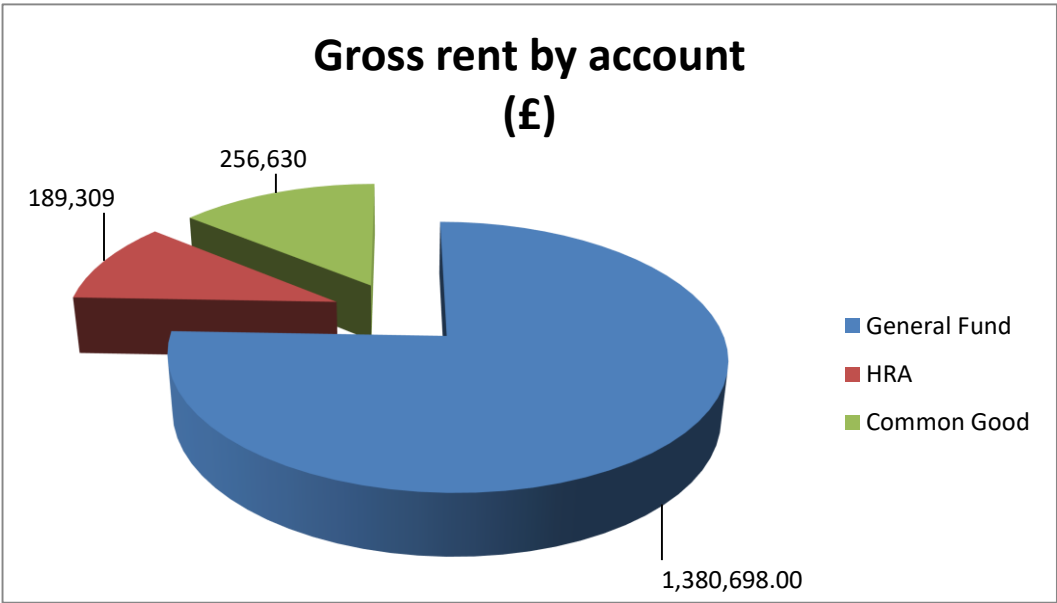
11. Strategy Action Plan

The portfolio is being transformed from the historic legacy to a more balanced sustainable portfolio to meet the Council’s current strategic objectives and the future financial viability of the commercial portfolio will be maintained through;

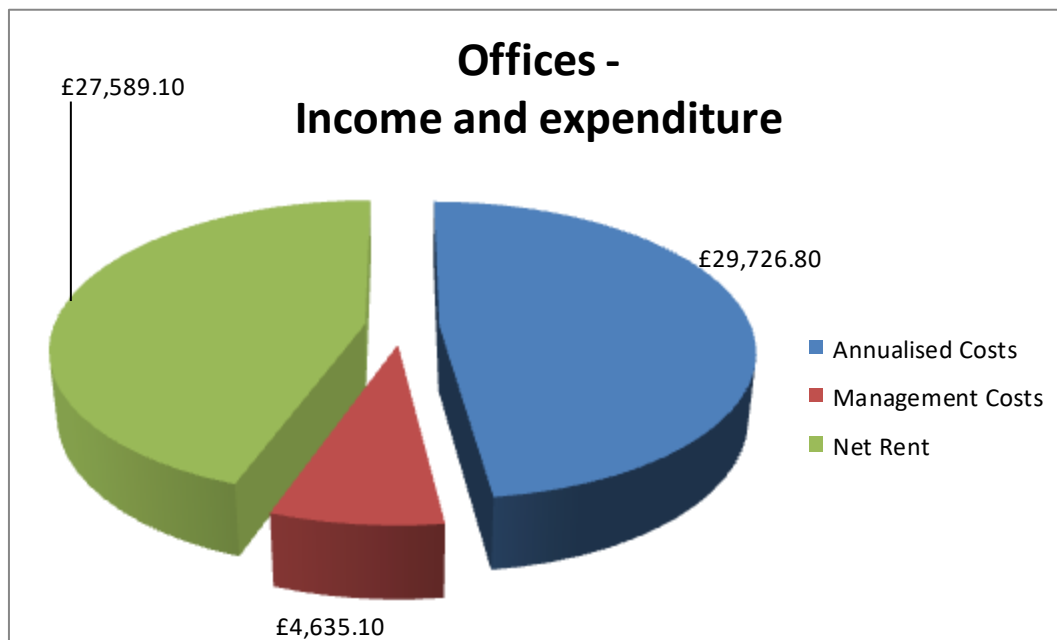
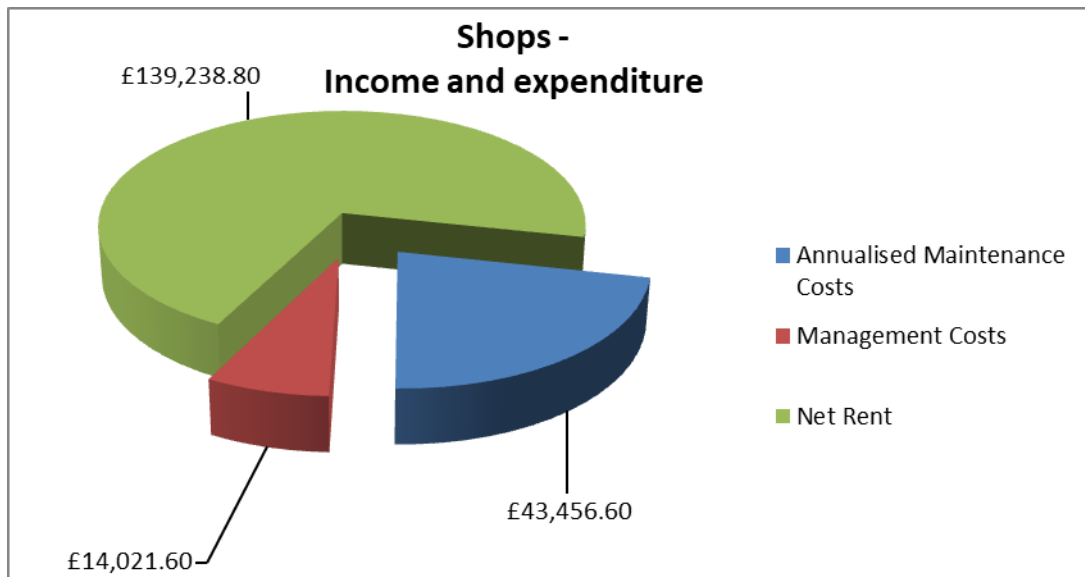
- the assessment and classification of each property as either socio-economic, economic development, investment or HRA (investment),
- regular review of the commercial estate to determine each property’s investment potential and viability, and
- by disposal of poorly performing investment properties and redevelopment/conversion of properties (e.g. conversion from retail to social housing).

Commercial Investment Property Review 2018/19

The valuation, classification and review of the portfolio is periodically carried out by the Council’s Estates and Commercial Investment Team and the 2018/19 review is shown in the following diagrams. It can clearly be seen that the vast majority of the rental income is received from ground leases which by their nature provide a low risk, low management, secure net rental income to the Council. The findings are informing the framework for development and investment in the Perth and Kinross area and in Perth as part of the work being undertaken nationally to develop a consistent approach to investment in the Scottish cities and City Investment plans.

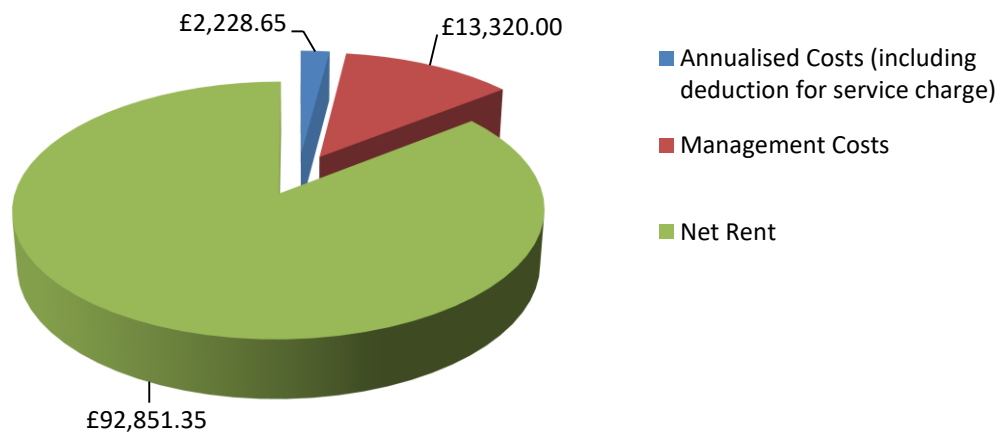


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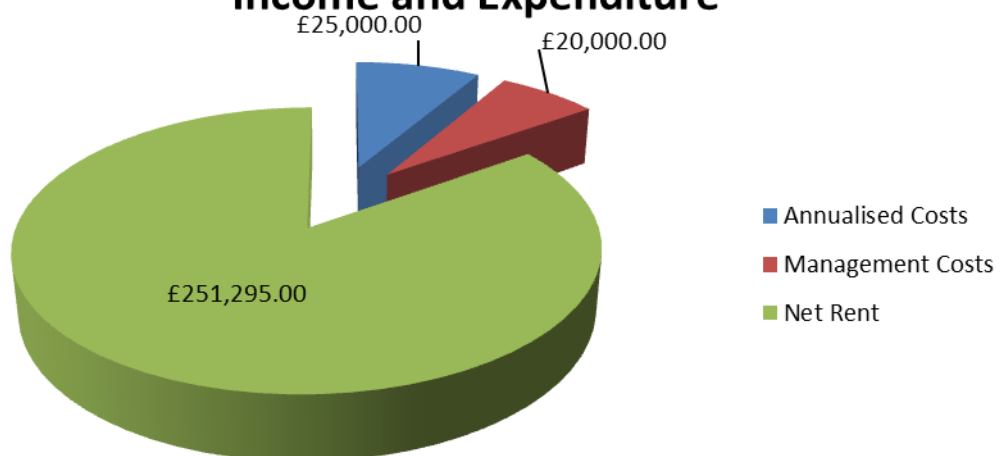


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Industrial Units - Income and expenditure



Miscellaneous - Income and Expenditure



PERTH AND KINROSS COUNCIL
PRUDENTIAL INDICATORS 2019/20 TO 2028/29

APPENDIX V

6

1 ESTIMATES OF CAPITAL EXPENDITURE

The total estimated Gross Capital Expenditure contained within the Council's Budgets for each year is as follows:

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	£	£	£	£	£	£	£	£	£	£	£
Composite Programme	65,656,000	76,071,000	122,924,000	133,633,000	114,218,000	49,193,000	29,760,000	29,402,000	29,039,000	27,194,000	28,333,000
PPP Expenditure Programme	23,185,000	12,183,000	0	0	0	0	0	0	0	0	0
HRA	19,096,000	12,555,000	9,552,000	7,148,000	10,321,000	28,256,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Total Estimated Capital Expenditure	107,937,000	100,809,000	132,476,000	140,781,000	124,539,000	77,449,000	44,760,000	44,402,000	44,039,000	42,194,000	43,333,000

2 ESTIMATE OF NEW CAPITAL FINANCING REQUIREMENT OF EACH YEAR

The estimate of the new Capital Financing Requirement (ie new borrowing requirement for Capital Expenditure) for each year based on these plans is as follows:

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	£	£	£	£	£	£	£	£	£	£	£
Composite Programme	37,566,000	31,684,000	71,410,000	82,327,000	94,343,000	30,048,000	10,910,000	10,552,000	10,189,000	8,344,000	9,483,000
PPP Programme	23,185,000	12,183,000	0	0	0	0	0	0	0	0	0
HRA	13,899,000	10,023,000	6,545,000	3,918,000	6,854,000	24,739,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000
Estimated Capital Financing Requirement for year	74,650,000	53,890,000	77,955,000	86,245,000	101,197,000	54,787,000	22,410,000	22,052,000	21,689,000	19,844,000	20,983,000

The total Capital Financing Requirement (ie including all prior years outstanding capital expenditure to be financed by borrowing) is shown below under indicator No.4

3 EXTERNAL DEBT (GROSS)

The estimated maximum total external debt (gross of investments and including amounts outstanding under PPP arrangements) based on the Council's plans for each of the years is as follows:

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	£	£	£	£	£	£	£	£	£	£	£
Operational Boundary											
Gross External Borrowing	378,259,000	405,769,000	482,940,000	571,240,000	675,040,000	721,800,000	725,700,000	739,700,000	758,700,000	777,700,000	798,700,000
Other Long Term Liabilities	132,411,000	139,686,000	134,189,000	128,666,000	123,151,000	117,810,000	112,321,000	106,904,000	101,536,000	96,223,000	91,083,000
TOTAL OPERATIONAL BOUNDARY	510,670,000	545,455,000	617,129,000	699,906,000	798,191,000	839,610,000	838,021,000	846,604,000	860,236,000	873,923,000	889,783,000
TOTAL AUTHORISED LIMIT	900,000,000	900,000,000	900,000,000	900,000,000	900,000,000	900,000,000	900,000,000	900,000,000	900,000,000	900,000,000	900,000,000

The Operational Boundary estimates the most likely level of borrowing based on the Council's plans. It is therefore likely that throughout the year the actual level of borrowing may be above or below the Operational Boundary due to uneven cashflows. The Authorised Limit for total external debt (gross of investments) allows some headroom over the Operational Boundary above, in the event of exceptional cashflows, eg when debt restructuring, or in the event of unforeseen circumstances. The Authorised Limit is based on the highest level of estimated borrowing over the budget period.

PERTH AND KINROSS COUNCIL
PRUDENTIAL INDICATORS 2019/20 TO 2028/29

APPENDIX V

4 GROSS & NET DEBT AND CAPITAL FINANCING REQUIREMENT

Gross external borrowing must not exceed the total Capital Financing Requirement, to ensure that over the medium term, borrowing is only undertaken for capital purposes. The estimated total borrowing and Capital Financing Requirement at the end of each of the years is shown below. Borrowing figures include the amount outstanding under PPP arrangements.

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	£	£	£	£	£	£	£	£	£	£	£
Net External Debt	485,670,000	530,455,000	607,129,000	689,906,000	788,191,000	829,610,000	828,021,000	836,604,000	850,236,000	863,923,000	879,783,000
Gross External Debt	510,670,000	545,455,000	617,129,000	699,906,000	798,191,000	839,610,000	838,021,000	846,604,000	860,236,000	873,923,000	889,783,000
Capital Financing Requirement	572,515,000	611,982,000	675,926,000	749,057,000	837,640,000	879,762,000	888,693,000	897,626,000	906,977,000	915,738,000	926,354,000

5 RATIO OF FINANCING COSTS:NET REVENUE BUDGET

The ratio of Capital Financing Costs, including PPP Unitary Charges, to the Council's Net Revenue Budget shall not exceed the following limits, which are based on historical levels, and allow some headroom for movement in interest rates etc.

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Prudential Limit - General Fund	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
Estimated Ratio of Financing Costs:Revenue	8.47%	7.42%	7.74%	8.19%	8.98%	8.90%	9.09%	8.90%	8.74%	8.49%	8.05%
Prudential Limit - HRA	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%
Estimated Ratio of Financing Costs:Revenue	24.54%	25.48%	24.16%	22.38%	21.36%	23.28%	25.40%	27.26%	27.58%	27.53%	28.01%

6 MATURITY STRUCTURE

The lower and upper limit for the proportion of the Council's total fixed rate debt which matures in each of the time bandings below, and is therefore subject to refinancing at the prevailing market rates, is as follows:

Fixed Rate Borrowing Maturity Structure	Lower Limit	Upper Limit	Estimated
Under 12 months	0%	35%	3.7%
over 12 months and < 24 months	0%	35%	2.8%
over 2 years and < 5 years	0%	50%	9.1%
over 5 years and < 10 years	0%	75%	11.2%
over 10 years	10%	95%	73.2%

7 PRINCIPAL SUMS INVESTED LONGER THAN ONE YEAR

The upper limit for the Council's investments invested for a period longer than 1 year is as follows:

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	£	£	£	£	£	£	£	£	£	£	£
Sums invested for longer than 1 year	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000

PERTH AND KINROSS COUNCIL

27 February 2019

AUDIT OF BEST VALUE AND COMMUNITY PLANNING PERTH AND KINROSS COUNCIL SELF-EVALUATION

Report by the Chief Executive (Report No. 19/60)

Abstract

This paper provides an overview of the written submission to be provided to Audit Scotland in terms of Perth and Kinross Council's self-evaluation to support the forthcoming Audit of Best Value and Community Planning.

1. BACKGROUND

- 1.1 The statutory duty of Best Value was introduced in the Local Government in Scotland Act 2003. The Audit of Best Value is a continuous process that forms part of the annual audit of every council. Findings are reported each year through the Annual Audit Report. In addition, the Controller of Audit will present a Best Value Assurance Report to the Accounts Commission at least once during the five-year audit appointment for each Council.
- 1.2 The Accounts Commission is the public spending watchdog for local government. They hold councils in Scotland to account and help them improve. They operate impartially and independently of Councils and of the Scottish Government.
- 1.3 The Commission expects councils to achieve the highest standards of governance and financial stewardship, and value for money in how they use their resources and provide their services. Their work includes:
 - securing and acting upon the external audit of Scotland's councils and various joint boards and committees
 - assessing the performance of councils in relation to Best Value and Community Planning
 - carrying out national performance audits to help councils improve their services
 - requiring councils to publish information to help the public assess their performance
- 1.4 The Commission is looking for councils to demonstrate Best Value by showing they are continuously improving how they provide services. The pace and depth of this improvement is key to how well councils meet their priorities in the future.

- 1.5 The audit approach is proportionate and risk-based; that is, it reflects the context, risks and performance of each individual Council. It also draws on the intelligence gathered from audit and scrutiny work carried out in previous years.
- 1.6 The Audit of Best Value aims to provide assurance on a council's statutory duty to deliver best value, with a particular focus on the Accounts Commission's Strategic Audit Priorities including:
- The clarity of Council priorities and quality of long term planning to achieve them;
 - Significant changes in delivering services;
 - How effective councils are at ensuring that members and officers have the right knowledge, skills and time to lead and manage delivery of Council priorities;
 - How councils involve citizens in decisions about services; and
 - The quality of council public performance reporting to help citizens gauge improvement.
- 1.7 The last audit of best value for Perth and Kinross Council was in 2008. As a result of this review, and subsequent positive findings of successive annual reviews by the Local Area Network of scrutiny bodies, and annual external audit reports, the Council has been seen to be very low risk and therefore, there has been no further audit since then.
- 1.8 However, in line with the changes to the overall approach to Best Value from the Accounts Commission, and the requirement to undertake an Assurance Report at least once in a five year period, the Chief Executive has been advised in writing, through the Accounts Commission work programme, that Perth and Kinross Council will be subject to a Best Value audit in 2019/20. There are also 6 other councils within the audit programme for next financial year. It has been confirmed by the Audit teams that this will take place from mid-March to mid-April 2019.
- 1.9 Previously there was a requirement to provide a written submission as part of the Best Value Audit process. While this is no longer the case, the Council has undertaken a self-evaluation process, which attached as Appendix 1 to this report.

2. BEST VALUE SELF-EVALUATION

- 2.1 The purpose of this report is to seek the Council's agreement to the self-evaluation to be provided as part of the Audit process. This will be only one of many sources of information for the audit team, but will be key in developing the approach to the audit. Other sources likely to be used will include:
- interviews with elected members and officers
 - focus groups with staff
 - attendance at meetings
 - visits to see service delivery first hand
 - findings of other audit/inspection reports
 - performance management information

- 2.2 In compiling the self-evaluation, a number of criteria have been applied to the document.
- Bold: conveys our vision of excellence, sense of purpose and the Council's vision and priorities.
 - Open and honest: a true reflection of the Council's progress and overall improvements.
 - Outcomes: a focus on outcomes, not process, rating absolute performance, and the positive difference we make to people and communities in Perth and Kinross.
 - Evidence based: clearly substantiating the Council's position.
 - Self Awareness: honest assessment of strengths and weaknesses.
- 2.3 The Appendix has been compiled using information already presented to elected members through the Council's Annual Performance Reports ([APRs](#)), the How Good Is Our Council? self-evaluation process from all services, self-evaluation sessions with senior managers, and a self-evaluation session with elected members.
- 2.4 Learning has also been undertaken from the Best Value Assurance Reports already published by the Accounts Commission, with two reports submitted to the Scrutiny Committee in February and September 2018. These included an analysis of the Council's position against four key areas:
- Strategic Direction
 - Performance and improvement
 - Use of resources
 - Partnership working and collaboration
- 2.5 Importantly, the self-evaluation sets out clearly the Council's current strengths and areas for improvement, underpinned by evidence and robust case studies, outlining where the Council is improving outcomes and making a real difference to the lives of the people of Perth and Kinross. A significant element of the next steps will include an emphasis on community empowerment with a focus on local democracy and governance through the development of the *Perth and Kinross Offer*.
- 2.6 Perth and Kinross Council remains committed to delivering the best services and outcomes, working with our citizens. The Council is facing many challenges, and we know we need to find new ways of working. With challenge comes opportunity – opportunities to co-create new ways of working and services with and for individuals and communities. In recognising this, it is clear that we need to be ambitious and aspirational yet honest and realistic about what we can and cannot do, now and in the future.
- 2.7 We plan to do this through '*the Perth and Kinross Offer*', where we will work with our citizens and communities as co-creators rather than consumers of our services. To be successful, this will also include the changing the way we work with our employees, partners and other stakeholders. While still in the early stages of development, it is ultimately about redefining the relationship we have with our citizens, partners and communities, to continue to make a real difference to people's lives.

- 2.8 It will be a shared approach, with joint accountability, and with its success being able to be measured at both a local and authority wide level. It will not be something 'done' to our residents, but will involve them fully – beginning in some of our rural areas.
- 2.9 In discussion with the Leader of the Council, our current thinking is that the Offer will encompass the following themes, to underpin our joint ambitions for the people of Perth and Kinross, create a shared focus, and drive our collective efforts as those jointly responsible for the sustainable future of our area. The Offer will be underpinned by the themes of:
- Equalities and Fairness (Diversity, Perceptions, Commitment, Rurality)
 - Economy and Entrepreneurship (Investment, Employment, Location, People)
 - Education and Learning (Attainment, Investment, Collaboration, Strengthening Families)
 - Empowerment (Enabling Structures, Communities, Partnerships, Third Sector)
- 2.10 The *Perth and Kinross Offer* is driven by the need to change the way we do things, co-creating a more equal partnership between the Council, our citizens, partners and our communities. This is about doing the right thing by empowering everyone who lives, works, visits and invests in Perth and Kinross.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The forthcoming Audit of Best Value and Community Planning in Perth and Kinross will comprise several stages in line with the current process. However, the written self-evaluation presented for approval in this report will be key in developing the overall approach to the audit.
- 3.2 It is important to recognise that the Council is a high performing Council, delivering many improved outcomes for the residents of Perth and Kinross, and this has been evidenced through a succession of external inspection reports. The Annual Audit Report in 2018 acknowledged that there is '*strong member and officer leadership*' across the Council, with a clear focus on ensuring that services are equipped to make the greatest possible difference in achieving our shared strategic objectives. Underpinning this is the hard work of our staff, who are committed and dedicated to delivering the best services and outcomes for our citizens and communities. However, it is equally important to recognise that further improvements are required. The Appendix outlines these, along with the evidence to support our self-evaluation and next steps.

3.3 Our key priorities and next steps are to:-

- Deliver on our 5 key priorities:
 1. Securing sustainable, inclusive economic growth
 2. Addressing our changing demographics
 3. Reducing the impact of poverty in families and community and supporting those most vulnerable
 4. Evolving the way we work with communities
 5. Working more collaboratively and further transforming our services
- Develop the Perth and Kinross Offer, based on our aspirations for community empowerment and commitment to local democracy and governance, beginning in our rural areas;
- Review and implement outcomes focused performance measures;
- Further develop new approaches to workforce development, succession planning and talent management;
- Continue to seek collaborations that drive efficiency, effectiveness and improved outcomes; and
- Review our governance and performance arrangements using the CIPFA Mark of International Excellence Framework.

3.3 It is recommended that Council:

- a) notes the position with regard to the forthcoming Audit of Best Value and Community Planning by Audit Scotland;
- b) approves the written self-evaluation as contained in Appendix 1 to this report;
- c) approves the next steps, outlined in paragraph 3.3; and
- d) remits to the Chief Executive, in consultation with the Leader of the Council, to undertake any final revisions to the document prior to forwarding it to Audit Scotland on formal notification of the Best Value Audit.

Author(s)

Name	Designation	Contact Details
Barbara Renton	Executive Director, Housing & Environment	01738 475000
Sara Whitnall	Executive Support Manager	
Carole Hendry	Team Leader Business Improvement	

Approved

Name	Designation	Date
Karen Reid	Chief Executive	15 February 2019

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes
Community Plan	Yes
Corporate Plan	Yes
Resource Implications	None
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	None
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	Yes
Internal	Yes
External	None
Communication	None
Communications Plan	None

1. Strategic Implications

Community Plan

1.1 This section should set out how the proposals relate to the delivery of the Perth and Kinross Community Plan in terms of the following priorities:

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

The report covers all objectives within the Community Plan.

Corporate Plan

1.2 This section should set out how the proposals relate to the achievement of the Council's Corporate Plan Priorities:

- (i) Giving every child the best start in life;

- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations

The report covers all objectives within the Corporate Plan.

2. Resource Implications

Financial

- 2.1 There are no financial implications arising from this report.

Workforce

- 2.2 There are no workforce implications arising from this report.

Asset Management (land, property, IT)

- 2.3 There are no asset management implications arising from this report.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).

The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as not relevant for the purposes of EqIA

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

This section should reflect that the proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets;
 - in the way best calculated to deliver any statutory adaptation programmes; and
 - in a way that it considers most sustainable.

It is noted that the contents of the report is assessed as not relevant.

Legal and Governance

- 3.4 The Head of Legal and Governance has been consulted on the contents of this report

Risk

- 3.5 There are no significant risks identified in the contents of this report..

4. Consultation

Internal

- 4.1 Elected members attended a workshop to undertake self-evaluation which has been used to support the development of this report. The Executive Officer Team, the Corporate Management Group and the Performance and Planning Group have been consulted on its contents

External

- 4.2 There has been no external consultation in the development of this report.

2. BACKGROUND PAPERS

This section should list the documents that have been relied on in preparing the report, other than those committee reports already referenced within the main body of the report. All documents must be kept available by the author for inspection by the public for four years from the date of the meeting at which the report is presented.

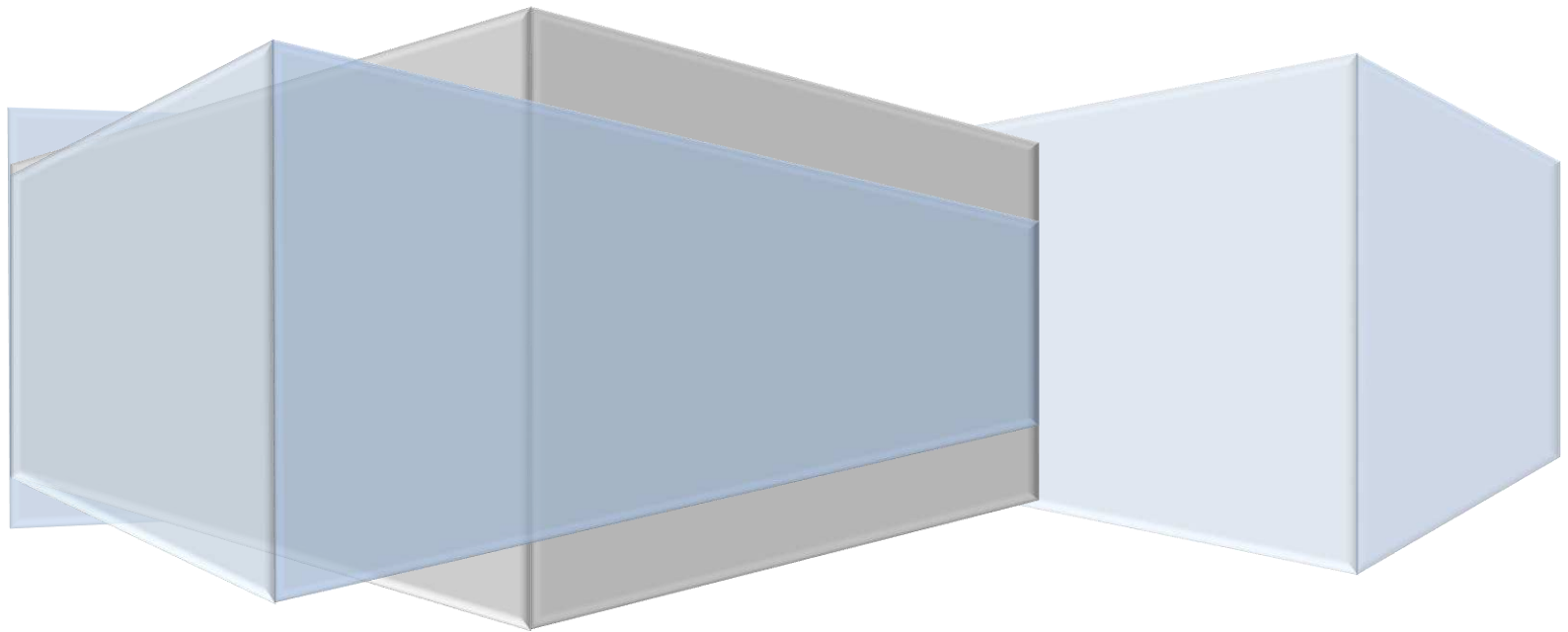
3. APPENDICES

Appendix 1 – Perth and Kinross Best Value Self Evaluation

Appendix 1

Perth & Kinross Council

Best Value Self-Evaluation – 2019



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1. Vision & Strategic Direction

Local context

Perth and Kinross is located in the heart of Scotland, is home to an estimated 150,680 residents and covers an area of 5,300km². The majority of the area is rural, with Perth City being the administrative, economic and cultural heart, with a growing and diverse population of around 50,000 residents. Our area encompasses 12 towns, over 100 smaller settlements of all sizes, and some of the UK's wildest and most stunning landscapes.

The diversity of our landscape and our urban/rural mix can bring challenges as well as opportunities to redesign services to meet the changing needs of our population. This includes, for example, ensuring the right support is provided in the right way to those living in our most rural and remote areas.

In the period since the last Best Value Review (2008), the population of Perth and Kinross has grown by 6% from 143,000 to 151,000 (compared to 4% for Scotland as a whole). This increase is projected to continue, with further growth of approximately 8% by 2041, which is again greater than the predicted growth of Scotland overall (5%). The number of households is expected to rise from an estimated 67,618 at present to a predicted 72,709 by 2027. This predicted growth is mainly due to in-migration from other areas of Scotland, the rest of the UK and beyond, as well as increased life expectancy. Currently people aged 65 and over account for 23% of the total population; by 2041 this proportion is set to increase to 30%. There is currently uncertainty around in-migration levels as a result of Brexit, which is of concern given that Perth and Kinross (like Scotland) is reliant on in-migration to maintain its population growth.

While growth provides opportunities, it also brings new challenges in terms of increased demand for services. For example, the need for affordable housing continues to be a priority; since 2011/12 over 500 affordable houses have been built by the Council and registered social landlords. To continue to meet needs, the Council is planning to build at least 80 new Council houses across Perth and Kinross each year over the next five years. This expansion to affordable housing is in addition to the general house-building in the area in response to the increasing population. Recognising these changing demographics, the Council is also working with partners to ensure that we have the right types of houses across the area to meet emerging need.

There is also an increasing demand for resources to support children and young people with Additional Support Needs (ASN). The proportion of the Perth and Kinross Council school population with ASN has increased from 20% in 2010 to 34% in 2018. The ongoing implementation of the Inclusion Review aims to provide a more efficient and effective delivery model; ensuring that children and young people with additional support needs have access to the most appropriate learning opportunities.

This example of good planning and delivery to respond to the changing environment typifies the Council's ability to operate as a high performing organisation, with a clear vision, effective leadership, excellent financial management, sound governance, a strong focus on performance management and a talented and committed workforce. This is evidenced in the Council's recent inspections, such as the Joint Inspection of Services for Children and Young People in Perth and Kinross and the Homeless Housing Support Care Inspection, as well as in the Local Scrutiny Plan and Annual Audit Report 2018.

In recognising the need to have a forward looking infrastructure programme, we have committed to investing around £617million in a capital programme that will span the period to 2029/30. This includes the Perth Transport Futures Project; the most ambitious civil engineering project ever embarked on by the Council and will have a significant positive impact on the quality of life of our residents. Our capital programme is planned to deliver and support our key priorities.

The Council recognises that, in the future, we will continue to deliver services in times of change and challenge for public services; and within a context of continuing diminishing funding. Our commitment to delivering the best services and outcomes, working with our citizens, means we need to continue to find new ways of working. We have delivered efficiencies and savings through transformation, service redesign and process improvements with little detrimental impact on service delivery, which is an approach which has been very successful for us. In addition, we have worked together with local communities to develop a local community planning structure based on Local Action Partnerships (LAPs) that brings together community representatives, Councillors and Officers from Community Planning Partners to make decisions about local priorities and needs. We have also developed strong relationships with our business community through, for example the Perth City Development Board and the Tay Cities Enterprise Forum, to support sustainable economic growth, bringing investment and people to our area.

However, we recognise that what we build on what we have done previously to assist us in addressing future challenges. We need to reflect more closely on working with our residents to improve our approach to community empowerment and further evolve our thinking around local democracy and governance.

We remain committed to building on our strong track record of innovation and improvement, along with our approach to putting our citizens at the heart of what we do. The Council believes that with challenge comes opportunity; opportunities to co-create new ways of working and services with and for individuals and communities. In recognising this, it is clear that we need to be ambitious and aspirational, yet honest and realistic about what we can and cannot do, now and in the future.

We plan to achieve this through '*the Perth and Kinross Offer*', where we will work alongside our citizens and communities as co-creators rather than consumers of our services. To be successful, this will also include changing the way we work with our employees, partners and other stakeholders. While still in the early stages of development, it is ultimately about redefining the relationship we have with our citizens, partners and communities, to continue to make a real difference to people's lives.

It will be a shared approach, with joint accountability, and with its success measured at both a local and authority wide level. It will not be something 'done' to our residents, but will involve them fully – beginning in some of our rural areas.

Although still evolving, the Offer will underpin our joint ambitions for the people of Perth and Kinross, create a shared focus, and drive our collective efforts for the sustainable future of our area. The Offer will support delivery of further improvement in relation to the themes of:-

- Equalities and Fairness (Diversity, Perceptions, Commitment, Rurality)
- Economy and Entrepreneurship (Investment, Employment, Location, People)
- Education and Learning (Attainment, Investment, Collaboration, Strengthening Families)
- Empowerment (Enabling Structures, Communities, Partnerships, Third Sector)

The *Perth and Kinross Offer* is driven by the need to change the way we do things, co-creating a more equal partnership between the Council, our citizens, partners and our communities. Cross party support has been agreed with elected members through briefings and this engagement will be ongoing as the Offer develops and takes shape. This will be underpinned by a review of our governance and performance arrangements, using the CIPFA Mark of International Excellence Framework, including more outcomes focused performance measures.

This is about doing the right thing by empowering everyone who lives, works, visits and invests in Perth and Kinross. It is about creating the conditions and opportunities for us all to Live Life Well.

Vision and Priorities – Our Golden Thread

Our vision '*Creating a confident, ambitious and fairer Perth and Kinross, for all who live and work here*' and our five strategic objectives in our [Community Plan \(Local Outcomes Improvement Plan\) 2017- 2027](#) and [Corporate Plan 2018-2022](#) were developed following extensive engagement with elected members, community planning partners and feedback from local people. This involved face to face sessions with a range of community groups, discussions with Local Action Partnerships and an online survey/feedback tool. Going forward, the Perth and Kinross Offer will be a key component that will enable the delivery of our objectives.

These plans set out our strong partnership approach to delivering our shared vision and outcomes in relation to the five agreed strategic objectives:

- Giving every child the best start in life
- Developing educated, responsible and informed citizens
- Promoting a prosperous, sustainable and inclusive economy
- Supporting people to lead independent, healthy and active lives
- Creating a safe and sustainable place for future generations

These strategic objectives have evolved from those originally set out in the Council's Corporate Plan 2007-2010 to reflect current priorities and understanding. Although adapted accordingly, the minimal changes made have provided staff, communities, partners and other stakeholders with a continuity of direction for over a decade that has enabled leadership, innovation and improvements to be embedded at all levels, both in the Council and across our Community Planning Partners.

The Council understands what is important to our residents, as well as recognising the wider view of potential investors and visitors, and has agreed 5 key priorities, as outlined in the Annual Performance Report 2017/18. These are:

1. Securing sustainable, inclusive economic growth
2. Addressing our changing demographics
3. Reducing the impact of poverty in families and communities and supporting those most vulnerable
4. Evolving the way we work with communities
5. Working more collaboratively and further transforming our services

Our commitment to the delivery of public sector reform is a key driver of the Council's strategic direction. The influence of the Christie Commission (2011) and the Scottish Government's response remain within the 2018-2022 Corporate Plan. The four pillars of reform lie at the heart of our approach, with a focus on early intervention and prevention, investment in people, local integration and partnership and continued performance improvement and in the themes underpinning the organised to deliver section within the Corporate Plan.

We have a good track record of delivering transformation that supports our strategic direction. We have successfully delivered our current Transformation Plan, aligning it with other plans so that there is clarity on actions, results and deliverables and reporting these to Committee for scrutiny by elected members. Our new approach will further embed transformation across our business, in a similar way to the way Services now embrace improvement activity as business as usual.

The Local Scrutiny Plan 2018/19 again recognises the Council's *“strong leadership and a clear commitment to ensuring effective delivery of Council priorities through the golden thread from the Community Plan, to the Corporate Plan, to service level planning and actions.”*

We have a clear strategy for service design and delivery, business change and improvement to underpin delivery, based on an understanding of our communities and reflective of the wider public duty to deliver best value. The activities which we undertake to achieve our outcomes are reviewed and adapted to respond to financial and other pressures to ensure that we can continue to deliver best value and sustainable public services.

To strengthen delivery of these plans we have undertaken a range of Futures Thinking Events, including a Community Planning Conference in November 2017, to reinforce clarity of our thinking and share the vision of where we are going with the Community Planning Partnership workforce and community representatives from the Local Action Partnerships.

Integral to our strategic framework is our service joint [Business Management and Improvement Plans \(BMIPs\)/Annual Performance Reports \(APRs\)](#) which are aligned to our strategic objectives and outcomes. The BMIPs set the direction for Services' delivery in keeping with the Corporate and Community Plans shared vision and priorities for the area; articulate delivery commitments based on Service financial planning and commitments in the Medium Term Financial Plan; report on the performance of the Service in the previous year; and customer feedback which is used to inform planning. Together, the BMIP/APRs articulate what is working well and what Services need to do to achieve improvement. Progress in implementing improvement actions is reported at a service level in the APRs.



Within Services, there are a number of policies that help us to achieve our objectives. They reflect national and local priorities and expectations and set quality, standards, targets and measures of success. These policies and procedures provide advice and guidance to inform team responsibilities, roles, expectations, performance measures and risks in respect of specific activities. They are reviewed in response to changes in legislation, national policy, national and/or local priorities and outcomes, quality or regulatory standards, as well as customer feedback and improvement actions arising from national or local audits or inspection. As part of our review of governance arrangements, an overall policy review programme will be developed.

The Annual Audit report in 2018 noted that *'there is strong communication from those in leadership, through the 'golden thread' approach, which is incorporated into all levels of Council planning. In order to monitor improvements, the business management improvement plans (BMIP) are reported to Council Committees on an annual basis, comparing performance of each individual service against the Corporate Plan. This allows members to appropriately challenge progress and delivery on improvements and objectives. The Council is committed to this vision, which is demonstrated through the development of a plan, and the use of a golden thread approach throughout the short and medium term plans within each service's BMIP'*.

The context for public services remains both exciting and challenging. In a period of diminishing resources, we continue to be committed to working together with local people, Community Planning Partners, the third sector and the private sector, to secure the best possible outcomes for all of our communities and citizens.

Our relationship with communities reflects our ongoing focus on community empowerment and planned legislation to strengthen and revitalise local democratic decision making. We are putting more resources, responsibility, accountability and decision making under the control of communities; through Local Action Partnerships and through initiatives such as participatory budgeting, as well as building on our already strong and extensive community networks. Also, Education and Children's Services provide governance, guidance and support to enable the empowerment of schools, enabling headteachers to have the freedom and responsibility to lead improvement in their own schools, in partnership with their communities.

As a result of the collaborative work across the wider region, we have created new and renewed opportunities for further joint working, sharing practice and quality improvement, to be more effective and efficient with our resources.

We will continue to encourage active participation by both communities of interest and place in the development of the Perth and Kinross Offer; through co-design and co-delivery to help improve services and outcomes. As a result, our future approach will still be based on our Golden Thread, but centred within the Offer, which will drive our agenda, focussed on how we work with, and for, our communities.



Communicating Our Vision

Committee structure and scrutiny arrangements



The Council has regularly reviewed its decision-making structure, most recently in December 2017. This concluded that there was a requirement to make some adjustments to the previous committee structure, while keeping the approach which addresses cross cutting themes in line with the objectives of the Community Plan/Local Outcome Improvements Plan (LOIP) approved by the Council and the Community Planning Partnership Board in October 2017

The approved structure is designed to meet current and future physical, social and economic challenges facing the Council, for example in relation to the development of policy in key strategic areas and the scrutiny of the implementation policy/delivery of services – including where services are delivered on a joint basis or by a separate organisation. This ensures that the Council and Committees have a clear focus on decision-making and do not routinely consider business which is only for information, while maintaining a balance across the work of the Council.

Elected members actively scrutinise and challenge performance and delivery against agreed objectives and improvement priorities. This is done both through the themed committee cycle and at both Scrutiny and Audit Committees, and includes reports from external bodies such as the Perth City Development Board. These, and the joint boards such as the [Community Planning Partnership Board](#), [Integrated Joint Board](#) (IJB) and [Outcome Delivery Groups](#), receive regular reports on progress as part of our effective governance arrangements.

The Annual Audit Report stated that *'there is a high degree of scrutiny and challenge exercised by officers and members deriving from a political constitution which allows robust scrutiny of proposals and reports.'*

The Scrutiny Committee has a key role to play in the overall scrutiny of service delivery and policy. It reviews the adequacy of arrangements and procedures, policies and practices in relation to corporate governance and how we manage risk; reviews and oversees the Council's complaints procedures; considers reports by the Scottish Public Services Ombudsman; and scrutinises the performance of the organisations providing arts and cultural services and sport and leisure services on behalf of the Council. The Committee carried out a review of its activities and produced new guidance for members: Seventh Scrutiny Review "Role of Scrutiny in a Changing World" [[Report 17/161](#)] April 2017. The findings have contributed to the development of the elected members' role going forward, and to the annual programme for scrutiny.

This has included the change from the identification of scrutiny reviews to a more informal, detailed examination of areas raised by the members, with a series of sessions outwith the committee meeting to understand the implications of policy decisions taken by the Council. So far this has included developer contributions, the tree policy and the performance of Scottish Enterprise. The former resulted in formal recommendations from the Committee to the Planning Member Officer Working Group in terms of the operation of the current policy. Work is underway to further refine the role and remit of the Scrutiny Committee to ensure that it supports continuous improvement, good governance, best value and customer focus across the organisation.

In line with good practice, the Conveners and Vice Conveners of the Scrutiny and Audit Committees are members of the Opposition.

Elected members

Councillors have a complex and demanding role: representing their constituents, providing direction and scrutinising service performance. They work in a political environment, which is an important and integral aspect of local government.

Following the local government elections, over half of the Council's elected members were new (22 out of 40). This increased the scale and design of the induction programme required to support new members to have the required knowledge and capabilities to play a full and active role within their wards and contribute effectively to the leadership of the Council. Delivery of this programme was impacted by the General Election, which was called in June 2017. However, a comprehensive induction programme was delivered and support was provided to all elected members and feedback from councillors was very positive. The Annual Audit Report reflected that *'there was appropriate training and induction for members'*.

Elected members also participate in an elected member development programme that supports their continued learning. The programme is based on the needs highlighted in annual Personal Development Plan (PDP) discussions with members and the direction and strategic priorities of the Council, along with topical issues. Recent sessions include; horizon scanning with the Chief Executive including the Perth and Kinross Offer, EU Exit implications and Tay Cities Deal Update. Equalities and diversity and financial management training is now mandatory and is being rolled out routinely.

Elected member development sessions are evaluated to ensure the programme is relevant, up-to-date and to identify areas for improvement. The Councillors Help and Information Page (CHIP) also ensures that elected members can access a broad range of useful information.

In 2018, there were 50 Elected Members sessions with feedback indicating that:-

- 89% of members felt the content of sessions were relevant to their work as an elected member
- 93% of members feel the content of the sessions are pitched at an appropriate level
- 88% of members feel the sessions are delivered at the right stage in the political (or development) process

We are strengthening our approach to PDPs (which was based on the Scottish Local Authority Remuneration Committee (SLARC) Competencies Framework), with some of our elected members trialling an Improvement Service online skills development profile, on a self-assessment basis. It is anticipated that this will be widely available in due course, and this will shape the further evolution of the elected member development programme.

Opportunities to increase knowledge and understanding are increasingly important, as public sector leadership roles are evolving to respond to the increasingly complex landscape. The role of elected members is changing, and they are required to oversee a wide range of service delivery models, such as health and social care, integrated children and young people's services, joint committees and Arms Length External Organisations. They also play a key role in the Community Planning Partnership, Outcome Delivery Groups and Local Action Partnerships.

Staff

The Annual Audit Report 2018 recognised that *"EOT members ... exhibited strong leadership and had regular engagement with staff and wider stakeholders to support delivery of the Council's vision."*

The Chief Executive and the Executive Team hold a range of engagement opportunities with staff, including business breakfasts/learning lunches and regular senior manager briefings. Other approaches, such as video messages from the Chief Executive, Inside News Bulletins, themed films and blogs and the use of social media, seek to increase visibility and ensure key messages are as accessible as possible, given the number and dispersed location of staff. These mechanisms offer a means of sharing information and knowledge, seeking views, making connections, and also creating the opportunity for dialogue on a range of emerging themes. Importantly, they provide an opportunity for colleagues at all levels to discuss and understand the key challenges people are facing and also share their own ideas about how these could be collectively addressed.

Staff conferences generally take place on an annual basis. As well as reaching large numbers of people, events such as these offer a number of benefits for executive / senior leaders to share key leadership messages with large numbers of employees. It is an opportunity to share key strategic ambitions and developments, reinforce cultural aspirations, promote innovation, seek and value people's commitment and encourage leadership within the communities we serve.

At an individual level, *The Learn Innovate Grow (LIG)* Development Discussion offers a framework for a future focused conversation where employee contribution is encouraged and valued. The aim is to strengthen working relationships between manager and employee, set out shared corporate and service priorities, and agree individual performance priorities for the year ahead (the golden thread).

The impact of our overall approach is evident in the latest annual employee engagement survey in 2018, where the majority of employees (85%) stated they were clear how their job contributes to the Council's objectives (up 2% from 2017).

Roles and Remits of Chief Officers

There is a cohesive Executive Officer Team (EOT) that deals with strategic cross-Council issues, along with scrutiny of the governance arrangements, both at a corporate and service level. The EOT membership includes the Chief Executive, the Deputy Chief Executive, both Executive Directors, the Chief Officer of the Health and Social Care Partnership, Deputy Directors, along with the Head of Finance and the Head of Legal and Governance, in their role as the Council's monitoring officers. The format, frequency and membership have recently been reviewed to ensure it remains fit for purpose, with meetings now scheduled fortnightly. These meetings focus on strategic and policy issues, with risk now included as a standing item on the agenda.

In addition, the Deputy Directors, all Heads of Service and some Senior Service Managers form the Corporate Management Group (CMG), which has a significant role in corporate leadership and enhancing the Council's overall capacity to improve. The attendance at both EOT and CMG by the Deputy Directors, Head of Finance and Head of Legal and Governance provides reassurance to the EOT on key areas of organisational performance and governance, such as risk.

Jointly, the two groups support elected members in their political leadership of the Council, and provide shared leadership, direction and management of the Council's activities.

Our approach ensures the effective management of resources and delivery of best value, through finance, information and property assets, and in particular, ensuring that we develop a flexible and suitably skilled and motivated workforce, to meet the challenge of delivering effective public services. It also provides a strong foundation for very effective corporate working, by ensuring collective decision making and shared responsibility for delivery on cross cutting issues.

The Council's three services each have a Senior Management Team. These have responsibility for delivering the operational commitments of the Service, as well as the overall day to day management of the workforce, budgets, performance and risk and service delivery.

The interconnected management teams (EOT/CMG/SMTs) provide consistency, allowing for a strong, collegiate focus on improving outcomes for the people of Perth and Kinross at times of significant change. This has been evident during Service reviews that have resulted in restructuring, as well as the recent appointment of the new Chief Executive in September 2018.

Elected Member and Officer Relationships

In the Annual Audit Report 2018, it was acknowledged that there is *'strong member and officer leadership.... and we note that there is an appropriate level of challenge and scrutiny within all aspects of Council business.'* Collectively, there is an ongoing focus on ensuring that frontline services are equipped to make the greatest possible difference in achieving our shared strategic objectives. This does not dilute the governance role of elected members, as highlighted in the Local Scrutiny Plan 2018/19, which acknowledged that *'there is good engagement with elected members from all parties and a strong focus on members' challenge and scrutiny.'*

Officers and Councillors work effectively together, supported by a protocol to clarify procedures, particularly in relation to multi-member wards. The Chief Executive and Executive Directors meet weekly with the Leader of the Administration and the Leader of the Opposition groups within the Council. The Chief Executive also meets regularly with members who sit outside the main political groupings. These meetings focus on updates on current and forthcoming business including committee reports, communication updates and strategic policy issues. Executive Directors also regularly meet with their respective Convenors.

Regular scheduled meetings with elected members and officers, member/officer working groups, as well as working groups and short life working groups form part of our political management arrangements. This approach provides political guidance on policy development and scrutiny to service developments and improvements. Examples of cross-party working on strategic issues include:-

- Modernising Governance Member/Officer Working Group
- Planning Member/Officer Working Group
- Short life working group – Roads Maintenance

The Modernising Governance Member Officer Working Group is an example of good working relations between Elected Members and Senior Managers. The group looks to provide strategic leadership and direction on modernisation and improvement, and all aspects of governance and democratic renewal.

Elected Members lead many elements of shared working e.g. [Community Planning Partnership Board](#); [Integrated Joint Board](#); [Outcome Delivery Groups](#). They are also a key constituent of Local Action Partnerships, working closely with Council officers, partners and communities. Elected members provide challenge to ensure that partnership working and sharing resources with the public, private and voluntary sector delivers the services and outcomes our communities need.

The Annual Audit report in 2018 stated that ‘The Council’s leadership has clear objectives, focussing on outcomes which are summarised in the LOIP. The corporate plan and BMIPs are designed to align with the LOIP, which is also based on stakeholder engagement through consultation, resident surveys and staff feedback. Together this results in a clear strategic direction which is consistently pursued by members and officers’.

Community Planning

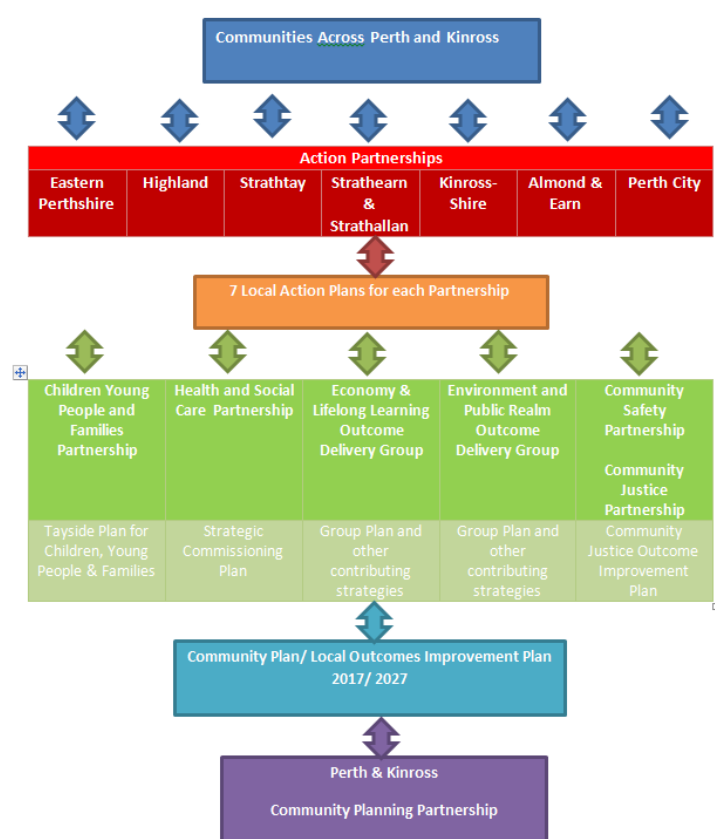
The Council’s strong and embedded internal business processes enable it to be an effective leader and contributor within the Community Planning Partnership (CPP), where it has worked with partners to create a solid and sustainable delivery structure. The CPP Board is chaired by the Leader of the Council and includes representation from all statutory Community Planning Partner organisations. It is supported by an Executive Officer Group (CPPEG) of senior partner officers. The CPPEG also has direct responsibility, reporting to the Board, for delivering the commitments of the Fairer Futures report.

Reporting to the CPP Board, six Outcome Delivery Groups (ODGs) are tasked with delivering their respective part of the Community Plan. Each group is made up of representatives from Community Planning Partners and elected members, as well as Third Sector representation. The Outcome Delivery Groups are:

- Economy & Lifelong Learning Group
- Children, Young People & Families Partnership
- Community Justice Partnership
- Health & Social Care Partnership
- Community Safety Partnership
- Environment Partnership

To deliver community planning at a local level, five Local Action Partnerships (LAPs) were established in 2016, and 4 more have been established in 2018/19, following a review and full engagement with their membership. LAPs bring together community representatives, Councillors and officers from Community Planning Partners to make decisions about local priorities and needs. Each Local Action Partnership has a Local Action Plan which is updated annually. These are reported on a regular basis to the CPP as part of the overall scrutiny and governance arrangements of the Board.

An overview of the governance arrangements is shown below.



LAPs use ‘Stories of Place’ to guide the priorities in their Action Plans. These are locality profiles containing statistical and wider information about the area. They help the Partnerships and Community Learning and Development providers to plan, manage and deliver services in the locality and make sure resources are targeted at what matters most for the community.

While LAPs are still at an early stage, they are adding value to existing community groups and networks across localities. They are providing a shared focus on overall priorities and needs, and engaging more community members to take part in local decision making alongside elected members and Community Planning partners. To ensure that LAPs were effective, the Council carried out an improvement review of the first 2 years of LAPs carried out by the independent body, *What Works Scotland*. As a result, in December 2018, the Community Planning Partnership approved the resulting Improvement Plan to continue building each LAP’s capacity in relation to:

1. Strengthening Foundations
2. Governance and Administration
3. Participation and Links
4. Supporting and Empowering
5. Growth and Improvement

The CPP have recently committed to reviewing the ongoing effectiveness of its governance arrangements, underpinned by a more outcome focussed performance approach.

Working with and for Communities

Perth and Kinross has a strong, vibrant community infrastructure. Volunteering is above the national average with 31% (around 39,000 people) of our 150,000-strong population actively volunteering in their communities. There are around 170 social enterprises across the area and hundreds of formal and informal community groups and networks. On average, adults living here have more qualifications than the rest of the Scottish population. But we want to grow this asset by unlocking the potential of people and communities who are currently less engaged.

There are 48 Community Councils operating in the Perth and Kinross area with support from the Council; however there are some areas that have not been successful in establishing or maintaining a Community Council. In addition, while each of our Local Action Partnerships may now operate in a different way depending on the identified needs of their area, Community Council members play an important role in their direction as well as the delivery of the approved improvement plans.

For example, both the Highland and Strathtay Action Partnerships agreed that their community representative membership should include one person from each of the Community Council areas, and Community Councils are involved in the assessment panels for the Community Investment Fund applications.

The Council's Community Investment Fund (CIF) provides £1.2m to community-led projects over 2018/19 and 2019/20 and this Fund is being managed via the LAPs. Priority projects are those which improve equalities in localities and align with Local Action Plans. In its first year, the CIF has attracted over 150 applications from all Local Action Partnerships with bids for community projects totalling over £1,600,000. Consideration of the award of funding will take place at an Executive Sub-Committee of the Strategic Policy and Resources Committee on 20 March. A review of Year 1 is being carried out to strengthen and improve the CIF in Year 2.

In 2017 and 2018, all LAPs delivered successful Participatory Budgeting (PB) programmes which mobilised over 7,000 people to vote and make decisions about local projects and initiatives across Perth and Kinross. Participation in PB increased by 78% from 2017 to 2018 and over £250,000 has been distributed to local projects in this way. (Section 4 of this report also refers).

The 'Stronger Communities' virtual team, spanning Council services and wider partners, oversees the delivery of the Community Learning and Development Plan 2019-2022, due for publication in early March 2019. Some examples of work which is building community capacity include the North Muirton Community Action Plan; [Coupar Angus Pride of Place](#); South Perth Community Partnership Action Plan; and the Crieff Community Trust and Coupar Angus Development Trust which have developed and delivered Participatory Budgeting.

Our overall approach will be enhanced further as part of the Perth and Kinross Offer.

2. Performance and Outcomes

Monitoring and Reporting Progress

As highlighted in Section 1 of this report, we have a clear strategic framework in place to monitor the progress towards the achievement of our vision and priorities.

Delivery of services and improvement across the Council is managed within a clear and well-established performance framework. This supports the delivery of our strategic objectives by making clear connections between our strategic vision, values and aims through to operational delivery of services. Annual reports, as well as a six monthly updates, are produced by each Service which detail the achievements contributing towards the delivery of priorities as well as identifying areas for improvement. The Scrutiny Committee also provides further assurance on the performance and effectiveness across all of the Council's work.

The Annual Audit report in 2018 stated that *'In order to monitor improvements, the business management improvement plans (BMIP) are reported to full Council on an annual basis, comparing performance of each individual service against the corporate plan. This allows members to appropriately challenge on progress and delivery on improvements and objectives'*.

We have systems in place to ensure we effectively analyse information, track progress and identify areas for improvement. Throughout the organisation, performance is routinely managed and reported within teams, Senior Management Teams, Corporate Management Group, Executive Officer Team, as well as elected members and the wider public. In 2016 the Council approved an Open Data Strategy which committed the Council to an "open by default" approach to non-sensitive data and progress has been made through the Smart Cities Scotland initiative with 46 data sets published under 8 themes from Transport to Health and Social Care.

The Annual Audit report also noted that *'there is a high degree of scrutiny and challenge exercised by officers and members deriving from a political constitution which allows robust scrutiny of proposals and reports'*.

The Council has a statutory duty to publish performance information for comparison and benchmarking purposes to our citizens and communities. We do this through the annual report to Council and the Scrutiny Committee on the Local Government Benchmarking Framework and PKC Performs which is kept up to date on our website. Recognising that we do need to do more to ensure that there is a more comprehensive understanding of how well the Council is doing, we will develop our approach further through the Perth and Kinross Offer.

In addition, the Community Planning Partnership monitors delivery progress of Community Plan priorities at all levels:

- The CPP Board receives regular progress reports from the Outcome Delivery Groups and publishes an Annual Performance Report. [Community Plan Annual Performance Report 2017-18](#)
- The CPP Board receives regular updates on progress with the Fairer Futures recommendations, delivery of which sits with the CPP Executive Officer Group, which has nominated leads for each Fairer Futures recommendation
- The Outcome Delivery Groups maintain the 'golden thread' between the area-wide strategic objectives of the Community Plan and the individual Service Business Management & Improvement Plans which contribute to delivery of the strategic objectives
- The Local Action Partnerships also report regularly to the CPP Board on progress with Local Action Plans which cover locality-specific actions in relation to identified inequalities

Making the Connections – Delivery of Outcomes



Within the organisation, there is a culture of support and challenge that ensures that we are effectively evaluating performance and identifying opportunities for improvement. The diagram above illustrates not only the connections but also the arrangements we have in place to ensure that organisational and service specific performance is actively managed, monitored and publicly reported within the performance framework.

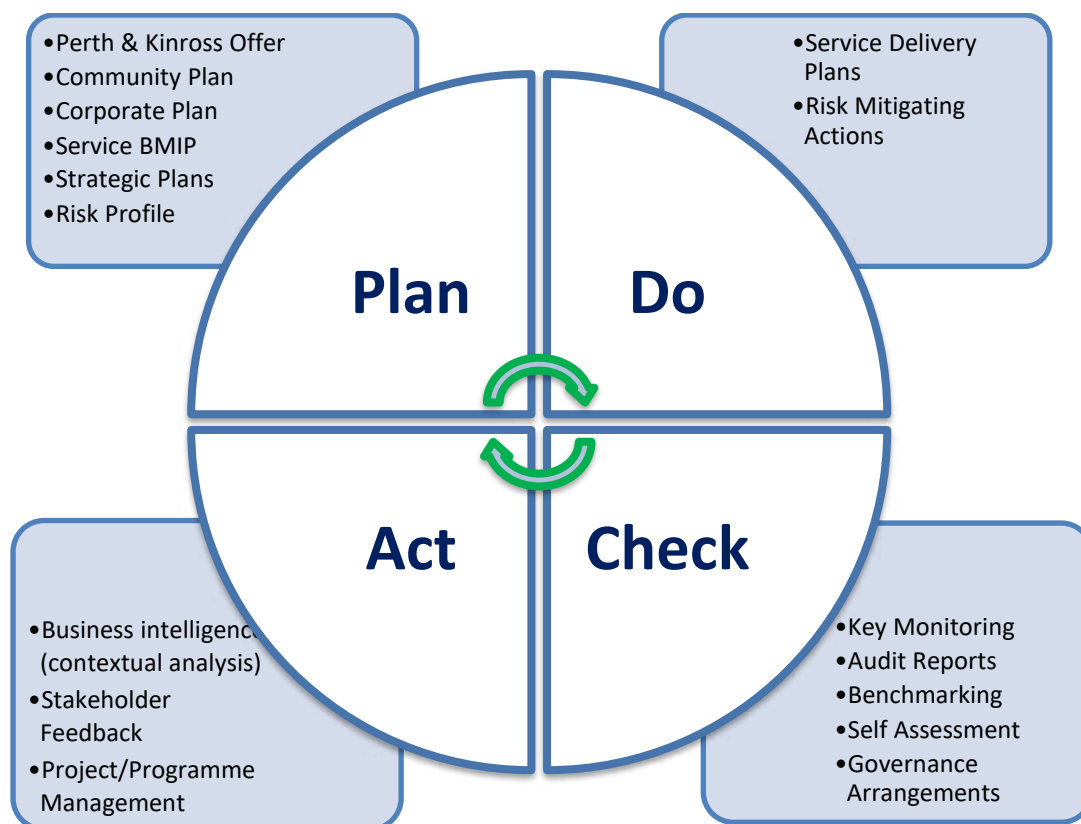
Our framework allows us to:-

- focus on agreed priorities
- acknowledge good performance and identify areas where improvement is required
- set targets and define actions aimed at improving our services
- ensure we provide value for money services

- generate comparative information that can be shared with other local authorities and report against national indicators
- share good practice and enhance good performance through competitive benchmarking and peer learning.
- manage and monitor risks which could prevent us from achieving our priorities and targets
- be accountable to our stakeholders (internal and external - including regulatory bodies)

In summary, our approach to managing performance builds on all aspects of the planning and improvement cycle, creating a golden thread through our strategic plans, operational plans, risk and performance monitoring and our improvement plans. Our aim is to:-

- be focussed on reporting and monitoring what is important to our residents
- allow the management of performance (including the management of risk) to further embed an ethos of continuous improvement
- make the connections to the Community Planning Partnership and Council's strategic objectives and Service priorities
- facilitate accountability and ownership of performance at the most appropriate level
- have an approach where we collect information once and use it for multiple purposes



Our Corporate Risk Management Strategy ([Report 17/63](#)) sets out our risk management framework in four parts:

- Risk Management Policy - statement of the Council's commitment to effective risk management
- Risk Management Strategy – articulates our overall approach to risk and provides a detailed risk hierarchy
- Risk Management Appetite Statement – describes the levels of risk the Council is prepared to tolerate in pursuit of our objectives
- Risk Management Process Guide - details how the risk management process will be carried out at an operational level

Risk management is a crucial aspect of performance management and the improvement cycle and this is evidenced within the Council's Risk Management Policy and Risk Management Process. Our approach to risk gives us the opportunity to maximise opportunities, be more risk positive, as well as taking mitigating actions to control or eliminate potential threats. There are clear governance arrangements in place to ensure there is a cohesive and systematic approach to both performance and risk management, and our recently reviewed approach to risk is in the process of being integrated and embedded across the organisation.

Management of performance and risk is undertaken at all levels of the organisation. Risks are identified as either strategic, programme or operational and are managed at the most appropriate level. Where it has been identified that a risk cannot be managed at a particular level there is a clear escalation route.



Through our risk management process we have identified key strategic risks, and the undernoted have been identified where specific remedial actions over and above our normal controls are required.

1. The pace and extent of change and transformation, reduction in staff and increasing demands for services may impact on our capacity and productivity through adverse impact on employees.
2. There is a risk that the Council does not have the skills and capacity required for the effective delivery of future public services (digital skills, collaborative leadership, community leadership, etc.)
3. Pace of technological advancement, under investment, lack of digital leadership or skills, and low appetite for change may result in failure to deliver the Digital Strategy and citizen centric service re-design
4. As a consequence of exit from the European Union there is a risk of economic downturn and a reduction in housebuilding, business expansion and investment which will mean that the Council's economic development strategy cannot be implemented.

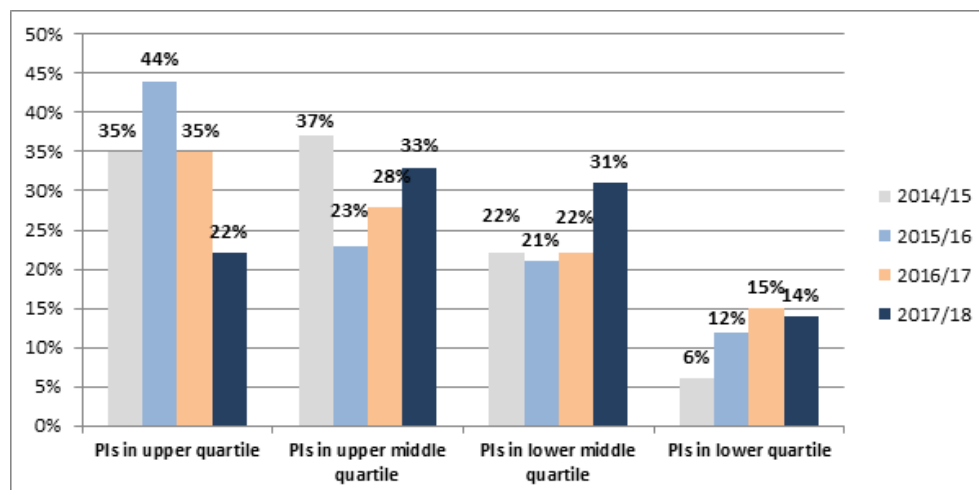
For example, to mitigate some of the risks linked to EU Exit, the Council has established an officer group to plan, inform and progress any issues arising. This also includes an assessment of the Council's current preparedness for EU Exit. Briefings have also been undertaken with elected members and work is ongoing with partners, particularly through the Local Resilience Partnership.

Our internal audit function provides independent and objective assurance to the Council that it has the proper internal controls, governance and risk management processes in place. Unlike external audit they look beyond financial risks at the broad spectrum of issues which may potentially impact upon the success of the organisation. Through regulatory audits and consultancy work, Internal Audit help to improve controls, systems and processes to better support the Council to achieve its strategic outcomes.

Benchmarking

Benchmarking is one of the tools used to provide a measure of how well we are doing in comparison with peers. Our approach to benchmarking is embedded throughout the organisation. We are committed to the [Local Government Benchmarking Framework \(LGBF\)](#) and use benchmarking information to promote progressive improvement, but it is necessary to take into account that legitimate variations in data will exist across councils due to local policy choices and demographic profiles. Taking this into consideration we remain a high performing Council:-

- Of the performance indicators (PIs) (51) that had data available for 2017/18, 31 had **improved** performance (**61%**) since 2010/11 (or when baseline data became available)
- During 2017/18, of the PIs (51) that had data available 30 were **better than the Scottish average (59%)**, while 1 was the same as the Scottish average (2%) and 20 were worse than the Scottish average (39%)
- The chart below shows the movement between quartiles over the past four years. It shows that over the past three years our rankings have increased in quartile two and quartile three with a decrease in quartile 1.



The following are a small selection of LGBF data to show how we compare with councils across Scotland:-



The annual LGBF report, as well as identifying areas of good performance, also highlights what remedial actions the Council will take to support improvement.

The LGBF is only one source of benchmarking data, and the Council uses many sources to compare performance through a range of other organisations, such as the Association of Public Service Excellence (APSE), SOCITM, Chartered Institute of Public Finance and Accountancy (CIPFA).

Across the services, there are a number of national networks which provide an opportunity to share innovation and seek out best practice. For example, the Housing Service undertakes benchmarking through the Scottish Housing Best Value Network (SHBVN) as well as through Housemark; and Roads colleagues participate in benchmarking, not just in terms of performance, but also in relation to policy development.

Examples of where benchmarking has been used to make changes to how the Council, or others, have made changes to service delivery include:

The recent **Joint Inspection of Services for Children and Young People** in Perth and Kinross identified the Child Protection Committee as a model of its type, with “*a strong commitment to building an active child protection community and securing a culture where the care and protection of children and young people is at the heart of everyone’s job*”. Following the publication of the inspection report, we have been contacted by several Local Authorities and have engaged in discussions and site visits to share knowledge and understanding to support ongoing development across authorities.

School inspections by Education Scotland show a clear improvement in the quality of our Education Service. Perth and Kinross schools inspected in 2010/11 were only rated as ‘good’ or better in 50% of the quality indicators included in inspection. This compared to 78% for our comparator authorities and 82% nationally. In 2017/18, we achieved ‘good’ or better ratings in 72% of inspections, compared to 46% for our comparator authorities, and 60% nationally.

Within **Housing Services**, through benchmarking and collaboration we have:-

- jointly with Dundee and Angus Council, responded effectively to prison leavers requiring emergency accommodation, with the development of a Tayside Prison Protocol.
- worked jointly with Tayside, Fife and Central on the delivery of housing options, and implemented several improvements to how we provide housing options, such as the roll out of our housing options self-assessment online tool.
- through benchmarking with various local authorities, with private sector housing teams, developed and enhanced our empty homes initiative scheme, an initiative whereby we have steadily increased the number of empty properties, bringing them back into use and providing much needed housing for those in housing need.
- along with Angus Council, worked on support services for Syrian Refugees, developing a shared service with the Scottish Refugee Council. This service has expanded the opportunities for the Syrian families in Perth and Kinross to integrate fully within their community and wider.

Garden Waste Collection - after benchmarking with other Local Authorities, including Angus Council and Highland Council, in April 2018 we introduced a chargeable garden waste collection with a 54% participation rate, exceeding our income target.

As well as the scrutiny arrangements internally and through our committee structures, there are a number of external bodies who provide a level of scrutiny to ensure the quality of our services meets required standard (e.g. the Care Inspectorate, the Scottish Housing Regulator and Education Scotland).

Some feedback in relation to inspections by Education Scotland stated:-

- Most children and young people were listened to and meaningfully involved in the decisions which impacted upon their lives.
- The extent of participation of children, young people, families and other stakeholders was very good. There was clear commitment to meaningful community engagement and building community capacity and confidence. Partners were strongly committed to ensuring that policies, planning arrangements and service developments fully reflect the views of children and young people.
- Pupil councils and a culture of participation were well embedded across schools. Children and young people were influencing change by contributing to their school improvement plans, bullying policies and informing the school self-evaluation.

What outcomes have been achieved?

The most crucial part of our performance management framework is to evidence what difference we have made to the lives of people living and working in Perth and Kinross. Our performance framework therefore requires not just to recognise what our performance indicators and targets tell us, but also qualitative information from those who experience our services.

Our Performance Framework focusses on the delivery of outcomes some of which are detailed below. Our approach to consultation and engagement is outlined within section 4 of this report, however an integral part of understanding our performance is getting feedback from those who use our services.

What does our feedback tell us:-

In the latest **Scottish Household Survey** (2017), it is clear that local residents are generally satisfied with local schools, public transport and local health services (the three areas included), and to a greater degree than the Scottish average.

Agreement with all the following statements related to **local authority services and performance** is above the Scottish average, in some cases up to 7 percentage points: Good at communicating services; high quality services; good at communicating performance; services designed for needs; Does its best with money;

Addressing key issues; and Good at listening. However, agreement has recently reduced slightly since the early part of the decade, indicating the challenge of managing resident expectations as resources are increasingly tighter.

Relative to others, there is generally lower agreement with “Good at listening”; and “I can influence decisions” (which are also reflected nationally), indicating areas for further consideration and improvement. However, there is also lower agreement with, “I want more involvement in decisions” indicating a degree of satisfaction with influence.

Tenant Satisfaction Survey - The Scottish Social Housing Charter requires social housing providers to collect and report on a number of satisfaction measures as part of our Annual Return on the Charter (ARC) for the Scottish Housing Regulator (SHR). Satisfaction levels across all seven indicators rose since the last survey undertaken in 2016.

	2018 Results	2016 Results	2013 Results	Scottish Average
Taking everything into account how satisfied are you with the overall service provided by PKC	94.77%	85.17%	84.5%	89.7%
How good or poor do you feel PKC as landlord is at keeping you informed about services and decisions	96.80%	82.5%	80.2%	90.6%
How satisfied or dis-satisfied are you with the opportunities to participate in PKC's decision making process	98.74%	74.4%	62.2%	83.8%
Overall how satisfied are you with the quality of your home	95.83%	84.65%	84.7%	86.4%
Overall how satisfied are you with your landlord's management of the neighbourhood you live in?	94.57%	79.12%	75.3%	87.1%
Taking into account the accommodation and the services PKC provides to you as a landlord, do you think the rent for this property represents good value for money	88.18%	84.89%	85.3%	79%

Feedback we have received from users of our services also contributes to changes to the way we do things this has led to changes in the way we:-

- Publish information on the PKC website – particularly around waste and recycling
- Reviewed our procedures and provided refresher training around planning applications handling.

What outcomes have been achieved?

Many of the attainment results are more fully and comprehensively described in our [Raising Attainment Strategy Update report](#).

- There is an improvement in the proportion of children meeting all of their pre-school developmental milestones, rising from 79% in 2016 to 81% in 2018, and also indications of a closing of the gap across deprivation categories. The national target is for at least 85% of children within each SIMD quintile to have reached all of their developmental milestones by 2020.
- Steady progress in the achievement of Curriculum for Excellence (CfE) levels is shown across all stages and areas in Broad General Education (P1 - S3), and there are signs that the gap between children from more deprived areas and those from less deprived areas is reducing.
- The breadth and depth of the attainment of SCQF awards shows good progress, with the proportion of S5 pupils achieving 5 or more awards at SCQF level 6 increasing from 15% in 2013 to 23% in 2018, and the proportion of S6 pupils achieving 5 or more awards at SCQF level 6 increasing from 31% to 33% in the same period. The average total tariff score of school leavers shows a clear attainment gap across the SIMD quintiles. Pupils from lower quintiles tend to leave school earlier and this has a strong influence on number of tariff points accrued. This gap has slightly narrowed since 2012/13, and performance is generally above the virtual comparator.
- The proportion of young people entering a positive destination on leaving school has been generally improving, and the Annual Participation Measure for 16-19 year olds shows a gradual improvement in the proportion of young people in education, training or employment, rising from 90% to 94% over the last four years. The participation figures are several percentage points above the Scottish average.
- The REACH (Resilient Engaged Achieving Confident and Healthy) project offers intensive and flexible support to young people and families across Perth and Kinross, to help young people to stay within their families, schools and communities and prevent the need to move into residential care. As a result, 95% of all looked after children in Perth and Kinross are in a community placement rather than a residential placement, compared to 91% in 2011.

Our **Home First** model supports homeless people, where possible, to move directly to settled accommodation and has a built-in flexibility to respond to multiple and often complex needs of some of our more vulnerable individuals. It recognises that preventing and resolving homelessness and its impact on individuals, families and children is vital to ensuring the delivery of the Fairer Futures themes and had a positive impact on the outcomes for many households by reducing the stigma, duration and experience of homelessness. The model is recognised as sector leading with the Local Government and Communities Committee stating that this model should be implemented across Scotland.

- 999 households presented as homeless in 2017/18 and through our preventative work **79%** progressed to the final stage of being considered for permanent accommodation

- Reduced the number of homeless households waiting for an offer of settled accommodation from **550 to 218**
- Reduced the average length of time in temporary accommodation from **131 days** in 2015/16 to **81 days** in 2017/18
- Increased the proportion of housing allocations to homeless people from **50%** to **56.3%**

Our [Rapid Rehousing Transition Plan 2019-2024](#) has been developed and sets out our vision, objectives, the local housing and homelessness context together with our proposals for a resource plan to enable outcomes to be achieved.

Since 2012, the Housing Service has delivered a **housing education programme** within secondary schools of Perth and Kinross, where we proactively support young people with housing difficulties and intervene early in order to prevent homelessness. In 2017, the programme was reviewed to provide a wider integrated education and awareness programme to deliver a better understanding of homelessness and drug and alcohol issues for young people in secondary schools and other youth settings. To date we have delivered our revised programme into 10 secondary schools targeting over 2000 young people and have delivered advice and housing support surgeries at various youth settings. The feedback from both the young people and teachers has been extremely positive and the number of young people presenting as homeless aged between 16 and 17 has reduced since the programme was implemented.

New Build Council Housing – The provision of high-quality new homes has continued to have a positive impact on the quality of life of people living in Perth and Kinross. We continued to work with our partners in the delivery of the outcomes within the Strategic Housing Investment Plan. We exceeded our annual new build target of **550** units by delivering a total of **585**. 161 of these new build houses were for social rent and all complied with the “housing for varying needs” standard.

An excellent example of this is the development at **Blackthorn Place, Blairgowrie**, which has been very successful in transforming the lives of [families](#) and [other tenants](#) who have moved in. Initial plans for the development were not welcomed by some of the existing local community. Residents raised concerns about increased traffic and lack of parking in the area, and some objected to the social housing aspect of the development. As a result the plans received some negative coverage in the local press. Our well thought out build and letting process, along with positive, proactive communication about the vibrancy the development would bring to the community and economy, has helped existing residents to accept the new housing, which has already become part of the fabric of the local community. More importantly, it is providing good quality social housing for those who need it.

Delivering Best Value

As part of the Council's initial **transformation programme** of 39 projects, started in 2015, we now have 15 live projects (as of January 2019). The projects that have been completed to date have accumulated **£1.786 million in savings**. The projects that are live continue to accumulate savings to date of over £2.6 million. The Annual Audit Report in 2018 reflects that *'Management regularly updates members on completed projects throughout the year. The reporting to elected members, which details the amount invested in the project and the level of recurring/non-recurring savings, is good practice'*.

Hybrid Mail and Scanning- As part of the Corporate Digital Platform, we have introduced a new Hybrid Mail and Scanning system. Although this is a background service improvement, it has a significant impact on the way we support our services. This work involved active engagement with staff to support the process and enable a clear understanding of service needs that required to be met. As a result of needs identified, an App to book Couriers was developed, which has reduced our costs by 30% and reduced the time spent by staff on this task. The scanning of leases for property services and records for Health and Social Care has enabled all relevant documentation to be easily accessed and reduced storage space and costs. Through the introduction of the Corporate Digital Platform programme we have enabled savings/cost avoidance of £177k.

The redeveloped **Perth Theatre** opened in December 2017, showcasing the refurbished Edwardian Auditorium, new community arts spaces, studio theatre and bar/restaurant. Working together, with Hubco, Horsecross and the main contractor, issues of buildability and affordability were addressed with a focus on the key requirements of the client brief and the rationalisation of the design and floor area, within the total approved budget of £16.6m and was completed on time. This approach is used across all the Council's major property projects to ensure that best value is achieved.

The Annual Audit report noted that *'the Council has appropriate arrangements for achieving value for money'*.

3. Resources

Financial Planning

The Council's approach to financial planning has a long established track record of success. The most recent Annual Audit report highlighted this on a number of occasions, including *'The Council has sound processes to manage its finances and resources which aids effective financial planning and budget setting. This includes a three year Revenue Budget, five year MTFP and ten year Capital Budget. This is good practice.'*

The Medium Term Financial Plan (MTFP) is approved by Council on an annual basis. This high level plan is supplemented by budget update reports which are usually presented to Council in December and February, which contain more detail over the shorter term. The Budget Update Report considered by Council in February each year sets the final Revenue Budget for the forthcoming year and Provisional Revenue Budgets for the subsequent two financial years. In terms of the Housing Revenue Account, the budget is approved by Housing & Communities Committee in January each year for the forthcoming year along with Provisional Revenue Budgets for the subsequent 4 years. This multi-year approach to budgeting allows Services time to prepare for service redesign and transformation.

The Annual Audit report in 2018 reflected that *'during budget setting there is ongoing consultation with members, service users and other key stakeholders. This allows open and transparent budget setting and supports effective financial management'*.

The Council considers a Reserves Strategy on an annual basis. This includes recommendations on the earmarking of Reserves for specific purposes and the appropriate range of uncommitted Reserves. We aim to set our general reserves in line with CIPFA recommendations (between 2-4%). Elected Members are aware that Reserves can only be used on a one off basis and may not be used to fund recurring activity without the identification of a sustainable funding solution.

Financial Governance

The Council has in place approved Financial Regulations. These are maintained by the Finance Division and are updated on a biennial basis by the Strategic Policy & Resources Committee or Council. Any updates to the Financial Regulations are subject to rigorous consultation across the Council. This includes Internal Audit, to ensure that any new recommendations are captured, colleagues across the Council, the Policy and Governance Group and the Executive Officer Team. Updates of the Financial Regulations also take on board recommendations / findings from external audit reports.

Elected Members are usually required to approve updated Financial Regulations in December (last update was for December 2018). Services are then required to develop Operational Financial Regulations for approval by individual Service Management Teams. These take the Council wide Regulations and allocate specific actions to individual officers within the Service.

Financial Monitoring

The Strategic Policy and Resources Committee receive regular monitoring updates in relation to the Revenue and Capital Budget (four per financial year).

The Revenue Monitoring Report includes Service Management and Executive Officer Team approved projections, transfers between budgets and movements in Reserves as well as updates on the Housing Revenue Account, Perth & Kinross Integrated Joint Board and a number of corporate budgets.

The Capital Monitoring Report includes Service Management and Executive Officer Team approved projections for the ten years of the Capital Budget, updates on resources and budget adjustments. The Capital Monitoring report includes the Composite Programme (General Fund) and Housing Revenue Account Investment Programme.

Both of these reports are subject to significant scrutiny by elected members across the Committee.

Projected under spends are either utilised in year, considered within the Council's approved Revenue Budget Flexibility Scheme, or transferred to Reserves. The Council has had a Revenue Budget flexibility scheme in place for a number of years which is highly valued by Services. The Scheme allows Services to carry forward actual under spends or additional income between future financial years. Many of the under spends included in the Revenue Budget Flexibility scheme are simply due to delays in the completion of projects. The ability to carry forward the funding ensures that the Council's objectives continue to be met without compromising on future year spending plans.

The Council also receives additional income from a number of agencies or sources throughout the financial year, which again can be carried forward to meet our shared priorities. All Revenue Budget flexibility proposals are subject to elected member scrutiny and are only carried forward following Council approval of the Revenue Budget in February each year, and confirmation of the final position in the Annual Accounts.

Conversely over spends are reported in year with mitigating action either taken within Services or from Reserves.

In terms of the Housing Revenue Account, any underspends are used to increase our Contribution to Capital Projects (CFCR) contribution to the capital programme, conversely, any overspend will reduce our CFCR contribution to the capital programme.

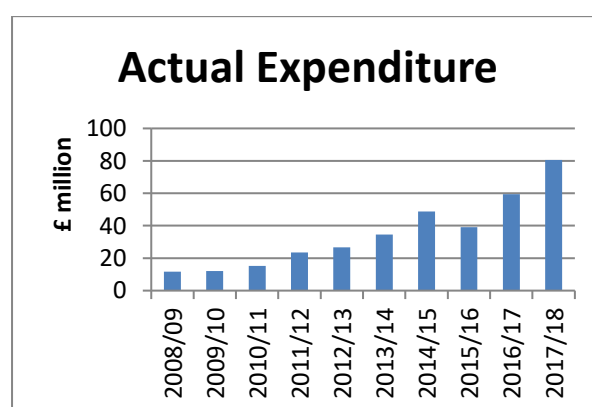
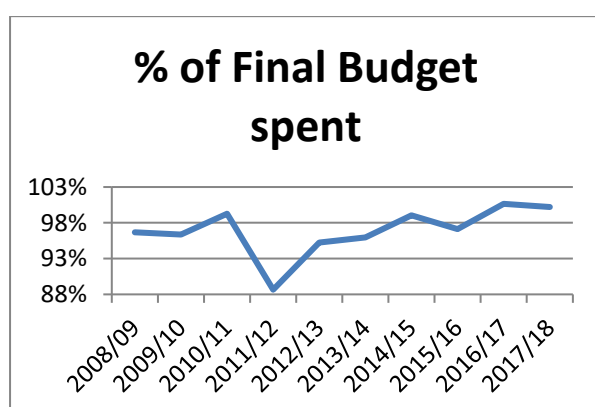
Monitoring of our Arms-Length Organisations is noted later in the report.

Capital Programme

The Capital Programme is a key enabler in the delivery of the Council's strategic outcomes. The Council has set a ten year Capital Budget (2019/20 to 2029/30), with a planned expenditure of around £617 million over the ten year period. This will include investment to deliver the cross Tay link road, community facilities including a community campus that will incorporate Perth High School and community provision in Blairgowrie, a further flood protection scheme and development of the school estate. To set this programme elected members were provided with detailed information regarding the progress of, and risks associated with, the existing capital programme and new proposals to address specific strategic issues.

A key area of the capital programme is the ongoing management of the Council's existing asset base, utilising the strategic information contained in its approved asset management plans and systems; this includes all properties, infrastructure, mechanical and ICT assets. During the budget setting process, the Council utilises strategic information contained in its approved asset management plans and systems. The Council is committed to working on a One Public Estate agenda across Tayside with all partners and other local authorities to ensure the best use of our properties, and making most effective use of our resources.

The Council has steadily improved its performance in delivering the Capital Programme. This is in spite of an eight fold increase in the level of expenditure over the last 10 years, including a decision in 2016 to boost the capital programme to invest in inclusive growth – this is set out in the following graphs. This has been driven by the creation of the Capital Programme Office and regular monitoring of the delivery programme by the Strategic Investment Group, which is part of the Executive Officer Team agenda, on a regular basis. In addition, during discussion of capital projects, key members of the administration are present to consider issues. As part of the overall governance review, we are looking at our approach to capital project gateway reviews for significant capital programmes.



Workforce Profile

Workforce analysis and planning in Perth and Kinross Council is a dynamic and iterative process which is closely aligned with the Medium Term Financial Plan and Transformation Programme. Workforce planning and its' contribution to Medium Term Financial Planning is referenced in Committee reports. Human Resources staff support project managers and their teams on any transformation or service review with workforce implications. This ensures both an operational and strategic approach to workforce planning, taking account of the many internal and external factors which influence the skills composition and size of our workforce. A corporate overview of strategic workforce risks is managed by the Corporate Management Group.

43% of the Council's gross expenditure goes on staff costs. The Council's approach recognises the importance of culture in ensuring we have a high performing workforce to deliver the best possible services to the communities we serve and to help transform and modernise the Council in this fast-moving environment. We have been investing in our organisation and our people for the uncertain and ambiguous future by creating the cultural conditions for a resilient and agile workforce. The annual workforce report, last scrutinised by the Council in December 2018, evidences many examples of how our approach works. We continue to have a strong relationship with all trade unions, which also includes budget briefings with the Chief Executive.

The Executive Officer Team regularly reviews Council wide information in respect of changes in the size and composition of the workforce. This happens at the outset of the preparations for the revenue budget setting process with consideration of the Annual Workforce and Financial Report. Monthly Workforce and Pay-bill reports are sent to the Chief Executive and Depute Chief Executive for discussion with Executive Directors. This information has also been reported to elected members in the Annual Workforce reports each December, since December 2012.

The people strategy, Building Ambition with Our Workforce, identifies the workforce challenges within this context and how we will address them. Our Building Ambition – Developing Talent: [A Workforce Plan for Perth & Kinross Council 2018-2021](#) explains our journey of change and how we will continue to develop and support our employees within the changing context of public service reform, increasing demand and reducing budgets. [Report No. 18/69](#) The Council's Annual Workforce Report 2018 outlines the progress we have made in developing our workforce – preparing our people for an emerging future, creating a learning ethos and a growth mind-set, developing leadership at all levels, creating a healthy and resilient workforce and reshaping the workforce. In support of this approach we are developing a Health and Wellbeing Framework to facilitate people having healthy working lives.

The overall size of the workforce has reduced by 12.7% from 6,281 in 2009 to 5,483 in December 2018. This equates to a 12% reduction in FTE – from 5,248 FTE in 2009 to 4,592 FTE in December 2018.

Between 2009 and 2018, there was a 29% reduction in chief officers across the Council – reducing from 28 to 20 and a 21% reduction in Service Managers – reducing from 74 to 58 (figures based on October 2018). This has been achieved through rationalisation of management roles, taking cognisance of span of control and hierarchy. Long term investment in leadership, skills and resilience has ensured the Council continues to deliver better outcomes for people and continues to modernise and improve. The Council is mindful of the impact on capacity at all levels as the Council manages changes in Services pressures and reducing public services funding.

The Council's approach to workforce planning recognises that young people are our future leaders. In 2012, councillors unanimously supported a significant investment in the range and number of opportunities for young people to train and work with the Council. By 2018, we had exceeded our target of offering 400 Modern Apprenticeships. We now offer 22 different apprenticeship frameworks which is a significant increase on the 7 original frameworks which were offered in 2012. We also have a range of programmes to support positive career moves for staff, including the Learn To Teach programme, aimed at increasing the supply of teachers, and the Learn to work in Early Years programme to support existing staff to re-train to become Early Childhood Practitioners. In addition, the Council are also running the Men in Childcare course to encourage more men to work in childcare.

Any future reduction in our workforce will continue to be tied into our future skills requirements, reflecting Council priorities and finances and the changing nature of how services are delivered. This will have a particular focus on collaboration, working differently with our communities and the impact of digitalisation. However, it is also important to ensure the Council has sufficient leadership and management capacity to navigate the challenges facing public services and to ensure delivery of the best possible outcomes for the people of Perth and Kinross.

We have always recognised that at the heart of the Council's story is the commitment and hard work of our staff. To ensure this remains a strength, we will further enhance approaches to workforce development, succession planning and talent management.

Supporting Change and Innovation

The primary source of an organisation's success is dependent on the commitment and action of its people. As evidenced by our annual Employee Engagement Survey (which takes place in September each year), we have a highly engaged and committed workforce.

We place high importance on promoting a positive workplace culture, and our organisational development Framework (approved in 2015, alongside the Council's Transformation Strategy - [Report No 15/292](#)), sets out an ethos for thinking, working and future growth via three simple principles: *Learn Innovate Grow*.

Our approach capitalises on the vast range of professional and technical expertise and experience which exists across the Council and CPP, and is an extremely cost effective means of supporting learning and development. People are actively

engaged in the process of learning, and the value of our learning culture is clearly evident in our demand-led, employee driven learning programme. Employee Survey 2018 results show that 72% of respondents feel their development is encouraged and supported (an increase of 11.5% since the first survey in 2008).

In our ongoing approach to continuous improvement and delivering the best services possible with the resources the Council has, we will be reviewing Learn Innovate Grow to support a move to agile methodologies as our business operating model, along with a Think Yes approach to employee empowerment.

A key strength of our approach to employee engagement is our ongoing commitment to visibly celebrating success and achievement, both at an everyday level, and also via our growing portfolio of events, such as the Modern Apprentice Graduation, Service Recognition Awards, and the Securing the Future Awards (rebranded in 2019 as the Designing the Future Together Awards). Employee Survey results indicate that 63.7% of respondents receive regular recognition and praise on their performance at work – and this shows a steady increase of almost 15% since the survey began in 2008 (48.9%).

Clear evidence of innovative practice can be seen in the scope and scale of applications put forward within the annual Securing the Future Awards programme, which are live examples of the effectiveness of our commitment to partnership and collaboration.

This is also true of the Angel's Share Programme, which actively encourages entrepreneurial spirit through a bidding process for seed-corn funding to make their inventive ideas happen. Although small in financial value, projects which receive funding make a big difference to a whole range of client groups and the programme visibly reinforces the Council's commitment to supporting creativity and innovation.

Our employee survey remains an important part of the Council's approach to continuous improvement, providing a consistent opportunity to understand a 'snapshot' of employee experience at a particular point in time. In 2018, 2,410 employees (44%) responded, with 11 out of 17 questions showing a positive increase of more than a percentage point compared to the 2017 results. Trends over the years continue to be generally positive, confirming the effectiveness of our approach to supporting people through challenging times.

As a result of the 2017 Employee Engagement Survey, key themes were identified. Progress on these themes is reported in the 2018 Annual Workforce Report, using a 'You Said, We Did' approach. The overall approach is to ensure that staff have the opportunity to shape and deliver improvements within their teams.

Last year respondents were invited to provide qualitative context to their responses if they wished to. This information offers a deeper insight into employee perspectives, and has been used along with other information to inform key themes for 2019 around leadership, workload and vision/direction.

Information Governance & Security

The Council recognises that information is a valuable business asset and as such is effectively managed like our finances, people and property to ensure that we derive the greatest value from it.

Work is ongoing to ensure that our business information is accurate, accessible and available when needed; that it supports better decision-making, more efficient work practices and effective service delivery. Information and technology are integral to our ability to deliver the pace and magnitude of change which local government must deliver to ensure sustainable public services in the future. We continue to progress the use of data for intelligence purposes.

As a valuable corporate asset therefore, our information must be protected; our information technology systems and processes, safe and secure. We are PSN (Public Services Network) accredited and have achieved the Scottish Government required Cyber Essentials accreditation. We are currently working towards Cyber Essentials Plus accreditation.

Following the statutory changes to data protection, the Council undertook a detailed analysis of all information held, and undertook training for all Council employees, including those staff aligned to the Health and Social Care Partnership. There are also regular communication updates for elected members and staff to ensure compliance with GDPR.

We are also committed to an 'open by default' approach to publishing non-sensitive data through our [Open Data Platform](#). This increases our public transparency, and is intended to also promote economic benefit, both in terms of service efficiency savings and generating economic value.

Technology and Digitisation

The Council has embraced technology and has made the necessary equipment available to elected members, staff and, where appropriate, service users. While there have been issues with some third party interfaces, we have made good progress with digitising our customer contact systems and front line services through tools such as MyPKC. We have received national recognition for our website and are sharing practice across Scotland through our professional networks.

Having been one of the first councils to assess our digital maturity in 2016, we are now in the process of going through the new Digital Office Assessment Model. We are working with the Scottish Cities Alliance and Tay Cities Deal to improve our digital connectivity, particularly in our hard to reach rural areas. We have committed to the Smart Cities programme and we are working with partners on our Open Data Platform.

It is our ambition to be the most digitally innovative Council in Scotland.

4. Partnership working

Creating a Shared Vision

Through partnership working and collaboration, we are looking to make better use of all available public and community resources to deliver more efficient services which better meet the needs and the priorities of our communities.

We have an effective Community Planning partnership, delivered through the Community Planning Board, and supported through the Community Planning Executive Officer Group and six Outcome Delivery Groups. As mentioned previously, the Partnership has recently committed to undertake a workshop to review the ongoing effectiveness of our governance arrangements.

Under the Community Plan/LOIP, the Council and community planning partners are committed to delivering three outcomes for the people of Perth and Kinross, which are: positive outcomes for everyone in Perth and Kinross; prioritising preventive approaches; and tackling stubborn inequalities where they exist.

The 2018 Annual Audit report stated that *'the Council is a statutory partner in the Perth and Kinross Local Outcome Improvement Plan (LOIP). This plan involves input from a number of agencies including NHS Tayside, Scottish Fire and Rescue Service, Police Scotland, Skills Development Scotland and the Council. It is an example of how the Council has collaborated with other entities to support delivery of the strategic objectives agreed upon, which feeds into the corporate plan.'*

Our Community Planning Partnership Framework remains strong and robust, with a long track record of a clear focus on outcomes, self-evaluation and continuous improvement. Partners have collaborated successfully to realign resources towards prevention and earlier intervention to prevent negative outcomes. For example, our long-term commitment to evidence-based programmes which build family resilience, parental confidence and strengthen communities is demonstrated through Evidence2Success.

More recently, through the work of the Fairness Commission, collectively, we have reached a deeper understanding about the impact of poverty and inequality in our communities and are clear about the actions we need to take to mitigate this.

Fairness Commission

The Council, along with our community planning partners, has developed a shared understanding and clear vision around the challenges in improving outcomes in our area, as a result of the work for The Fairness Commission. This was established to find out more about what it is like to live in Perth and Kinross, recognising that many people were experiencing the consequences of poverty and inequality. The independent Commission of 11 individuals, with a broad range of experience, expertise and influence at local and national levels, were appointed by the Community Planning Partnership to gain insight into what is getting in the way of people reaching their full potential and to set recommendations for positive change.

Between June 2016 and April 2017, the Commission spent time listening to local residents, groups, professionals and businesses and invited as many people as possible to share their experiences. Existing data was reviewed to help interpret and identify priority areas.

The Commission published the [Fairer Futures Report](#) in May 2017, with a series of nine recommendations for the Community Planning Partnership, based on what local people said would make the biggest difference to them. To take these recommendations forward, members of the Community Planning Partnership took on the leadership of individual workstreams and were tasked with overseeing activity to meet the aspirations set out in the report, with the Convener of the Housing & Communities Committee taking the lead elected member role in terms of oversight.

Some examples of progress are:-

- **Awareness Raising** – a programme of events and a campaign to raise awareness about the causes and consequences of poverty in Perth and Kinross is planned. Officers are also working on the development of an e-learning module to help staff improve knowledge and understanding of poverty and inequality issues, to benefit those who find themselves in these circumstances.
- **Socio-Economic Challenge** – an Integrated Equalities and Fairness Assessment approach has been introduced within the Council and learning has been shared with partner agencies.
- **Tackling Child Poverty and Co-production** – with an initial focus on outcomes for young people who are looked after, partners have collated the details of the opportunities which are currently available to young people or care leavers and have committed to identifying additional opportunities that can be made available (e.g. Modern Apprenticeships) . A specific initiative around improving breast feeding rates has been identified as being an excellent example of co-production in action.
- **New Approaches to Service Delivery** – this has initially focussed on the “digital divide” and services are being supported to improve how people accessing Universal Credit are helped to improve their digital literacy. A baseline survey to identify current service provision to support digital literacies has also been completed.
- **Fair Work** – a series of events and publications have been organised and produced to engage employers and highlight good practice. This work has clear links with the Tay Cities Deal and work has taken place at a Tayside-wide level to take forward Fair Work as part of the Delivery Plan. A Regional Skills Investment Plan for Tayside is being produced, which has a specific focus on Fair Work as a priority.
- **Support for the Third Sector** – work has focussed on improving partnership working and giving a stronger platform for third sector knowledge and intelligence to influence community planning priorities and outcomes at a local and strategic level. This workstream is also seeking to refresh a joint working “Compact” between the third sector and Community Planning Partnership.
- **Social Value of Procurement** – social benefits are becoming an integral part of the tendering and procurement process in PKC in particular. Communities are being asked to bring forward suggestions and influence the community benefit

clauses that can be included in contracts. An example of this is the Perth Transport Futures Project which was recognised on the Social Value Portal as an effective approach to delivering social value).

Further information and evidence is contained in the [Community Plan](#), [Corporate Plan](#), [Business Management and Improvement Plans and Service Annual Performance Reports](#), [Evidence Portal](#), [PK Performs](#), [Local Government Benchmarking Framework](#) report for PKC and statutory inspection reports.

Partnership and Collaboration

While some of our partnerships have emerged through statutory requirements, such as the Integrated Joint Board, the Council has long understood the value of partnership and collaboration in delivering efficient public services which meet the needs and priorities of our communities. The Council actively seeks opportunities to work with partners, external agencies, the private and third sector and communities.

Health and Social Care Partnership (H&SCP)

The creation of the IJB for Health and Social Care has seen major change in the operational and strategic management of these services, integrating to deliver the most positive outcomes for people who need support and working with local communities to deliver change.

Across care and support services, teams carry out self-assessments of their services, which are followed up by the Care Inspectorate announced and unannounced inspections. Over the period May 2017 to March 2018, different services were the subject of inspections and where assessed for care and support and management leadership received awards of very good and excellent. The inspection on home care told us that service users were involved in the planning of their support and they felt they were listened to and treated warmly with dignity and respect.

The Perth and Kinross Strategic Commissioning Plan 2016 -2019 sets out how, by working together, we meet people's needs both now and into the future. It is recognised that carers and families play a significant part in supporting people to live at home and there has been a focus on delivering a more tailored approach to support. 91.7% of respondents in the latest Adult Social Work Survey agreed that they were supported to live as independently as possible with 41% of carers saying they felt supported to continue in their caring role (the national average was 37%). The new Strategic Plan for 2019-2022 is currently under development.

The 'Housing Contribution Statement' is detailed within the plan and sets out how, through the Local Housing Strategy, housing will support the delivery of the aims of the Health and Social Care Partnership. The Integrated Joint Board approved a report in February 2019. This [report](#) and [appendix](#) provides an update on achievements as well as the challenges and next steps.

Sheltered Housing is just one example of the connections with the strategic aims of the partnership and can be demonstrated through the [Sheltered Housing Promotional Video](#). In addition, we know that, through recent inspection, the quality of care and support and leadership and management are “very good”. This reflects that the Council knows the importance of a safe and secure place for those who need it.

To mitigate some of the challenges, particularly around the need for specialist housing which meets the needs of the most vulnerable groups such as homeless, older people, people with mental health issues, people with learning disabilities and drug and alcohol issues, we are planning to do more, such as:-

- The collation of robust housing, support and care needs information on current and future demand for housing and support which recognises the importance of location and amenities, including broadband connectivity, has in sustaining independent living
- The development of a modelling tool to support short, medium and longer term planning for housing and support
- Further exploring the use of Technology Enabled Care solutions within Housing Services
- The development of an older persons housing, support and care strategy detailing plans for service transformation and remodelling of existing accommodation and the delivery of new models of older persons housing and housing with care, including the potential for a rehabilitation model

Collaboration

We have a programme of collaborative areas under review with our neighbouring councils, for example strategic collaboration and procurement. While progress in some areas has been slow, there is an ongoing commitment within this Council to driving this forward to deliver better and more cost effective services to the people of Perth and Kinross. We will also continue to examine all opportunities to collaborate across all sectors to further drive efficiency, effectiveness and improved outcomes.

Most progress has been made with a joint plan for children’s services, which has been taken forward by the Tayside Regional Improvement Collaborative (TRIC). A one year update ([Tayside Regional Improvement Collaborative \(TRIC\) Progress and TRIC Plan \(Phase 2\) 2018 Reports](#)) on the progress made by the TRIC, in taking forward the first joint Integrated Children’s Services Plan ([The Tayside Plan for Children, Young People and Families](#)), was taken to the Lifelong Learning Committee in October 2018 and approved for publication.

The phase 2 plan has been evaluated and reviewed by both the Scottish Government and Education Scotland, with funding being made available until, at least, the end of the 18/19 academic year. Goals for 2019 include a greater focus on clearly defined objectives and improvement outcomes, while continuing to provide evidence of how collaborative working is impacting on the lives of families and young people in Tayside.

The Care Inspectorate carried out a Joint Inspection of Services for Children and Young People in the Perth and Kinross Community Planning Partnership which identified particular strengths. Some comments included:-

- Joint planning to improve services was excellent. *“The work of the Child Protection Committee was a model of its type”*
- The extent to which services provided help and support at an early stage was very good. *“The principles of GIRFEC are well-understood and embedded into practice providing a strong foundation for child-centred planning and early help”*
- The impact of services on the wellbeing of children and young people was very good. *“Partnership working to ensure and promote the safety and protection of children and young people was a major strength”*

Tayside continue to endorse their more unique, holistic and innovative approach to their Regional Improvement Collaborative remit, by looking beyond securing improvement in the education system; four other key priority areas all link to the shared vision of making Tayside the best place in Scotland to grow up.

Another example of successful collaborative working is procurement. Procurement performance, and progress with planned improvements, was reported to the Strategic Policy & Resources Committee in June 2018. The committee considered the [Procurement Annual Report](#) and approved it for publication. Significant savings and increased efficiencies have been made through the procurement transformation project; the detail of these is set out in the report. The three Tayside authorities and Health and Social Care partnerships have recently commissioned Scotland Excel to assist them with the review of procurement and strategic commissioning, a revised approach to collaborative procurement will be launched in 2019/20.

The Council recognises that a lot more needs to be achieved, building on our experience of enhancing the social value we achieve through our contracts, and including how we intend to build on the improvements in our use of Community Benefit clauses. This links with work we are undertaking jointly with our Community Planning partners to deliver on Recommendation 9 of the Fairness Commission Fairer Futures report, which seeks to deliver greater social value through partners' procurement activities.

Three Council Collaboration

Perth and Kinross, Dundee and Angus Councils jointly procure key services such as catering, cleaning, roads and winter maintenance from our quasi commercial trading organisation. Tayside Contracts' structure allows them to compete in the wider market as well as being a major service provider for Council services. Since the last audit of Best Value, Tayside Contracts have been enabled to compete in a wider market and further services have been transferred to them including janitorial staff and school crossing patrollers, with further collaborative working undertaken through the Roads Maintenance Partnership and Street Lighting Partnership. This combination of a public sector ethos and commercial skills, has delivered savings and more effective use of resources, along with improvements in service delivery.

The benefit of this approach is recognised in the Annual Audit report 2018 where *‘the Council engages in a range of partnership working with Dundee City Council and Angus Council to realise efficiencies’*.

The three Councils have been examining opportunities for collaborative working for various roads related services such as asset management, carriageway and footway maintenance, traffic, network, roads safety and roads scheme design. The Chief Executives have agreed a small pilot for collaborative working in respect of urban traffic control and traffic signals and Network Management. Work is also continuing to explore opportunities to maximise the use of fleet vehicles, while ensuring that the legal requirements of vehicle licensing are met and there are efficiencies realised.

Collaboration for Economic Growth

The Council continues to play a lead role in economic development throughout Perth and Kinross. Working with the Perth City Development Board and other partners, we want Perth to be one of Europe’s great small cities, with the resultant benefits for the wider Council area. In addition, as part of the Tay Cities Deal, we are collaborating with Angus, Dundee City and Fife Councils across a range of economic development areas. This is with a focus on delivering the inclusive economic growth objectives set out in the Tay Cities Regional Economic Strategy.

Through its programmes and projects, the Council aims to ensure that economic opportunities are open to everyone; inequalities are being addressed; and that the Council’s support for business growth is also supported by investment in skills as well as both digital and physical connectivity.

The Story of Perth, launched in November 2018, celebrates the city’s great heritage and links to the Perth City Plan’s long-term vision and key initiatives to deliver sustainable growth for the city and the wider region. Developed by the Perth City Development Board, a partnership of private and public and sector organisations including the Council, the Story focuses on the region’s unrivalled quality of life, independent culture and connectivity to drive the social and economic development of Perth and Kinross. It provides a single unified narrative, which informs product development, promotion activity, and all parts of an effective strategic marketing approach.

The Council in August 2017 agreed to enter into a Minute of Agreement with Angus Council, Dundee City Council, and Fife Council to establish a Joint Committee under Section 57 of the Local Government (Scotland) Act 1973 to progress and implement the Tay Cities Deal along with other economic development collaboration opportunities

Our ambition is supported by the Tay Cities Deal, through which at least £150m of Scottish and UK Government money will be invested across Perth and Kinross to ensure inclusive growth. The deal includes the following commitments:-

- **Transport** – The Deal includes a commitment to close partnership working along with Transport Scotland to deliver on the regions transport ambitions including the

Cross Tay Link Road. We will be taking a leading role in this, to support our aspirations for the area.

- Perth Bus and Rail Interchange will receive £15 million, making vital connections to, from and across our region simpler for thousands of travellers.
- A total of £3.5 million to develop low carbon transport and active travel will support our aims of improving air quality and promoting walking, cycling and public transport across Perth and Kinross.
- **Tourism and culture** – Public and private sector, together with national agencies, will work together to invest £27 million in regional culture and tourism assets which will deliver more visitors to the area and encourage them to stay longer. This includes the opportunity to develop funding packages for projects such as Perth's Creative Exchange. A further £10 million for the cultural transformation of Perth supports the redevelopment of Perth City Hall into a museum and heritage attraction.
- **Food Production Capability** - Included within the funding announcement are the International Barley Hub (IBH) and the Advanced Plant Growth Centre (APGC) research and innovation projects which are set to receive £62m in total. These two initiatives will create industry focused and commercially viable innovation centres in Tayside and will further strengthen the Institute's world-leading research in plant science.
- **Skills and employability** - £20 million to support the delivery of the Tay Cities Skills and Employability Development Programme to deliver fair work. There is also £8.1 million investment from the UK Government in the Aviation Academy for Scotland, a Tayside-wide partnership project aimed at providing specialist training and skills in the aviation industry.
- **Digital infrastructure** - A total of £4 million towards world-class digital infrastructure will be of particular benefit to Perth and Kinross, supporting the 15% of our working population who are self-employed, and generating inward investment

We continue to identify ways of using our property assets in a more collaborative way. Examples of this include the Perth College UHI moving into Council offices in Crieff, allowing the disposal of another building for a community based local arts venue, and the relocation of the Perth based Skills Development Scotland staff in one of our main Council buildings. This is being used by the Scottish Futures Trust as an example of good practice, and this collaborative approach with partners will continue as a key focus within our property asset management transformation review to deliver significant savings.

Working with Scottish Development International and Perthshire Chamber of Commerce, we support businesses to develop new markets and trade outside Scotland and, through Invest in Perth we promote the whole of Perth and Kinross as a great place for business relocation and investment.

Delivering Better Outcomes through Partnerships

Transport Scotland Regional Transport Partnership - Shaping Perth's Transport Future – Phase 1 of the Perth Transport Futures Project has provided a new link road from the A85 Crieff Road across the A9 dual carriageway and River Almond into Bertha Park. The scheme will also deliver a number of measures and

improvements for pedestrians and cyclists. As importantly, the project has delivered the following social benefits:-

- 7 week long work experience placements to young people
- 21 longer duration work placements to a variety of individuals including 6 placements for prison leavers and 5 long duration placements for serving prisoners
- Engaged with over 2,000 school pupils and students across the local area
- 58 individual educational engagement events including taking the ICE (Institution of Civil Engineers) Bridges to Schools workshop to 6 local schools and over 700 pupils
- 16 Apprentices, Graduates or Trainees employed through the scheme and completing over 3000 days of work
- 26 NVQ starts or completions
- Over £8,300 raised for local charities

Energy Efficient Homes - We have successfully collaborated with SSE to improve the fuel efficiency of homes. To date, we have been awarded £12,093,127 of funding. This includes a funding award of £1,345,635 (2018/19) which will include 170 private homes. A Warm Homes Funding Grant of £1.4M has also been secured. The fund is primarily designed to encourage the installation of affordable heating solutions in fuel poor households who do not use mains gas as their primary fuel, addressing fuel poverty particularly in rural areas.

We are also continuing to maximise grant assistance from Scotland's Gas Network (SGN) to help pay for new gas connections. More than £1.75M has been saved since 2012 and 1,614 new connections have been installed. Mains gas supplies have been fitted to a further 68 Council houses during 2017/18.

During 2017/18, in recognition of the increase in and significant challenges that hoarding difficulties can present to both the individual and those supporting them, the Housing Service introduced a joint **Hoarding Protocol**, which was the first of its kind nationally. This was developed in partnership with Scottish Fire and Rescue Service and the Health and Social Care Partnership. This approach has a person centred focus, supporting and helping tenants regain control of their homes and their lives. A number of Local Authorities have approached the Council in recognition of the effectiveness of these new arrangements seeking to mirror a similar arrangement both in terms of the Protocol and the training and support provided as part of this to our frontline housing teams.

The effective partnership between Gannochy Trust, the Council and Perth and Kinross Association of Voluntary Service (PKAVS) in the commissioning and funding of **universal youth work provision** was highlighted in the recent inspection of Community Learning and Development Services as an area of good practice. The partnership aims to ensure universal provision is to an agreed standard with measurable impact.

Arms-Length External Organisations (ALEOs)

The Council commissions sport and culture services from three ALEOs, Culture Perth and Kinross, Horsecross Arts Limited and Live Active Leisure with a current total service investment of £8.9M. All three ALEOs are Sole Member Companies meaning the Council is not required to tender services, however in 2016 we completed a soft tender exercise to test value for money. The Council is currently reviewing its delivery structures for culture to protect and maximise future Council investment in cultural provision and ensure long-term sustainability for these services.

ALEO performance is monitored as follows:

- Annual review of the service contracts with key performance indicators (KPIs) and deliverables adjusted in line with performance data from previous year and new/emerging priorities
- Quarterly contract monitoring meetings chaired by a Head of Service
- Observer status of the Council at all ALEO Board meetings
- Performance reporting via the Corporate and Democratic Services BMIP (from 2019/20)
- Completion of the Annual Governance Statement
- Attendance by ALEO Chairs and Chief Executives at Scrutiny Committee on a rolling basis

On a rolling basis ALEOs are invited to the Scrutiny Committee to account for their performance and a programme is in place for the next year – [Scrutiny Committee Report and Forward Planner 2018/19](#). A review is underway of our arrangements for ALEOs to ensure the scrutiny and assurance functions are developed and refined.

Community Consultation and Engagement

A review of local decision making was completed by *What Works Scotland* in April 2018. This is an initiative to improve the way local areas in Scotland use evidence to make decision about public service development and reform. Work is underway with Action Partnerships to develop an improvement plan incorporating their recommendations. This will be presented to the Community Planning Partnership Board.

- The Annual Performance Report shows that we are meeting our targets in the majority of cases.
- How we are meeting our targets for transformation savings is shown in regular [Progress Updates](#).

[Business Management and Improvement Plans: Annual Performance Reports](#) are reported to Service Committees and Scrutiny Committee. These committees also receive 6 monthly updates on performance on BMIPs. The Council actively seeks the views and feedback of customers, staff, partners and other stakeholders in order to identify areas for improvement and to influence and shape service redesign. We

recognise the need for service users and other stakeholders to be effectively engaged and involved in the development of Council policies.

We have a broad range of consultative tools and processes in place to ensure that our strategic and management decisions and priorities reflect the needs of our communities. We are introducing a single, managed, consultation hub (consult.pkc.gov.uk) to promote and manage all consultation and survey activity, which assists in building the quality and transparency of consultation, whilst clearly 'closing the loop' in reporting to the public/consultees what has happened as a result of their input. A dedicated officer provides support to research and consultation activities across the organisation.

The Council has agreed a strategy for community engagement and has agreed a Statement of Intent with its Community Planning Partners to support a co-ordinated approach to community engagement. Our approach to consultations is based on the [National Standards for Community Engagement](#) and we have established a wide range of [consultation processes and procedures](#).

We have a good understanding of who our stakeholders are and have systems and structures in place to encourage participation and provide appropriate representation to shape and influence our decision making and policy development.

Through formal and informal consultation, surveys, roadshows, social media, complaints and direct customer contact, public meetings, Council and Committee meetings, deputations and petitions, customers and other stakeholders have a variety of means available to them of expressing their views and feelings in respect of any aspect of the Council's business.

The Council consults with stakeholders in respect of all major reviews of service and actions and outcomes are reported back.

Some examples of how consultation shapes our service design and delivery are:-

- **Tenant participation and engagement** is a particular strength in Perth and Kinross. During 2017/18, our tenants led by the Service User Review and Evaluation (SURE) Team developed and wrote our new Tenant and Resident Participation Strategy (reported to Housing & Communities Committee in January 2018). This strategy:-
 - adopted a new menu of tenant opportunities to get involved in shaping their services
 - focused on shifting delivery of activities to our locality housing teams to address local issues
 - outlined the value of greater feedback to tenants and residents about the things that matter to them
- The annual How Good is Our School at Helping Me to Stay Safe survey is carried across schools in Perth & Kinross – including Independent Schools on a biennial basis. The survey asks pupils about their awareness and understanding about keeping themselves safe, knowledge of where and when to seek help and confidence that they would get the help when they needed it. The survey attracts

over 6,000 responses, and is a key driver for improvements, with schools receiving individualised evaluation reports to inform their Improvement Plans.

- Building on previous years' consultations, the Council undertook a **public budget consultation** in the lead up to the full Council's budget meeting in February 2019. This extended its reach even further than previous years with over 1,200 responses and 129 comments on social media, from across all age groups. Public opinions on budget priorities, savings strategies and council tax income are concisely summarised and presented within Members' budget decision-making papers.
- Evaluations of the first round of Participatory Budgeting and the impact of the funds that were allocated highlight the difference this work with communities has made to local people. Over 7,000 people across all localities voted for projects in their area. Applications for 221 projects were received with 151 receiving funding. Projects were wide ranging and across all age groups for example, mother and toddler groups, cycle festival, exercise classes, climate youth action project, Men's Shed to name but a few. The focus was to tackle isolation, improve mental health and wellbeing and also to raise awareness of and to sustain existing groups. [videos](#)
- Perth and Kinross Council has undertaken an extensive range of detailed consultation to inform changes to the **school estate** in line with the approved transformation review, 'Securing the Future of the School Estate'. In the case of Balhousie and Forteviot primary schools, there has also been additional statutory consultation required under the Schools (Consultation) (Scotland) Act 2010. These led to decisions being made by Lifelong Learning Committee to make changes to the school estate that have educational benefits to pupils and also assist the Council to meet its statutory duty to achieve Best Value.
- The re-development of **Perth City Hall** into a modern cultural attraction is a key part of the Perth City strategy for Smart Growth and the Tay Cities Deal. Scheduled to open in mid-2021, in addition to statutory planning consultations, wider consultation and engagement with local residents and businesses has been extensive throughout the process with a community participation plan underway and a number of exhibitions and displays in the building being co-curated with communities. Designed by international architect Mecanoo, nearly 1,000 people offered views on the five shortlisted architects' proposals for City Hall with Mecanoo emerging as clear favourite. Planning and listed building consent was granted in January 2019.
- The Local Development Plan consultation process has been recognised as a model of good practice which offered a wide range of opportunities for the public to have their input.
- Education and Children's Services carry out a biennial consultation regarding care and early education provision. This exercise gives valuable insight from parents and carers into the experience of using childcare services, allows us to anticipate future needs and, is used as a driver to shape our Early Learning and Childcare Expansion Plan.

Individuals, particularly those who are vulnerable, are supported to have their voices heard through independent advocacy so that they are involved in the decisions which affect their lives. One example of this was through the work undertaken to advise the Fairness Commission. This involved Commissioners meeting with local residents, groups, professionals, organisations and businesses, to understand the

strengths and challenges within the area. As many people as possible were invited to share their personal and professional experiences and observations, and importantly, their perspectives on what needs to be different. These discussions shaped the Commissioners overall recommendations, which were agreed at an event to which all participants were invited, to ensure a joint ownership and understanding of the way forward.

Community Participation

Involving and empowering our communities is at the heart of creating sustainable communities where people want to live. In 2017/18, we established the Stronger Communities virtual team across Council services and wider partners, including Housing, Environment Services, Community Learning and Development, Services for Children and Young People and the third sector.

There are a variety of ways of where we are strengthening links between the Council and community groups. Some examples are as follows:-

- **Story of Place** -goes beyond displaying data tables and provides a narrative around the data, as well as the local intelligence which brings places to life – local identity, history, social and community networks and talents and sources of community pride. Feedback has been extremely positive; and we know Community Groups are using the platform to support their applications for funding and grants. The site also helps communities have the information they need to secure funding for their projects.
- **Estate Based Initiatives** (EBIs) evolved from feedback from local tenants and residents about improving the local neighbourhoods. This project has enabled the Housing Service to develop a different approach to involving communities of people in prioritising and deciding how a local Housing Revenue Account (HRA) budget is spent in their area ([video](#)). The EBIs are encouraging more tenants and residents to come forward and have a role in local decision making processes and local issues. A good example of this is the work undertaken in Gilmerton. Involvement through EBIs, has led to the community undertaking a local survey to help prepare a bid to the Local Action partnership to further develop parts of the village. Also as a consequence, two new community-led voluntary groups were formed: the Defibrillator Group for Gilmerton and the Gilmerton Parks and Gardens Group.
- The biennial '**Big Listen**' engagement exercise involves on average 2-3,000 people in shaping local cultural provision in libraries and museums
- The 2017 UK **City of Culture** bid for Perth engaged over 27,000 local people in surveys, community cultural projects and other initiatives to support the bid as galvanising more community engagement.
- **Community Greenspace** has actively encouraged the establishment of paths groups by providing hands on support through our greenspace rangers and coordinators. Our Path Group Development project promotes effective communication between paths groups and the Council.
- The 45 **Bloom groups** are the longest established of these partnerships, and have over 450 committee members. Together with hundreds of volunteers, they deliver over 20,000 hours of voluntary effort on an annual basis. This brings communities together, uniting them behind a single, common purpose; to make

towns and villages better and more attractive places to live in and to visit. This creates a very strong sense of civic pride and identity in these communities, encouraging cross generational social interaction, and healthy outdoor activities. Perth and Kinross are sector leading in this within the UK, based on a strong partnership and mutual trust between Community Greenspace and the volunteer groups. This approach will continue to be built on as one model for co-creation in service delivery, linking to a transformation project to transfer the greenspace areas to communities.

- The **Men in Childcare** Course was recently recognised for championing gender equality by the Scottish Public Service Awards.

Community Asset Transfer

The Community Empowerment Act requires the Council to provide an Annual Report on Community Asset Transfers (CAT), with the first one required to be published for 2017/18. We have a Community Asset Transfer policy and an objective to increase the number of CAT from 2019/20 onwards with work under development by the Stronger Communities Team. Groups are encouraged and supported to have initial discussions and submit an expression of interest before they start the formal process. A range of support, information and statistical information is readily available on the Council [webpage](#).

The annual report confirms that 8 Expressions of Interest were received, but none of these resulted in a full Community Asset Transfer Application being received and therefore, no assets were transferred to community use.

In 2018/19 we have had:

- 20 enquiries from groups about an asset
- 11 Expressions of Interest, of which 4 have been withdrawn
- 10 groups are currently being supported with their proposals
- 2 groups have successfully achieved their outcome through other routes

Participatory Budgeting

Local Action Partnerships play a vital role in the Council's approach to community empowerment and have delivered a Participatory Budgeting (PB) community grants scheme across Perth and Kinross in 2017 and 2018. This is to help communities tackle inequalities, build community capacity, increase participation and address health and social care needs.

Through PB, the Council acts as an enabler for communities to make decisions on the priorities that matter to them, promoting active citizenship and building community capacity and cohesion. By using the Local Action Plan as a guide, Action Partnerships were able to direct money to the most significant inequalities faced by people living in each locality. In 2017, £180,000 funding was allocated to 139 groups and 4000 people participated in the voting. In 2018, we built on this success and increased the number of people voting to 7,184 who decided on how to allocate £221,000 (151 projects received full or partial funding). In some areas the partnerships decided to make voting more accessible by allowing people to vote

online or by ballot boxes in the communities before the PB event. Both PB rounds received match funding from the Scottish Government's Community Choices funding.

In line with a joint agreement between COSLA and Scottish Government the Council is working to ensure 1% of its allocable budget to be determined by Participatory Budgeting by 2021.

The Council, along with our community planning partners, recognise the need to engage and empower our citizens and communities in more effective ways to ensure a greater focus on local democracy and governance. Key to the delivery of this will be the Perth and Kinross Offer, which has this approach at its very heart.

Equality and Diversity

The Council actively promotes equality and diversity. We value diversity and recognise our legal duties and responsibilities in respect of the nine protected characteristics (age, disability, gender reassignment, pregnancy and maternity, marriage/civil partnership, race, religion or belief, sex, sexual orientation). We also recognise that we must go beyond the protected characteristics and consider issues such as health, income, gender identity, employment status and housing circumstances and how they can impact on people's life chances.

We are committed to equality of opportunity as public service providers and as employers. This ethos is reflected in and evidenced through our plans, strategies, policies, processes and procedures. Services also complete equality and fairness impact assessments for expenditure pressures and savings proposals. This is analysed and a cumulative assessment produced and shared with all elected members in their roles as decision makers. The assessment process is also shared with the Strategic Equalities Group which comprises of representatives of the Community Planning Partnership, voluntary organisations and individual groups.

The Council uses a broad range of information to better understand diversity and inequality within its communities. We work continuously to provide services that are inclusive and accessible; working with partners on a number of initiatives to support our diverse communities to integrate and feel fully included.

The responsibility for monitoring compliance with our statutory duties in relation to equalities lies with the Corporate Equalities Team Leader. A governance infrastructure has been established to support this process internally (Equalities Operational Group); strategically (Equalities Strategic Forum); and at a community group level (Community Equalities Advisory Group). Importantly, everyone working for, or with, Perth and Kinross Council has responsibility for promoting equality of opportunity in their everyday business activity, be it through day-to-day service delivery, strategic planning systems, service support or partnership working.

There are 4 Equality outcomes; 3 of which commit PKC to treating service users fairly and equally. These are:

Equality Outcome 1 – The Council will ensure its services are accessible to all individuals and community groups, with due regard to the breadth of circumstances which impact on people’s experience of equality.

Equality Outcome 2 – All individuals and community groups in Perth and Kinross regardless will experience inclusive opportunities to participate in, and influence Council decisions.

Equality Outcome 4 – All individuals and community groups in Perth and Kinross will have opportunities to be involved in inclusive community activities and events in the area, in a safe and welcoming environment.

The **Annual Equalities Performance Report** was approved by Council in December 2018. The report provides members with an overview of our equalities work as an employer and service provider, demonstrating our commitment to equality of opportunity and how our equality outcomes have been achieved. This establishes a benchmark for us in future years and will become an established part of the performance reporting cycle.

The report clearly lays out why ***‘Equality is At the Heart of What We Do’*** as all services demonstrate how much equality is part of their mainstream day-to-day work. We are an employer which takes equalities seriously and the report includes our Annual Statutory Equality and Diversity In Employment Report.

The Council made a policy commitment to be a **Fair Work Employer** in 2016. Engagement with staff found that our employment policies and people practices support the Fair Work principles and they regard Perth and Kinross Council as a Fair Work employer. The Council is an accredited Living Wage employer, a Disability Confident employer; it holds the silver award for Healthy Working Lives and holds the Engaged Status as a Carer Positive employer. These are some of the many accreditations which reflect our positive people practices. We are now part of a small group of employers who are developing an Employer Recognition Scheme for Equally Safe – to eradicate gender violence in the workplace.

We enhanced our dedicated **Gypsy Traveller Engagement and Improvement Plan** to reflect the Scottish Government’s Guidance on Minimum Site Standards and Responsibilities. Our self-assessment of our two sites has demonstrated that all standards are already being met. During 2017/18, we supported the gypsy traveller community in Pitlochry with the provision of accommodation to support a project developed to assist community members to move their vision of an inter-cultural centre nearer to reality.

A Strong Start: An equal footing for life-chances, choices and confidence sets out some of the challenges for the Perth & Kinross area and identified what people told us would make a difference. To take forward these recommendations as well as responding to “Every Child, Every Chance: The Tackling Child Poverty Plan 2018/22 we are collaborating across all stakeholders to pull together all the good work that is currently making a difference as well as creating greater synergies for an increased joint approach to tackling poverty.

5. Continuous Improvement

Perth and Kinross Council continues to demonstrate a strong commitment to Best Value and continuous improvement along with an appetite for better services and improved outcomes for the area. This is supported through the improvements made following the previous Audit of Best Value in 2008 (Appendix A). Together with our partners, we share a clear vision and they are committed to the Perth and Kinross Community Plan. The vision and objectives have remained constant for a number of years, with the most recent review of the Plan more widely engaging citizens and communities in its development.

Both the Community Plan and the Corporate Plan reflect the significant challenges faced by the Council in securing sustainable, inclusive economic growth; addressing our changing demographics; reducing the impact of poverty in families and communities and supporting those most vulnerable; evolving the way we work with communities through the Perth and Kinross Offer; and working more collaboratively and further transforming our services.

The Council has an ambitious corporate improvement agenda which supports the delivery of its community and corporate plan objectives. It has robust performance management arrangements based on measuring progress against agreed outcomes. This is in the process of being refocussed to ensure that it continues to measure what is important to be people of the area, and will link clearly with the Perth and Kinross Offer. Key to this will be our need to be ambitious and aspirational yet honest and realistic about what we can and cannot do, now and in the future. Continuous improvement activity is embedded within service and team plans and is part of the culture of the Council. Scrutiny arrangements to support performance and continuous improvement are sound and the Scrutiny Committee is committed to reviewing its own development regarding its coverage of the Council's decision-making processes.

The Council continues to benefit from strong and effective collective leadership. The Leader of the Council and the Chief Executive work well together in taking forward corporate priorities and are committed to the involvement of strategic partners in improving services for the area. The mature and effective working relationship between political group leaders is a key feature in providing clear strategic direction.

The refreshed Executive Officer Team will continue working effectively with the Council Leader, elected members, officers and our communities to deliver our emerging ambitious Offer to deliver efficient and effective services and better outcomes for the people of Perth and Kinross.

Community Planning is well developed in Perth and Kinross, supported by a strong commitment to partnership working, effective planning structures and a clearly defined set of outcomes. While effective partnership working has already delivered improved outcomes, the Council and our partners recognise that there needs to be further improvement to ensure that, collectively, we are clear on where further improvement can be made and are working together to deliver these. .

In particular, the CPP recognise that there is a need to review the arrangements across the Partnership to support the delivery of the Community Plan.

The Council continues to demonstrate many positive examples of directly involving local communities and service users in shaping plans and services. We are aware that our communities are changing and we also recognise that we must engage more systematically and proactively with communities, again linked to a collective approach for the Perth and Kinross Offer.

As part of our improvement agenda, the Council has successfully undertaken significant structural change over the last few years. Political and executive structures clearly align with the delivery of our corporate priorities. These continue to be kept under review to ensure that we deliver on our commitments.

The Council manages its financial and asset resources very effectively and has made significant efficiency savings over the years. Many of these have been linked to an agreed transformation programme, and again we realise that in challenging financial times, more is required to continue to deliver services across the area.

Key to the Council's continued success is our hardworking and committed workforce. Their role in providing services, developing change and transformation projects and putting people at the centre of what they do plays a significant and immeasurable part in delivering our ambition and objectives. We will continue to support their development by investing in the skills and talent we need for the future.

The Council continues to use the Local Government Benchmarking Framework as one key tool in our performance monitoring. In addition, there have been improvements in key areas such as planning, homelessness and attainment, which were recognised internally and through external inspection, as areas requiring significant improvement. Changes which have occurred over the last few years are working through to services and the Council is aware of those aspects where improvement is needed, taking robust action to achieve it.

As such, the Council has an ambitious corporate improvement agenda and has established a culture of continuous improvement among employees and elected members. We use a wide range of self-assessment and review methodologies to drive change; we are aware of what its priorities are and that we need to increase the pace of improvement in the areas identified as key priorities.

To achieve this, we are embarking on a period of radical change. This will be a shared approach, with joint accountability with our citizens, communities and partners, and with its success being able to be measured at both a local and authority wide level. It will not be something 'done' to our residents, but will involve them fully – beginning in some of our rural areas. At the outset we will co-create our performance measures so we know what we are seeking to achieve, how we will collectively achieve, who is responsible, the resources required, timescales and, most importantly, what difference it will make to improving the lives of our citizens, visitors, investors and businesses.

This will encompass the following themes, to underpin our joint ambitions for the people of Perth and Kinross, create a shared focus, and drive our collective efforts as those jointly responsible for the sustainable future of our area. The Offer will be underpinned by the themes of:-

- Equalities and Fairness (Diversity, Perceptions, Commitment, Rurality)
- Economy and Entrepreneurship (Investment, Employment, Location, People)
- Education and Learning (Attainment, Investment, Collaboration, Strengthening Families)
- Empowerment (Enabling Structures, Communities, Partnerships, Third Sector)

The Perth and Kinross Offer is driven by the need to change the way we do things, co-creating a more equal partnership between the Council, our citizens, partners and our communities. This is about doing the right thing by empowering everyone who lives, works, visits and invests in Perth and Kinross.

It is about how we all **LIVE LIFE WELL**

Next Steps/Key Priorities

Within the Community Plan/LOIP, the Corporate Plan and Service Business Management and Improvement Plans, the Council has clearly articulated its vision, direction and objectives. These are understood by elected members, and employees, with opportunities provided to our residents to contribute to and identify what matters most to them. We also recognise that we need to continue our successful approach in relation to pace and scale of change and improvement, while recognising that given the levels of efficiencies and transformation already undertaken, that a fundamental review of how we work for, and with our citizens and communities will need to change.

As a result, we will need to focus our activities on what is important and to deliver the very best outcomes we can within the resources available – not simply from Council budgets – but taking into account the strong community and individual resources which also exist.

Our major focus over the next 2 – 3 years will therefore be to:

- Deliver on our 5 key priorities:
 1. Securing sustainable, inclusive economic growth
 2. Addressing our changing demographics
 3. Reducing the impact of poverty in families and community and supporting those most vulnerable
 4. Evolving the way we work with communities
 5. Working more collaboratively and further transforming our services

- Develop the Perth and Kinross Offer, based on our aspirations for community empowerment and commitment to local democracy and governance, beginning in our rural areas;
- Review and implement outcomes focused performance measures;
- Further develop new approaches to workforce development, succession planning and talent management;
- Continue to seek collaborations that drive efficiency, effectiveness and improved outcomes; and
- Review our governance and performance arrangements using the CIPFA Mark of International Excellence Framework.

Glossary

ALEOs	Arms Length External Organisations
APGC	Advanced Plant Growth Centre
APR	Annual Performance Report
APSE	Association for Public Service Excellence
BMIP	Business Management and Improvement Plan
CfE	Curriculum for Excellence
CIF	Community Investment Fund
CLD	Community Learning and Development
CMG	Corporate Management Group (PKC Heads of Service)
CPP	Community Planning Partnership
CPPEG	Community Planning Partnership Executive Group
ECS	Education and Children's Services
ELC	Early Learning and Childcare
EOT	Executive Officer Team (of PKC)
EU	European Union
FTE	Full Time Equivalent (someone working 36 hours per week is 1 FTE, 18 hours is 0.5 FTE)
GDPR	General Data Protection Regulation
H&E	Housing and Environment
HRA	Housing Revenue Account - Ring fenced account for expenditure and income on social housing and associated activities
IBH	International Barley Hub
IJB	Integration Joint Board (Health and Social Care Integration)
LAP	Local Action Partnership
LGBF	Local Government Benchmarking Framework
LOIP	Local Outcomes Improvement Plan
MTFP	Medium Term Financial Plan
NHS	National Health Service
ODGs	Outcome Delivery Groups
PB	Participatory Budgeting
PDP	Personal Development Plan
PSN	Public Sector Network (the government's high-performance information technology network which helps public sector organisations work together)
SCQF	Scottish Credit and Qualifications Framework (identifies the level studied and makes it easier to transfer credit points between different learning programmes)
SHBVN	Scottish Housing Best Value Network
SIMD	Scottish Index of Multiple Deprivation
SOCITM	Society of Chief Information Technology Managers
SURE	Service User Review and Evaluation Team (housing staff and tenants work together to scrutinise the standard of housing services provided)

Best Value Improvement Plan 2008 – Position Statement

Improvement Action	Position	Action if remains an improvement priority
<p>Ensure that effective progress is made on the key strategies that support sustainable growth and regeneration, and in particular, the specific issues around planning for growth and affordable housing.</p> <p>Background text from report: <i>... the council has important decisions to make if it is to meet its affordable housing targets and respond to the additional demands anticipated from high population growth projections. (bold para page 7)</i> <i>Despite making improvements to the way it approaches affordable housing, the council needs to examine how it can better translate this into successful outcomes for its growing and increasingly diverse population (para 123)</i></p>	<p>Good progress made - evidence in planning for growth and affordable housing information. (P1 of BV submission.) Increased investment, the setting of more ambitious new build targets along with a range of measures such as the buy- back scheme , property conversions and empty homes initiatives have increased the supply of affordable housing. Reduced waiting list numbers are evidence of the impact of these measures. All new build properties meet the housing for varying needs standards and the Housing Needs Demand analysis and Independent Living Group supports the delivery of housing for people with specific needs.</p> <p>The Council continues to prioritise the provision of affordable housing through Planning Policy by ensuring all new developments of more than 6 units require at least 25% of the homes to be affordable. In addition, the formation of the Housing and Environment Service has ensured a greater link between planning for growth and affordable housing.</p>	

Improvement Action	Position	Action if remains an improvement priority
<p>Enhance performance management processes by being more systematic in the use of customer satisfaction information, clearer articulation of milestones and outcomes and benchmarking comparators.</p> <p>Background text from report: <i>A more consistent approach in place to collate customer feedback at corporate level to better influence and shape service delivery and performance (para 105)</i> <i>Better links developed between customer feedback and the performance management framework to better inform future decision-making and corporate improvement activity (para 105)</i> <i>Corporate plan performance reports to demonstrate more clearly progress against overall objectives through the inclusion of interim BMIP targets (para 52)</i></p>	<p>Work has been ongoing in relation to this, through the Community Plan/LOIP, the Corporate Plan and the Service Business Management and Improvement Plans. Greater use has been made of benchmarking information, along with a stronger focus on</p>	<p>To be further embedded and enhanced through the Perth and Kinross Offer, particularly in relation to citizen and community satisfaction and engagement</p>
<p>With strategic partners, further develop performance management arrangements to support the delivery of the Single Outcome Agreement (SOA)</p> <p>Background text from report: <i>Effective partnership performance arrangements in place to routinely scrutinise the delivery of intended outcomes and indicators of impact (para 45)</i></p>	<p>Good progress was made in developing partnership performance management arrangement for the SOA; this will be re-established to support performance reporting on the current LOIP. Strong partnership performance management and reporting arrangements continue to support the work of CPP Outcome Delivery groups, i.e. CYPF Partnership. In addition, with the introduction of the Local Action Partnerships, there is systematic feedback on each of their Local Improvement Plans.</p>	<p>To be further embedded and enhanced through the Perth and Kinross Offer, particularly in relation to citizen and community satisfaction and engagement along with the governance review</p>

Improvement Action	Position	Action if remains an improvement priority
<p>Implement and monitor the community engagement strategy, to enable the council to become more systematic in involving communities and in particular, equalities groups</p> <p>Background text from report <i>...the need to become more systematic in involving communities in planning and service delivery.(para 37)</i> <i>....could have involved equalities groups more effectively in developing its policies and statutory equalities schemes.council has identified the need for better engagement with equalities and minority groups. This is outlined in its equalities strategy and its community engagement strategy action plans, although these would benefit from clearer targets against which to judge success (para 92)</i></p>	<p>Good progress made – evidence includes development of local community planning arrangements (LAPs); also Bridging the Gap, Rent restructuring Project, Community Path Group Development and Participatory Budgeting, see case studies in Outcomes and Case Studies appendix.</p>	<p>To be further embedded and enhanced through the Perth and Kinross Offer, particularly in relation to citizen and community satisfaction and engagement</p>
<p>Further develop medium-term financial planning linked with asset management plans</p> <p>Also Commission findings – create linkages between asset management, financial management and workforce planning arrangements. (Para 4, Commission Findings, page 5).</p> <p>Background text from report: <i>....the process (medium term financial planning) is not yet sufficiently developed to show whether resources are shifting to meet changing priorities. (para 69)</i></p>	<p>All committee reports have to address workforce, financial and asset management issues within the Annex. In addition, asset management plans for roads/structures, Fleet and community greenspace are tabled on an annual basis to</p>	

Improvement Action	Position	Action if remains an improvement priority
Develop and implement workforce planning and ensure that all employees have reviews that are up to date and objectives set and monitored Background text from report: <i>The council values its employees and regards them as central to delivering improvement but it has yet to develop a coordinated approach to workforce planning and needs to ensure its employee review process is up to date across all services.</i> (bold para page 20)	Good progress has been made in developing our workforce planning approach and tools, evidence presented. ERD process was robustly implemented and model further developed to introduce 'Learn Innovate Grow' Development Discussion model h	Monitor implementation of new model.
Develop a more robust approach to competitiveness which considers a more strategic programme of cross cutting areas, benchmarking and options appraisal Background text from report: <i>In order to robustly challenge existing approaches to service delivery across the council and to achieve greater impact, the council recognises that it needs to identify and deliver a more extensive programme of strategic best value reviews.</i> (para 79)	Good progress has been made, evidenced by engagement in and use of LGBF and other benchmarking frameworks, as well as regular use of informal benchmarking to learn from good practice and improve or transform services. This has resulted in the transfer of some further services to Tayside Contracts. The review of the Arms Length Organisations was also undertaken using robust options appraisals. Options are also examined as part of the Council's transformation programme, where appropriate, supporting significant savings.	
Sustain performance improvement in handling planning applications Background text from report: <i>Performance in dealing with planning applications has been poor in recent years. Recent changes are beginning to improve performance and this needs to be sustained.</i> (Bold para, page 34)	The Planning Performance Framework clearly demonstrates sustained improvement in handling planning applications	

Improvement Action	Position	Action if remains an improvement priority
<p>Continue to provide corporate support to the new service management team in education and children's services to maintain stability and sustain improvement</p> <p>Background text from report: <i>The recent improvements follow a period of instability in management and leadership. Indications are that the new leadership team is providing clear direction and a focus on improvement. (page 29)</i></p>	<p>A stable SMT has continued to very effectively support ECS to develop high performing services as evidenced in a range of important performance data and very good inspection reports: including two Inspections of Services for Children and Young People. The quality of leadership was evaluated as excellent in both inspections (the most recent inspection report was published in April 2018).</p> <p>Although all the original members of the 2008 team have now retired or moved to other positions, their departures were staggered enabling new post holders to be well integrated within the existing team.</p> <p>On-going development opportunities are provided for each individual and for the team as a whole.</p>	

Improvement Action	Position	Action if remains an improvement priority
<p>the council needs to further improve ...educational attainment (Para 4, Commission Findings, page 5)</p>	<p>Over the period since the last Audit attainment and achievement have improved; this is routinely monitored and reported.</p> <p>The breadth and depth of the attainment of SCQF awards shows good progress, with the proportion of S5 pupils achieving 5 or more awards at SCQF level 6 increasing from 15% in 2013 to 23% in 2018, and the proportion of S6 pupils achieving 5 or more awards at SCQF level 6 increasing from 31% to 33% in the same period. The average total tariff score of school leavers shows a clear attainment gap across the SIMD quintiles. Pupils from lower quintiles tend to leave school earlier and this has a strong influence on number of tariff points accrued. This gap has slightly narrowed since 2012/13, and performance is generally above the virtual comparator.</p>	

PERTH & KINROSS COUNCIL

27 FEBRUARY 2019

INSPECTION OF COMMUNITY LEARNING AND DEVELOPMENT SERVICES IN PERTH CITY SOUTH AND COMMUNITY LEARNING AND DEVELOPMENT PLAN 2019-2022

**Report by the Depute Chief Executive, Chief Operating Officer
(Report No. 19/61)**

This report sets out findings and improvement actions arising from an inspection by Education Scotland of Community Learning and Development (CLD) services in Perth City South, August-September 2018. It asks Council to approve our new Community Learning and Development Plan 2019-22 which reflects the inspection findings and our own improvement agenda.

1. BACKGROUND

- 1.1 CLD provides individual, family and group learning in community settings, in ways which enable and equip people to improve their lives.
- 1.2 Education Scotland holds the statutory inspection and regulatory role for CLD in Scotland. The regulatory framework includes [The Requirements for Community Learning and Development \(Scotland\) Regulations 2013](#) and the [Strategic Guidance for Community Planning Partnerships: Community Learning and Development \(2012\)](#).
- 1.3 CLD is a key contributor to the Scottish Government National Outcomes in respect of:
 - Improved life chances for people of all ages through learning, personal development and active citizenship.
 - Stronger, more resilient, supportive, influential and inclusive communities.
- 1.4 Under the 2013 Regulations Councils must prepare and publish a 3 year CLD Plan setting out strategic aims for CLD services delivered by all Community Planning Partners.
- 1.5 Our new CLD Plan takes account of the improvement recommendations arising from the inspection of CLD services in Perth City South. The inspection report was published by Education Scotland on 17 December 2018 and is here [CLD in Perth and Kinross](#).
- 1.6 CLD services are inspected by Education Scotland using a quality improvement framework which focuses on the total CLD 'offer' and the impact it is making in a defined locality. Previous CLD inspections have been in rural

localities (Blairgowrie and Strathearn) so it has been useful for our own improvement purposes to focus on a densely populated urban area.

- 1.7 The quality improvement framework used for CLD is [How good is the learning and development in our community?](#) Evaluations are made on a scale ranging from Excellent (outstanding/sector leading) to Unsatisfactory (major weaknesses). The high level questions, supported by a range of detailed indicators, which inspectors ask are:

- How good is the strategic leadership of community learning and development?
- How good is the learning and development in a local community?

2 CLD INSPECTION: PERTH CITY SOUTH

- 2.1 The CLD inspection in Perth City South identified improvement recommendations which have been incorporated into the CLD Plan in relation to governance, leadership and integrated service planning and delivery across all CLD partners.

- 2.2 The inspection report made the following assessments of CLD provision in Perth City South:

- **Leadership and direction: Satisfactory.** The inspection found that clear strategic direction and commitment to CLD exists via the Community Plan and the Community Planning Partnership enabling good targeting of resources towards key priority groups. Middle managers are leading CLD well with a good devolved leadership approach. Investment in training and development is a key strength, bearing real dividends in the quality of service delivery, for example those involved in the SURE project; services for young people; and parenting and family learning.
- The inspection also found that more formal structures would strengthen support for CLD to ensure well-integrated front line delivery and consistent use of data and evidence to inform priorities. The creation of a formal CLD Partnership is recommended to enhance leadership, governance and direction. Publication of a 3 year CLD Plan was also flagged as a legislative and governance requirement. Our new Plan incorporates improvement recommendations from this inspection.
- **Improvements in performance: Good.** The inspection found that some partners are using data and evidence effectively to drive service priorities but this needs to become more consistent across delivery partners as a whole. Strengthened leadership structures (see above) would help this. It highlighted good practice driving performance improvement, including the Stories of Place locality profiles and new joint working arrangements supported by a commissioning strategy between Education and Children's Services and the Gannochy Trust to target investment in youth work more effectively.

- **Impact on the local community: Very good.** The inspection found that confident and skilled community members are well engaged with CLD planning and delivery which is making a real impact in Perth City South including the work of the South Perth Community Partnership. The emerging role of the Perth City Local Action Partnership was also noted. Good examples of CLD partners using data and evidence to improve outcomes exist, including use of Activity Agreements by Services for Young People to help young people sustain a positive destination after leaving school. Strong joint working exists including the All Ability cycling project delivered by Live Active Leisure and NHS Tayside which has been life changing for some local volunteers; and the Health and Social Care Partnership joint working with Housing and other CLD partners to inform joint priorities for the locality.
- **Delivering on the learning offer with learners: Very Good.** The inspection found that high quality learner programmes are in place, delivered by skilled and confident CLD professionals and well informed by learner input and engagement including the Learner Forum. Learners are well supported, and also constructively challenged, by staff to help them achieve their learning goals. Examples of delivery include the partnership between CLD services, Fife College and HMP Perth to support ESOL; and between NHS Tayside, local authority and 3rd sector to deliver parenting and family learning programmes; work to support young people to become sports ambassadors and peer leaders at Perth High; the Fun Young Individuals and our corporate parenting approach to improve learning and achievement for care experienced young people; and the quality of services provided by Services for Young People at @ScottStreet.
- The inspection also found potential to strengthen referral pathways across different CLD providers, and opportunities to increase accredited learning for young people beyond the successful Duke of Edinburgh programme.

2.3 As the inspection findings indicate, governance and oversight of CLD is a key improvement area for us and this is reflected in the new CLD Plan. In particular the following actions will be taken forward:

- A learning debrief event for all partners involved in the inspection to build ownership and buy-in for the improvement actions both specific to Perth City South and of wider relevance to the CPP – by April 2019
- A refresh of the current CLD Leadership Group into a new CLD Delivery Partnership with revised remit and Terms of Reference – by April 2019
- Strengthening of the governance role exercised by the Council's Corporate Management Group with clear accountability to Executive Officer Team and including quarterly delivery reports on the CLD Plan to EOT - by April 2019

- A refresh of the CLD performance framework building on Quality Indicators in the Education Scotland CLD inspection framework and incorporating bespoke impact measures for Perth and Kinross including the CLD contribution to employability –by September 2019

3 CLD PLAN 2019-2022

3.1 Our current CLD Plan expired at the end of 2018 and the Plan attached at **Appendix 1** covers the next 3 years. It has been developed with all CLD partners across Perth and Kinross including a consultation period from June-September 2018. Key delivery partners include:

- PKAVS and the PKAVS Minority Communities Hub which works with many voluntary organisations across Perth and Kinross and delivers community engagement and ESOL training
- Perth College/University of the Highlands and Islands which delivers a range of adult learning across the area
- Live Active Leisure, which delivers Active Schools and a range of volunteer opportunities for children, young people and adults to get involved in community sport
- Culture Perth and Kinross, which runs the People's Network and public libraries across the area as venues for adult learning activities.

3.2 An important requirement of the Plan is that it identifies priority groups for CLD provision including unmet needs – both within communities of interest and geographic communities. Development of the new Plan identified the following priorities for the next 3 years:

- Volunteers and community groups, building their capacity to be positive influencers in their local area.
- Getting in right for pregnant women, their unborn babies and into the first year of life and parents to build their parenting skills and give their child the best start in life
- Parents, young people and children with poor mental health or emotional wellbeing
- Children in poverty
- Young people including care experienced young people and young carers
- People living in food and/or fuel poverty
- Adult learners who need extra skills to find and sustain employment
- People who have migrated to Perth and Kinross who may need extra literacy and language skills to settle and flourish here.

3.3 Historically our performance measurement approach to CLD has focused on a number of key output measures: for example numbers of parents/families taking part in family learning and numbers of young people achieving accredited qualifications. We recognise that our focus needs to shift towards measuring and understanding wider impact of CLD in localities and at area-wide level. For example, how adult learning enables working age people to

find and keep a job, reducing household poverty or better still, avoiding it altogether. A key improvement action in the CLD Plan is therefore to develop a new performance framework for CLD services which focuses clearly on the overall impact CLD is making on people's lives through their learning experience.

3.4 Monitoring and reporting on delivery of the CLD Plan will be carried out via:

- The Council's Corporate Management Group which has strategic oversight of CLD delivery
- Quarterly delivery progress reports to Executive Officer Team
- The Corporate and Democratic Services Business Management and Improvement Plan 2019/20/ongoing
- The Community Plan Annual Report.

4 CONCLUSION AND RECOMMENDATIONS

4.1 The new CLD Plan 2019-21 sets out clear strategic direction and priorities for the next 3 years and incorporates key improvement actions.

4.2 The CLD inspection has provided useful insight on our current strengths alongside areas to build on and improve in Perth City South as well as area-wide. These have been incorporated within the CLD Plan.

4.3 It is recommended that Council:

- i) **Notes** the inspection findings summarised at para 2.2
- ii) **Approves** the draft CLD Plan 2019-22 at Appendix 1 and notes the strengthened governance and monitoring arrangements for CLD at paras 2.3 and 3.4.

Author(s)

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Approved

Name	Designation	Date
Jim Valentine	Depute Chief Executive, Chief Operating Officer	19 February 2019

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement/Corporate Plan

- 1.1 This report relates to Objective No (i) Giving every child the best start in life.
Corporate Plan
- 1.2 The Perth and Kinross Community Plan 2013-2023 and Perth and Kinross Council Corporate Plan 2013/2018 set out five strategic objectives:
- (i) Giving every child the best start in life;
 - (ii) Developing educated, responsible and informed citizens;
 - (iii) Promoting a prosperous, inclusive and sustainable economy;
 - (iv) Supporting people to lead independent, healthy and active lives; and
 - (v) Creating a safe and sustainable place for future generations.
- 1.3 This report relates to Objective No (i) Giving every child the best start in life.
- 1.4 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area: Change and Improvement

2. Resource Implications

Financial

- 2.1 Not applicable.

Workforce

- 2.2 Not applicable.

Asset Management (land, property, IT)

- 2.3 Not applicable.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (Eq1A) with the following outcome: assessed as **not relevant** for the purposes of Eq1A.
- 3.3 However, it is anticipated that the work on the quality indicators will promote equality of access to care and support. Where appropriate, improvement policies, procedures or strategies will require equalities assessments to ensure compliance with our duty to ensure there is no adverse impact on any community group.

Strategic Environmental Assessment

- 3.4 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.5 Not applicable.

Legal and Governance

- 3.6 Not applicable.

Risk

3.7 Not applicable.

4. Consultation

Internal

4.1 Relevant Heads of Service and Service Managers within Education and Children's Services have been consulted in the preparation of this report.

External

4.2 Not applicable.

5. Communication

5.1 Not applicable.

2. BACKGROUND PAPERS

None

3. APPENDICES

Appendix 1 Draft CLD Plan 2019-22

PERTH AND KINROSS COMMUNITY LEARNING PLAN 2019-2022

FRONT COVER PAGE

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Developing educated, responsible and informed citizens

Promoting a prosperous, inclusive & sustainable economy

Supporting people to lead independent, healthy & active lives

Creating a safe & sustainable place for future generations

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Strengthening Governance

Strengthening monitoring and performance frameworks

Part 4 **Appendices**

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[Appendix 3](#) Current Performance Measures

Part 1 [Introduction](#)

Creating a confident, ambitious and fairer Perth and Kinross for all who live and work here.

What this Plan is for

This Plan sets out the commitments of Perth & Kinross Council and its partners to deliver Community Learning and Development (CLD) which improves people's lives and increases equality. CLD supports people and communities to engage in learning, personal development and active citizenship.

CLD is an essential component for Community Planning Partnerships (CPP) to meet their statutory duty to increase equality. Alongside, Perth and Kinross Council has a statutory duty to coordinate and produce a CLD Plan which contributes to achieving the wider objectives of the CPP. The CLD approach is founded on working with, not just for, people and communities to improve their lives. It uses early intervention and prevention to address the root causes, not just the symptoms, of inequality. It is about building strong, resilient, influential and inclusive communities, and improving life chances for everyone through learning, employability, personal development and active citizenship. The 2017 independent Perth and Kinross Fairer Futures Commission <http://www.pkc.gov.uk/fair> has been a major step for identifying key inequalities in our area, with 7 workstreams in place, each led by a different Community Planning Partner, to address them. The Fairer Futures findings are part of the evidence base we use to inform our CLD planning, delivery and continuous improvement.

Perth and Kinross has strong, vibrant community infrastructure. Volunteering is above the national average with 31% (around 39,000 people) of our 150,000-strong population actively volunteering in their communities. There are around 170 social enterprises across the area and hundreds of formal and informal community groups and networks. On average, adults living here have more qualifications than the rest of the Scottish population. But we want to grow this asset by unlocking the potential of people and communities who are currently less engaged.

Who this Plan is for

The focus of this Plan is providing the best CLD to key priority groups – communities of geography and communities of interest – across Perth and Kinross. We use Stories of Place at area-wide and locality level to identify priorities including unmet need. Stories of Place provide the evidence from public service data and community intelligence to shape our priorities. Our area-wide Story of Place is part of the Community Plan 2017-27 [Community Plan 2017-27](#).

Priority Groups

Based on our Stories of Place and engagement with local communities, key priority groups for this Plan include:

- Volunteers and community groups, building their capacity to be positive influencers in their local area.
- Pregnant women and parents who may need support to build their parenting skills and give their child the best start in life
- Parents, young people and children with poor mental health or emotional wellbeing
- Children in poverty
- Young people including care experienced young people and young carers
- People living in food and/or fuel poverty
- Adult learners who need extra skills to find and sustain employment
- People who have migrated to Perth and Kinross who may need extra literacy and language skills to settle and flourish here.

Unmet Needs

We recognise our CLD services don't currently reach everyone who may need them, but early CLD intervention and prevention work may stop bigger challenges emerging in their lives. We also engage regularly with communities to make sure their voices are heard in planning and delivering CLD. Working within the National Standards for Community Engagement, we do this through:

- Learner's Forums for young people and adults
- Regular self-evaluation of Stronger Communities Teams
- Evaluation of specific CLD projects and activities.

Our Delivery Capacity

Local Community Planning: the Local Action Partnerships

Since 2016 local Community Planning in Perth and Kinross has been delivered by 7 Local Action Partnerships. **Appendix 2** is a map of the current LAPs. They bring together community representatives, Councilors and officers from Community Planning partners to make decisions about local priorities and needs. Each Local Action Partnership has a Local Action Plan with particular focus on improving equalities. The Action Plan is reviewed and updated annually.

Local Action Partnerships use 'Stories of Place' to guide the priorities in their Action Plans. These are locality profiles containing statistical and wider information about the area. They help the Partnerships and CLD providers to plan, manage and deliver services in the locality and make sure resources are targeted at what matters most for the community.

In 2017 and 2018 all LAPs delivered successful Participatory Budgeting (PB) programmes which mobilised over 7,000 people to vote and make decisions about local projects and initiatives across Perth and Kinross. Participation in PB increased by 78% from 2017 to 2018 and over £250,000 has been distributed to local projects in this way.

The Council's Community Investment Fund (CIF) provides £1.2m to community-led projects over 2018/19 and 2019/20 and this Fund is being managed via the LAPs. Priority projects are those which improve equalities in localities and align with Local Action Plans.

LAPs are still at an early stage but they are adding value to existing community groups and networks across localities by providing a shared focus on overall priorities and needs, and by engaging more community members to take part in local decision making alongside elected members and Community Planning partners. In 2018 the Council carried out an improvement review of the first 2 years of LAPs and in December 2018 the Community Planning Partnership approved the resulting Improvement Plan to continue building the LAPs' capacity.

Our Delivery Partners

The Plan is a strategic framework for all Council services and wider partners involved in delivering CLD. These include the Council's core CLD teams, and teams embedded across the Council. These include Communities Team, Parent and Family Learning, Community Link Workers, Services for Young People, Tenant Participation and Community Greenspace. Collectively these services work together in partnership as the **Stronger Communities Team** across the Council and with wider delivery partners.

All delivery partners have contributed to this Plan and we consulted on it from June-September 2018. They are listed at **Appendix 1** but include:

- PKAVS and the PKAVS Minority Communities Hub which works with many voluntary organisations across Perth and Kinross and delivers community engagement and ESOL training
- Perth College/University of the Highlands and Islands which delivers a range of adult learning across the area
- Live Active Leisure, which delivers Active Schools and a range of volunteer opportunities for children, young people and adults to get involved in community sport
- Culture Perth and Kinross, which runs the People's Network and public libraries across the area as venues for adult learning activities.

Workforce Development

The Council and its CLD delivery partners offer a strong, relevant range of training opportunities to staff across all delivery organisations. CLD working approaches are increasingly mainstreamed across Council services as a key benefit of the Stronger Communities Team model. Staff and community representatives are offered a range of accredited training up to postgraduate level, with opportunities shared across partners.

This, plus the range of non-accredited training, is resulting in very strong positive impacts in localities. CLD staff are part of the Tayside and Fife Professional Learning Alliance and are well networked within other regional and national practitioner forums.

Procurement and Social Benefit

In line with the Fairness Commission recommendations the Council is working with the business sector to achieve greater social value from public service contracts. We do this by including clauses in tenders requiring bidders to identify social benefits which can be delivered as part of the wider objectives of the contract. Projects are categorised as Improving Skills, Improving Education and Improving Employability. All these can support our Community Plan and CLD objectives to support young people and all working age people to find and sustain work. Contractor commitment and delivery is recorded by the Council's Procurement team and reported on in the Annual Procurement Report, which is published at the end of each financial year.

Part 2 [Five Strategic Building Blocks for 2019-24](#)

This plan sets out 5 building blocks based on the five strategic objectives of the Community Plan 2017-27. Aligned to these we have set out improvement actions ("We Will") for the next three years. Many of the detailed actions are set out in Council Service or Partner plans already in place or under development. Where this is the case we have included the relevant link.

Giving every child the best start in life

Community Plan Priorities

- Children will be cared for and supported in nurturing environments.
- Families, children and young people will develop the skills they need and/or access opportunities to help improve future outcomes.
- Children and young people who experience particular inequalities and disadvantage will achieve health, wellbeing and educational outcomes comparable with all other children and young people.

We will	How	Who	When
1. Support parents to find and understand good quality, accessible information and guidance that supports them to plan for and meet the needs of their families.	Develop and implement range of improvement actions - Tayside Parenting Strategy	Parent and Family Learning Team P&K Childcare and Family Information Service Tayside Collaborative Communications Group Community Link Worker Team	Review progress annually and further develop
2. Embed community based activities which support pregnant women to embrace parenthood.	Dedicated time and staff have been identified within the Parenting Strategy Team to build the capacity of the community in South Western Perth to meet the needs of expectant parents and families with infants. Existing services will be mapped and gaps identified in provision.	CELCIS Implementation Team comprising partners from NHS Tayside and Perth and Kinross Council.	This piece of work is in its very early stages and will be developed across 2019.
3. Increase opportunities within local communities for families to access, co-design and deliver family learning and play events.	Develop range of improvement actions for the Tayside Parenting Strategy Further develop support and training opportunities on offer to parents and community groups Implement the PKC Action Plan for the national Play Strategy Identify clear routes to access funding to support family learning activities	All partners delivering family learning Community Greenspace Community Link Worker Team	Review progress annually and further develop

We will	How	Who	When
4. Improve the support available within communities to address food poverty.	PKC Child Poverty Delivery Plan	All Partners	Review progress annually and further develop
5. Support staff to develop the skills to identify needs and motivate parents to engage in parenting and family learning programmes and to deliver evidence-based programmes for parents and families.	Provide regular training opportunities for staff – Introduction to Parenting Programmes (IY/SFP) Connecting with Parent's Motivation PEEP Bookbug Infant Massage Community Cook-It Friends for Life Seasons for Growth	Parenting and Family Learning Team/NHS Tayside/PKC Schools Community Link Worker Team	Review progress annually and further develop actions based on need

Developing educated, responsible and informed citizens

Community Plan Priorities

- People and groups are confident, skilled, active and influential in their communities.
- Our children, young people and their families will fulfil their potential through learning.
- People and groups are empowered to make decisions which make their communities vibrant, inclusive places to live.

We will	How	Who	When
1. Develop the capacity of Local Action Partnerships and their members to strengthen local democracy	Local Decision Making: Improvement Plan 2019-2020	Stronger Communities Team	By Jan 2020 with mid-review Dec 2019
2. Build the capacity and number of volunteers across all areas	Introduce an annual Youth Gathering Saltire Awards for young volunteers PACES programme for community sports clubs Heritage volunteer programmes	Young People's Services Stronger Communities Team PKAVS Third Sector Interface Live Active Leisure Culture Perth and Kinross	Ongoing
3. Strengthen our focus on wider achievement of children, young people and adults including through accredited qualifications	Build an integrated learning offer with clear progression and accreditation routes for adult learners Consolidate and expand achievement opportunities for young people Consolidate Duke of Edinburgh as an existing successful achievement route Peer support programmes Self-regulation development	Adult Literacy Partnership Young People's Services Duke of Edinburgh Association Services for Young People and Youth Work Providers Community Link Worker Team	December 2019

We will	How	Who	When
4. Strengthen our targeted work to provide adult learning, personal development and employability opportunities	<p>Deliver Adult Learning through Learning Curve Work with vulnerable women and care experienced young people to gain employability skills. Develop Modern Apprenticeships opportunities for care experienced young people. Work closely with the learning curve to deliver ESOL for unaccompanied asylum seekers.</p> <p>Provide supported employment work experience to individuals who face significant barriers to employment such as learning disability, mental ill health, acquired brain injury or autism to achieve personal outcomes of paid employment.</p>	<p>Communities Team</p> <p>Westbank</p> <p>Services for Young People Throughcare and Aftercare Team</p> <p>Wellbank Housing Support Service</p> <p>Youth Worker, Corporate Parenting</p> <p>PKC Employment Support Team</p>	<p>Ongoing/annual review</p> <p>Dec 2019</p>
5. Improve parental engagement to support their children's learning	<p>Increase Family Learning opportunities that enable parents to support their children to achieve.</p> <p>Develop and deliver family learning programmes</p> <p>Support to parents during period of transition</p> <p>Support parents to attend meetings</p>	<p>PKC Schools Parenting and family Learning Team</p> <p>Community Link Worker Team</p>	<p>Review progress annually and further develop actions based on need</p>

Promoting a prosperous, inclusive and sustainable economy

Community Plan Priorities

- Young people are supported in their transition from education into further education, training or work.
- Working age people are supported to find and sustain work as the best route out of poverty.

We will	How	Who	When
1. Maintain and strengthen referral routes ('No wrong door') to support vulnerable young people and adults into FE, training or work.	Open access to young people through Scott Street Youth Services	Throughcare aftercare Services for Young People Wellbank	July 2019
2. Continue to support care experienced young people's transition towards positive outcomes.	Throughcare provision Supported Lodgings UASC Wellbank Continuing care Scott street services	Throughcare aftercare Services for Young People Wellbank	March 2019
3. Promote Activity Agreements as a plan of learning and activity to re-engage young people with education and training.	Through Young Person's Plan development Wellbank review planners Referrals to Services for Young People and appropriate contracted providers.	Throughcare Aftercare Services for Young People Wellbank	June 2019
4. Strengthen our targeted work with people who need extra skills to find and keep work.	Develop through the Learner's forum and Communities Team Plan Increase availability of accredited programmes that support parents to progress into training or employment	Communities Team PKAVS Parenting and Family Learning Team	Ongoing/annual review

We will	How	Who	When
5. Work with secondary schools to support young people furthest from the job market into employability opportunities.	Make links and work with Secondary Schools' Depute Head Teachers (support) and Skills Development Scotland Careers advisors to identify and develop effective interventions such as work experience placements targeted at young people who are at risk of negative, post-school destinations.	Westbank	Ongoing/annual review

Supporting people to lead independent, healthy and active lives

Community Plan Priorities

- People are supported to lead healthy, active lives by participating in CLD activities which maintain their health and wellbeing and reduce social isolation.
- Carers are supported to look after their own health and wellbeing and have access to networks which reduce social isolation.
- Our children and young people are physically, mentally and emotionally healthy.

We will	How	Who	When
1. Support targeted well-being initiatives including social prescribing and self-directed support.	Implement new model of self-management to enable this agenda across all 3 localities	HSCP/Locality Teams	Dec 2018
2. Close the participation gap for children and young people in sport and physical activities.	Active Schools and other schools-based initiatives	Live Active Leisure/PKC Schools	Ongoing with quarterly reviews
3. Consolidate our successful Community Sports Hubs and target future development towards areas of need.	Community Sports Hub programme	Live Active Leisure	Ongoing with quarterly reviews
4. Support mental and emotional well-being by utilising Commitment 15 monies to address stress and distress amongst our communities.	Enhance existing services and recruit relevant staff into posts to support the Health and Wellbeing hubs	HSCP/Locality Teams	March 2019
5. Formation of integrated Health and Social Care teams across Perth and Kinross which will deliver on the strategic themes outlined in the HSCP strategic Plan.	Align staff groups to form Integrated Care Teams (ICTs) across 3 localities.	Locality Managers	Dec 2019
6. Support adults and children to have healthy weights.	Engage in development and implementation of a Tayside Healthy Weight Strategy.	NHS Tayside	Ongoing with annual review

Creating a safe and sustainable place for future generations

Community Plan Priorities

- People are active contributors to keeping their communities vibrant, inclusive places to live.
- Communities are environmentally aware, sustainable places to live.

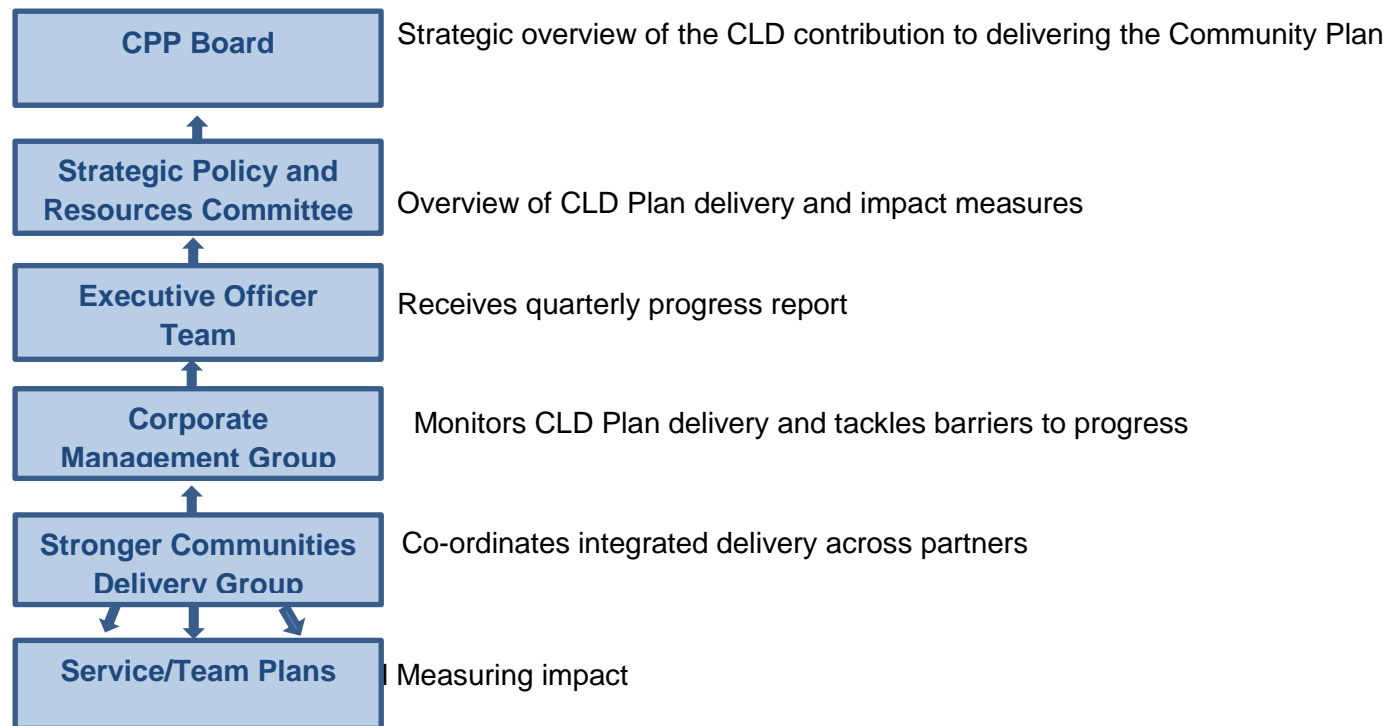
We will	How	Who	When
1. Deliver a programme of community activities to prevent food waste, increase recycling and reuse/repair, and promote the sustainable and circular economy	Zero Waste Action Plan	Zero Waste Perth PKC Waste Management	Ongoing with annual review
2. Support communities to own or manage local assets	Local Asset Transfer Programme	Stronger Communities Team	Sept 2019: launch new LAT programme
3. Develop online resources to support community capacity	Develop the Your Community PK portal and PlaceCheck initiative across localities	Stronger Communities Team	April 2020
4. Improve practice and develop resources to inform and support specific communities within the Council's tenant and resident community	Making Where We Live Better group for inclusive living Homeless Voice Association SURE team	Tenant and Resident Participation, Housing and Environment	Ongoing with annual review
5. Promote wide-ranging community engagement in fact-finding and evaluation, and develop community-led activities	Tenant and Resident Participation Strategy	Tenant and Resident Participation, Housing and Environment	Ongoing with annual review
6. Work with individuals, organisations and community groups to increase tenant and resident confidence and build their capacity to identify concerns and address local community issues	Estate Based Initiatives Programme Locality Engagement Days	Tenant and Resident Participation, Housing and Environment	Ongoing with annual review September 2019

Part 4 Governance and Measuring Impact

Governance Framework

Perth and Kinross Council has the statutory responsibility for planning and overseeing delivery of effective CLD services which clearly contribute to the Community Plan. Delivery progress is reported to the CPP Board as part of the Community Plan Annual Report.

Within the Council, oversight of CLD sits with Corporate and Democratic Services as a key corporate priority. Detailed progress is monitored by the Council's Corporate Management Group and formally reported to the Council's Strategic Policy and Resources Committee every six months. The Stronger Communities Delivery Group, chaired by the Council's Communities Service Manager, is a Partnership working group accountable to the Corporate Management Group for delivery progress.



As our Local Action Partnerships develop and local community planning gathers pace, we are committed to developing and strengthening our governance and approach to measuring CLD impact as well. Our current key performance measures for CLD are at **Appendix 3**. We are committed to the following improvement actions relating to governance and measuring impact, supported by:

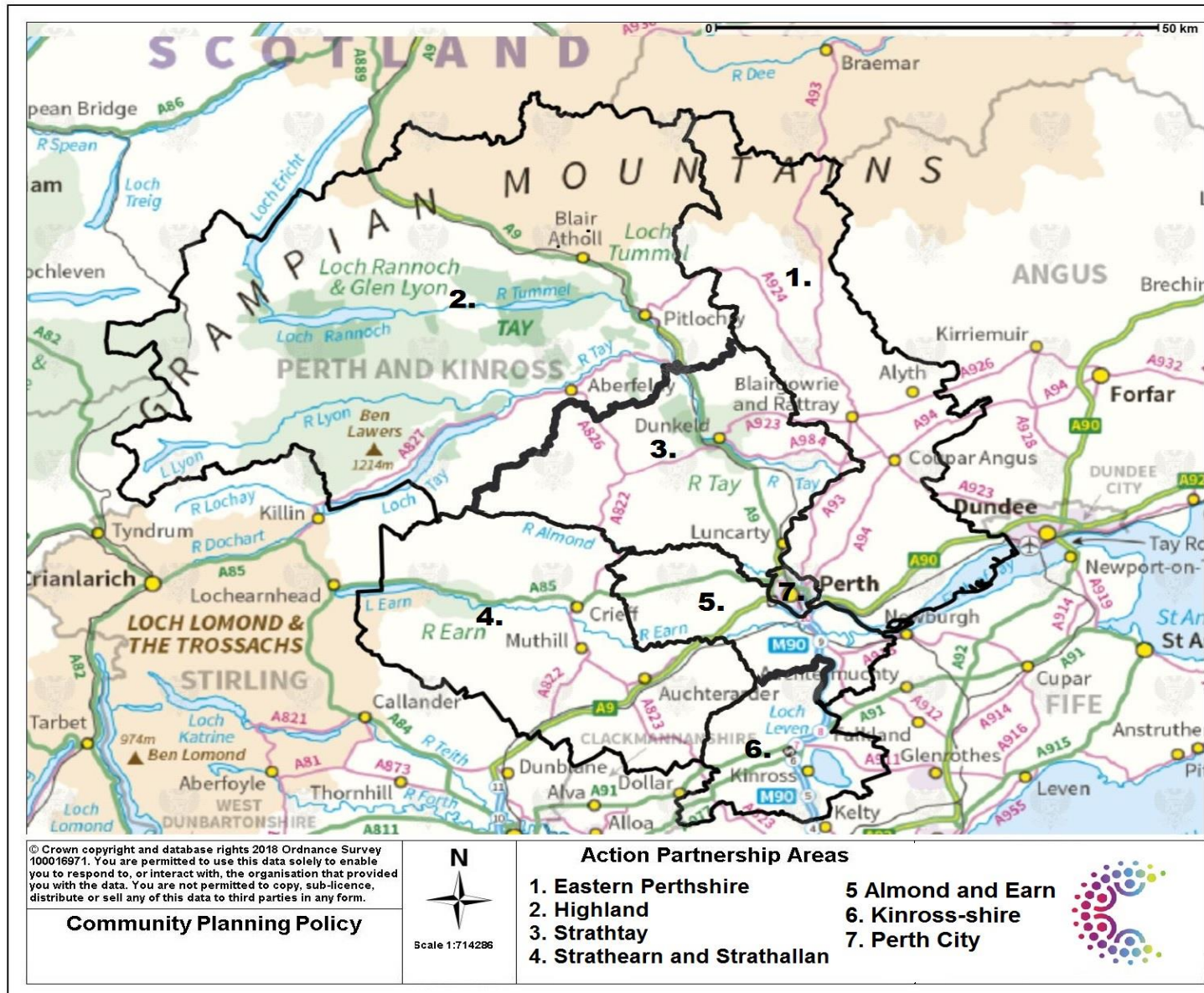
- Our Improvement Plan for Local Decision Making following an independent review of Local Action Partnerships carried out by What Works Scotland in 2017
- A planned review of CPP governance in 2019
- Updating our performance measures to focus on impact rather than outputs/inputs
- Strengthening our approach to joint self-evaluation and integrated service planning, including integrated self-evaluation of our Community Campuses

We will	How	Who	When
1. Broaden community membership of the Local Action Partnerships	Local Decision Making Improvement Plan 2019-2020	Stronger Communities LAP Chairs and Lead Officers	April 2020
2. Ensure the 'golden thread' to tackle stubborn inequality by aligning LAP Local Action Plan with the 2017 Fairer Futures Commission Findings	Revise and refresh the CLD Partnership Delivery Group Annual Review process for Local Action Plans	LAP Chairs and Lead Officers	May 2019
3. Strengthen formal mechanisms for planning, shaping, delivering and monitoring CLD services	CPP Governance Review	Stronger Communities CPP Board	Sept 2019
4. Review and update the impact measures for CLD	Review of current measures and survey of best practice elsewhere	Stronger Communities CLD Delivery Group	Sept 2019
5. Strengthen joint self-evaluation with corresponding integrated service planning across CLD delivery partners	Introduce rolling self-evaluation programme across LAP areas Service and Team planning reviews/updated	Stronger Communities CLD Delivery Group CLD delivery partners	Sept 2019/ongoing

Appendix 1: [Our Delivery Partners](#)

Action on Hearing Loss	Adult Literacy Partnership	Safer Community Wardens PKC
Alyth Development Trust	Auchterarder Community Sports Hub	Education Services, PKC
Blairgowrie and Rattray Development Trust	Broke not Broken	Services for Children, Young People and Families PKC
Care and Wellbeing Cooperative	CATH	Strathearn Art for Experience
Citizens Advice Bureau	Communities	Skills Development Scotland
Community Councils	Community Link Team PKC	Strathearn Art Space
Comrie Development Trust	Credit Union	Strathearn Building Bridges
Culture and Communities Service PKC	Culture PK	Tenant & Resident Participation Team PKC
Duke of Edinburgh Association	Dunbarney Parish Church	Wellbank
Employability Training Providers	Employers	YMCA
	Foodbank	Youth Work Providers
Friends of Aytoun Hall	Health & Social Care Partnership	Save the Children
Highland Perthshire Crossing Borders	HMP Perth	Parent Network Scotland
Homestart Perth	Housing and Environment Service PKC	Families Outside
Housing Associations	Housing Associations	Police Scotland
Kids Week in Crieff	Kinross Parish Church	
Kinross-shire Community Sports Hub	LEAD Scotland	
LGBT Youth Scotland	Literacies Partnership	
Live Active Leisure	Local People	
LOGOS Youth Project	National Childbirth Trust Perth & District	
Navigate	NHS Maternity Services	
NHS Tayside	Older Peoples Housing Team PKC	
Opportunities for All Partnership	Outside the Box	
Parenting and Family Learning Team	Perth & Kinross Social Enterprise Network	
Perth Autism Support	Perth College UHI	
PKAVS Carers Hub	PKAVS Mental Health and Wellbeing Hub	
PKAVS Minority Communities Hub	PKAVS Third Sector and Volunteering Hubs	
Planning and Development PKC	PUSH	
RASAC	Remake	

Appendix 2: [Local Action Partnerships](#)



Appendix 3: [Current performance measures](#)

Indicator	Performance 2017/18	Target 2018/19	Target 2019/21	Target 2020/21	Community Plan Strategic Objective
Number of people involved in family learning and parenting programmes	523	450	450	450	1
Number of young people achieving awards ¹	650	650	650	650	2
% of school leavers moving into positive and sustained destinations	96%	93%	93%	93%	2
% of adults 16-64 with qualifications above SCQF level 4	92%	92%	92%	92%	3
% of young people and adults actively volunteering in their communities	31%	32%	32%	32%	5

¹ Duke of Edinburgh, Youth Achievement, Dynamic Youth, ASDAN

PERTH & KINROSS COUNCIL

27 February 2019

LOCAL GOVERNMENT BENCHMARKING FRAMEWORK 2017/18

Report by Depute Chief Executive, Chief Operating Officer (Report No. 19/62)

This report presents a summary of Perth and Kinross Council's performance during 2017/18 against the Local Government Benchmarking Framework indicators published by the Improvement Service in February 2019.

The benchmarking data helps the Council, members of the public and other stakeholders see how Perth and Kinross Council is performing in key areas compared to other local authorities.

BACKGROUND/MAIN ISSUES

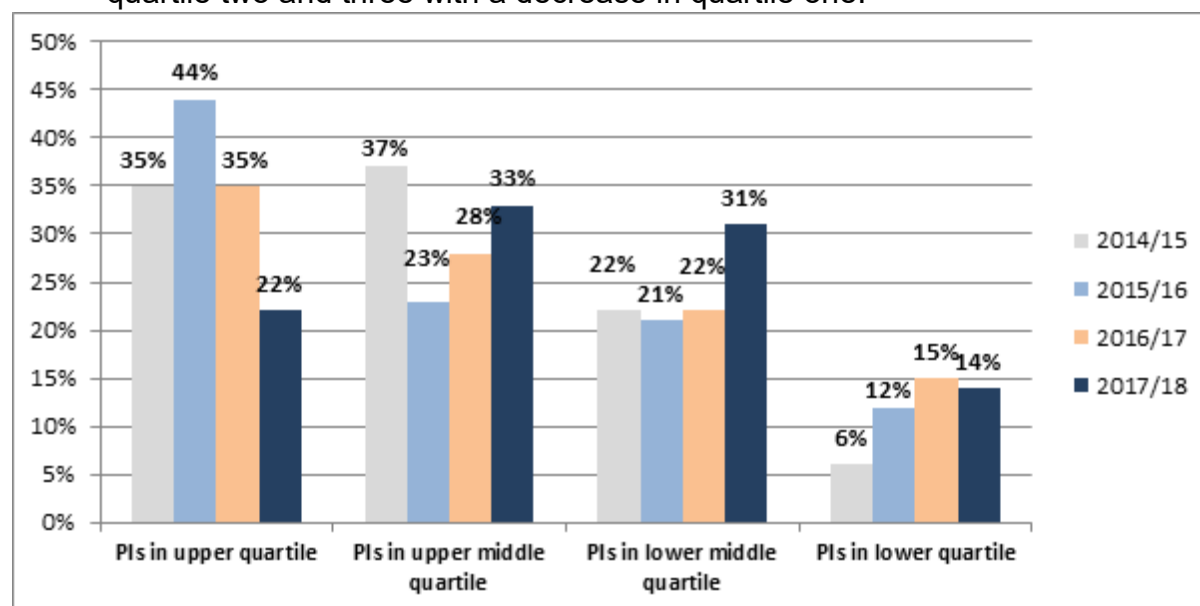
- 1.1 The Local Government Benchmarking Framework (LGBF) was developed by the Improvement Service, on behalf of SOLACE (Society of Local Authority Chief Executives), in 2012. The purpose of the Local Government Benchmarking Framework is to:
 - help councils and their services better understand why they achieve their current performance levels;
 - build our understanding of where council performance varies; and
 - help identify and share good practice across councils.
- 1.2 All Scottish local authorities have worked together to report on services which can be compared both across councils and year-on-year. This information takes the form of specific 'indicators' that measure aspects of performance. The indicators cover seven service areas which are: Children's Services, Corporate Services, Adult Social Care, Culture and Leisure Services, Environmental Services, Housing and Economic Development. The data is gathered from a number of sources. The Improvement Service also led the development of '[family groups](#)' based on factors such as population density and deprivation to provide groupings for similar local authorities.
- 1.3 LGBF data for 2017/18 was published by the Improvement Service in February 2019 via an online tool called '[MyLocalCouncil](#)', which can be accessed on the Council's website. The Improvement Service also produced a [National Overview Report 2017/18](#).
- 1.4 The data is intended as a tool to support decision making to better understand factors that councils can control in balancing costs and performance. The benchmarking data on its own does not identify how to improve. Within the National Overview Report, a summary of factors has been compiled which the family groups have identified as important in understanding the variation between councils' performance for each area.

- 1.5 Ranking data gives a sense of how Perth and Kinross Council is performing in comparison to other local authorities. However, it is necessary to take into account that legitimate variations in data will exist across Councils due to local policy choices and demographic profiles. For example, rural local authorities will have different calls upon their Environment Service functions compared to urban authorities, and these are reflected in their statistics. Rankings based on data which show small variations between councils can be misleading as it may only be 1 – 2% difference. For cost indicators, ranking is not useful as reduced costs do not necessarily mean improved outcomes for local communities and as a result, the cost indicators have not been ranked.
- 1.6 While recognising these issues, Perth and Kinross Council is committed to the LGBF and using benchmarking information to prompt and promote progressive improvement. The LGBF is only one source of benchmarking data, and the Council uses many sources to compare performance with other authorities and these can often show different trends and patterns.
- 1.7 This year, the suite of measures for economic development has been expanded. The majority of Council Plans and Local Outcome Improvement Plans (LOIPs) assign a high level of strategic priority to local economic growth, job creation and tackling unemployment. As a result, the framework has been adapted to reflect this.
- 1.8 This report provides an overview of the information that is contained within the Improvement Service National Overview Report and the online toolkit; taking account of the national and local trends along with the key highlights for Perth and Kinross Council. The [online tool](#) is published on the Council's website and this report is intended to be used alongside it. It provides data for Perth and Kinross up to 2017/18; and allows members of the public to compare the performance of all 32 Scottish Local Authorities as well as compare our performance within our family groups. In addition, this year an infographic summary has also been produced with the results for each indicator for Perth and Kinross alongside the national average for comparison. This highlights the rank, where appropriate, and whether performance or costs have gone up or down since last year. This is contained in appendix 1.

2. OVERALL RANKINGS 2017/18

- 2.1 All 51 non-cost performance indicators (PIs) with 2017/18 data have been ranked in terms of their performance out of 32 local authorities, reflecting each local authority in Scotland. They are then divided into four groups, known as quartiles. Below provides a summary of how Perth & Kinross Council compares to all other local authorities in Scotland.
- 11 indicators (22%) are in the upper quartile;
 - 17 indicators (33%) are in the upper middle quartile;
 - 16 indicators (31%) are in the lower middle quartile; and
 - 7 indicators (14%) are in the lower quartile.

- 2.2 The chart below shows the movement between quartiles over the past four years. It shows that over the past three years our rankings have increased in quartile two and three with a decrease in quartile one.



- 2.3 The table below provides the ranking for non-cost indicators by service area of data available.

Service Area	Total no. of PIs	Upper quartile	Upper middle quartile	Lower middle quartile	Lower quartile
Children's Services	13	0% (0)	46% (6)	46% (6)	8% (1)
Corporate Services	7	29% (2)	14% (1)	43% (3)	14% (1)
Adult Social Care	4	25% (1)	50% (2)	25% (1)	0% (0)
Culture and Leisure Services	4	100% (4)	0% (0)	0% (0)	0% (0)
Environmental Services	8	25% (2)	38% (3)	13% (1)	25% (2)
Housing Services	5	0% (0)	60% (3)	20% (1)	20% (1)
Economic Development and Corporate Asset	10	20% (2)	20% (2)	40% (4)	20% (2)

- 2.4 During 2017/18, of the performance PIs (51) that had data available 30 were better than the Scottish average (59%), while 1 was the same as the Scottish average (2%) and 20 were worse than the Scottish average (39%).

3. OVERALL VARIANCE

- 3.1 Where 2017/18 data is available, the non-cost data has been analysed to determine how we performed since 2010/11 or when baseline data has become available. Cost data has been analysed to see if costs have increased or reduced and a summary is presented below.
- 3.2 31 indicators (61% of performance indicators) have improved performance; 20 indicators (39% of performance indicators) have decreased performance; 9 indicators (50% of cost indicators) have increased costs; and 9 indicators (50% of cost indicators) have decreased costs.

4. NATIONAL TRENDS

- 4.1 The National Overview Report provides analysis and interpretation of key performance trends within a national context. It also provides statistical information on how we have performed across all the data sets compared to the national average and other councils.
- 4.2 Over the last eight years, total revenue funding for Local Authorities has fallen by 8.3% in real terms from £10.5 billion to £9.6 billion. Spending on education and care has been relatively protected over this period. As these account for over 70% of the benchmarked expenditure within the LGBF, most other service areas have experienced substantial real reductions in spending: 22% reduction in culture and leisure spending; 33% reduction in planning; almost 15% reduction in roads spending, and almost 10% reduction in environmental services spending. Revenue funding for Local Authorities from the Scottish Government has fallen in real terms by 9.6% between 2010/11 and 2018/19. This has presented councils with a major challenge in delivering services and making savings.
- 4.3 Council spending across Scotland did stabilise against trend in 2017/18 but not sufficiently to offset the major reductions experienced since 2010/11. Across that period, nationally, service performance has been maintained remarkably well with improving trends in measurable performance across services. In 2017/18, there is indicative evidence across some services covered by the benchmarking framework that performance improvement is slowing down for the first time since 2010/11. This echoes concerns highlighted by the Accounts Commission, in their Local Government in Scotland Financial Overview 2017/18, about the challenges councils face in meeting the increasing demand for services against tightening budgets.

5. LOCAL TRENDS

5.1 2017/18 Highlights

5.1.1 Key highlights within 2017/18 across all service areas include:

- Self-directed support spend on adults as a percentage of total social work continues to rise from 5.4% (2016/17) to 10.2% (2017/18). We are ranked second in Scotland overall for 2017/18 behind only Glasgow City Council (21.1%).
- Despite a reduction nationally in satisfaction levels for cultural services, satisfaction levels have remained stable and above the Scottish average within Perth and Kinross. We are ranked in the top quartile for libraries (seventh - 82%), museums and galleries (seventh - 79%), leisure facilities (eight - 79%) and parks and open spaces (second - 92%).

- We remain in the top quartile for household recycling rates (eighth). We have seen an increase from 54.7% in 2016/17 to 55.6% in 2017/18. We are also ranked in the top quartile (fifth) for the percentage of adults satisfied with street cleaning (78%).
- We are ranked second in Scotland for the % of unemployed people assisted into work from council operated / funded employability programmes in 2017/18 (26%). We are also ranked second in Scotland for the lowest level of town vacancy rates (Perth and Kinross 8%, Scotland 12%).
- Since 2010/11, we have been ranked in the top quartile for collection rates for Council Tax. For 2017/18, we were ranked second highest in Scotland with collection rates of almost 98%.
- Since 2015/16 we have been ranked in the top quartile for the gender pay gap. In 2017/18 we are ranked fifth overall in Scotland (0.7%) which was lower than the Scottish average of 3.9%.

5.2 2017/18 Key Areas of Focus

5.2.1 Key areas of focus across all service areas include:

- We are ranked in the lower quartile (28th) for the average total tariff score for SIMD quintile 2 (646). This is a reduction on last year which was 658 (ranked 25th), but does reflect a long-term overall increase from 590 in 2012/13. The average total tariff SIMD quintile 3 has also dropped since 2016/17 from 1,029 to 856 (17% reduction) and our ranking has changed from 7th to 20th. This also shows a long-term increase from 789 in 2012/13.

Figures to be available shortly in the Senior Phase Benchmarking Tool *Insight* will allow us to compare the tariff points attained by school leavers at any stage, which will give a more comprehensive view of overall attainment. Closing the gap between children from the most disadvantaged areas and those from the least disadvantaged areas is a key priority of the National Improvement Framework, and there is a significant programme of work across Perth and Kinross to address these inequalities, based around the fundamental objectives of Excellence and Equity. Initially through the Closing the Gap programme, and more recently using the Pupil Equity Fund, schools across Perth and Kinross are supported to use evidence to identify areas for improvement and to build appropriate interventions into their School Improvement Plans.

- We continue to be ranked 30th for the past two years for sickness absence days lost per teacher. In 2017/18, the number of days lost was 8.06, this was a slight increase from last year, where it was 7.81 days. There has also been an increase the number of days lost for all other employees

since last year (11.5%) going from 9.63 to 10.74 days and our ranking has dropped from 6th to 11th.

Within Perth & Kinross, we have seen an increase in the number of employees who have long term sickness absences from work due to chronic conditions. We have a robust policy framework and promote line management skills and behaviours to support staff who are off sick or who have health issues. We provide a range of support measures, such as occupational health advice, health promotion, flu vaccinations, physiotherapy, counselling and mental health first aiders. Prevention is important too and we take a holistic approach to wellbeing, recognising the benefits of good diet, sleep, exercise, etc. and building resilience to enable everyone to Live Life Well. The Council is currently reviewing our health and wellbeing policies, initiatives and support to managers and employees, with mental health a priority area.

- We are ranked in the lower quartile for both the percentage of A class roads (39%) and B class roads (40%) that should be considered for maintenance treatment and are above the Scottish average for both (Scottish average A class road 30%; and B class roads 36%). These results indicate that deterioration has halted and current investment is resulting in a stable position. The Roads Maintenance Strategy directs where the available funding is spent and is currently targeted at the Council's primary road network, with lower category roads receiving less expensive treatments such as patching and surface dressing. The approved Roads Maintenance Strategy allows for a managed reduced level of investment in B, C and U Class roads to facilitate the prioritisation of investment in the Council's A Class roads network.
- We are ranked in the lower quartile (25th) for gross rent arrears (10.4%). This is a slight increase from 10% in 2016/17 but our rank remains the same. Preventing and reducing rent arrears is a key priority for the Council. As is the experience of many Local Authorities, the move over to Universal Credit has impacted on our arrears levels. We have introduced a range of measures including a Sustaining Tenancies Fund to help support tenants who are experiencing genuine financial hardship. In addition, and by undertaking comparisons with other councils on the treatment of debt write-off, we have adopted a similar approach to the treatment of long term former tenant arrears. This new approach will bring us more in line with the overall national average and provide a more accurate reflection of our arrears levels. The current tenant rent arrears, however, did fall throughout the year from 10.46% in March 2017 to 9.44% to the end of March 2018.
- In 2017/18, we were ranked in the lower quartile (27th) for the percentage of procurement spend spent on local enterprises (17.8%). The Scottish average was 27.4%. However, there was a large variation between the 32 local authorities from 54.1% to 9.5%. This calculation is based on payments which are made to addresses inside the boundaries of Perth and Kinross. This figure takes no account of the businesses located

within Perth and Kinross which also have offices elsewhere. Another gap is the numbers of small businesses which use a factoring service or a bank to handle invoices - generally meaning the address for remittance is other than that at which the business is located.

- The proportion of properties receiving superfast broadband has increased year on year within Perth and Kinross from 38% in 2013/14 to 82% in 2017/18 but we are still ranked in the lower quartile (25th). The Scottish average is 91%, but there is a large variation across the 32 local authorities from 98% to 66%. Innovative solutions are being deployed to bring broadband to hard to reach communities in Perth and Kinross. "Fibre to the Premises" technology has been deployed in Glenalmond and Scotlandwell. Openreach are still bringing fibre to some small communities for the first time, such as Grange and Kinrossie.

5.3 Costs Analysis

- As a result of replacing equipment during 2017/18 the cost for street cleaning per 1,000 population went from £15,777 in 2016/17 to £18,180. However, this was after a period where street cleaning costs had been reducing each year since 2010/11. Costs for trading standards and environmental health continue to reduce.
- Our costs per dwelling for collecting Council Tax have decreased from £12.55 to £6.94 since 2016/17, a reduction of 45%.
- Home care costs per hour for people aged 65 or over decreased from £16.49 in 2016/17 to £13.85 in 2017/18. Of all Local Authorities Perth and Kinross Council has the highest proportion of care at home services (excluding Rehabilitation care at home) commissioned from external providers. The benchmarking figure does not include the cost to the Council of providing rehabilitation, which is delivered by the internal care at home service, it remains lower than other Councils who provide a higher percentage of care at home through internal services. The most recent benchmarking of payment for external homecare showed that we pay a slightly higher than average hourly rate.
- The cost per library visit has increased by 21% from £1.86 to £2.26 since 2016/17. This trend is also reflected in the cost of museums per visit by 26%, going from £3.96 to £4.98.

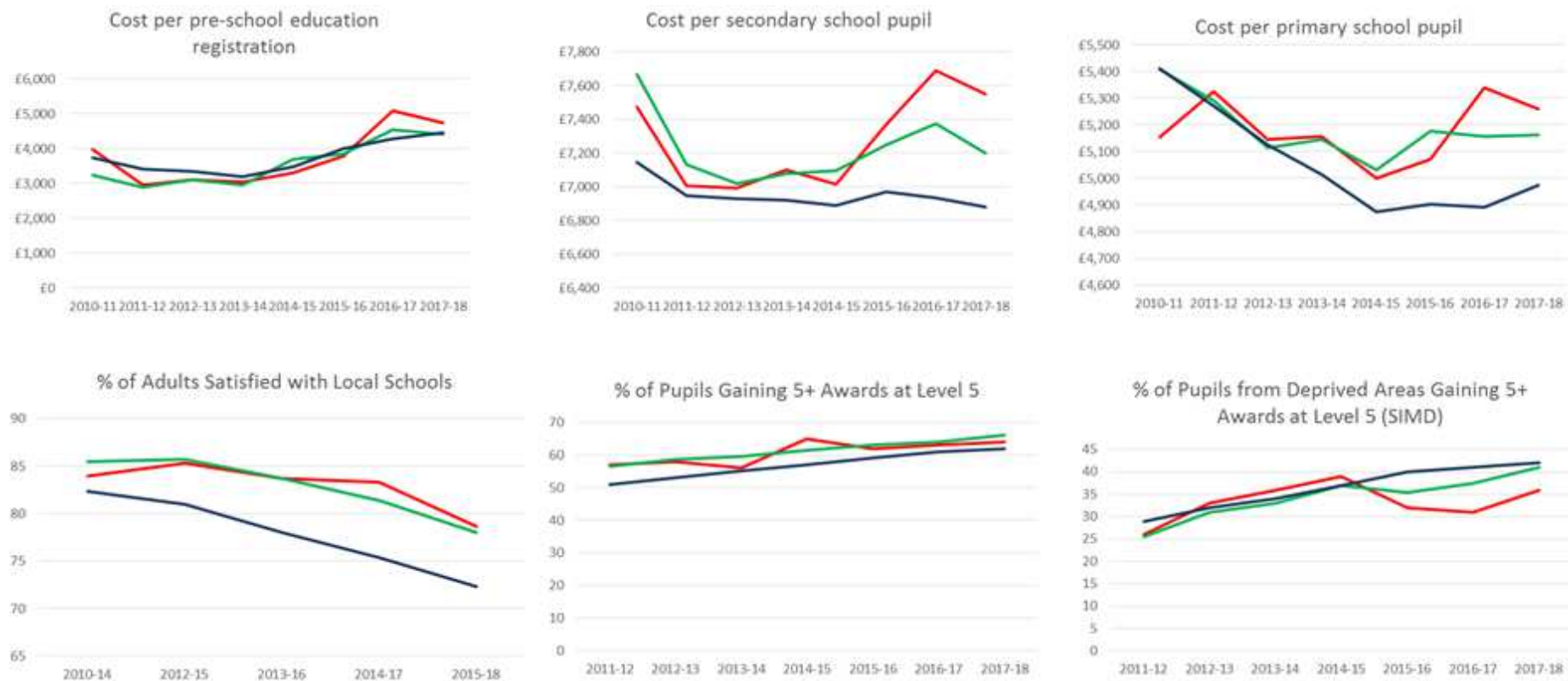
6. INDICATOR CHARTS

Family Group 1: PKC, Aberdeen City, Aberdeenshire, East Dunbartonshire, East Renfrewshire, Edinburgh, Orkney and Shetland.

Family Group 2: PKC, East Ayrshire, East Lothian, Fife, Moray, North Ayrshire, South Ayrshire and Stirling.

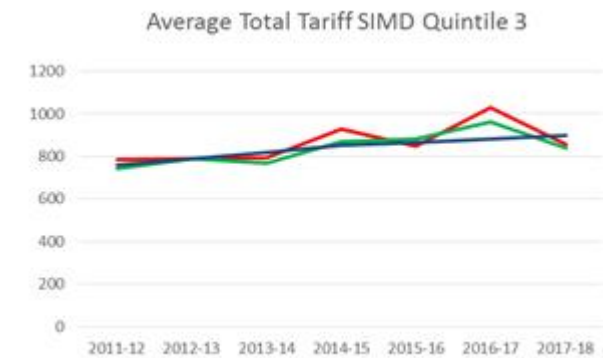
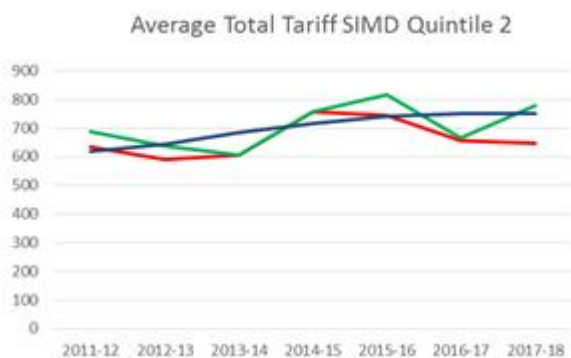
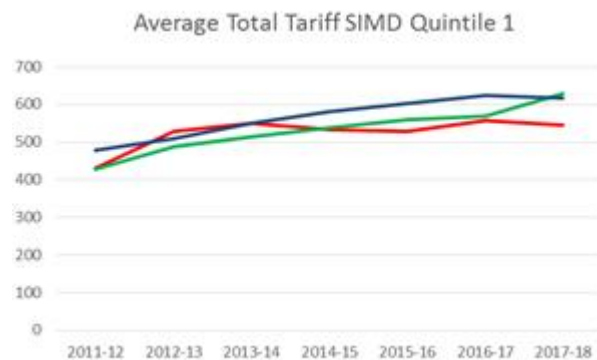
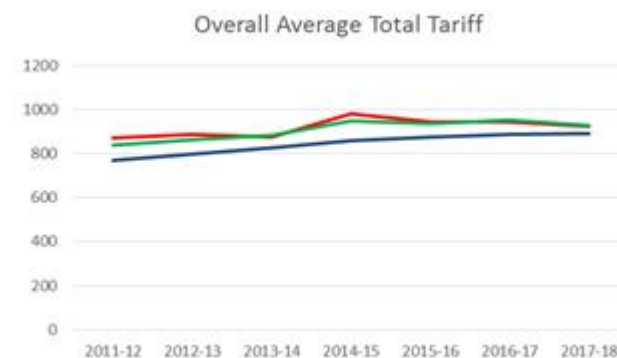
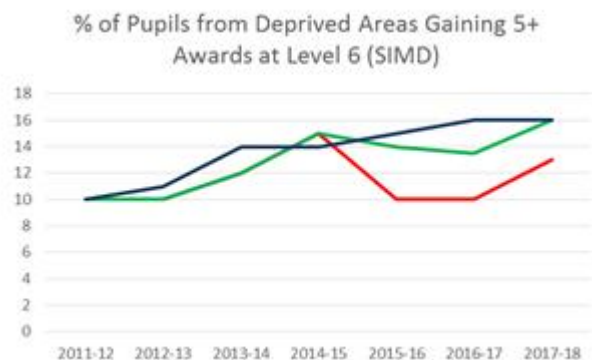
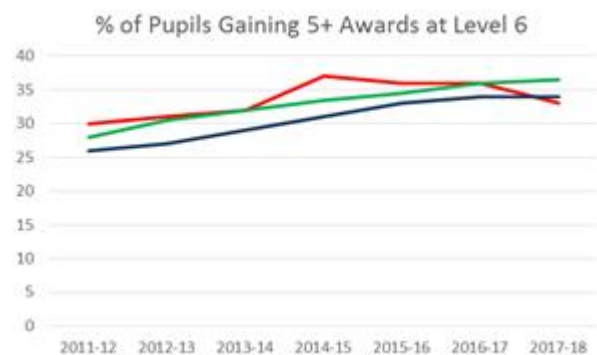
The Family Group Median is in the midpoint between the 8 Councils.

6.1 Children's Services – FG1



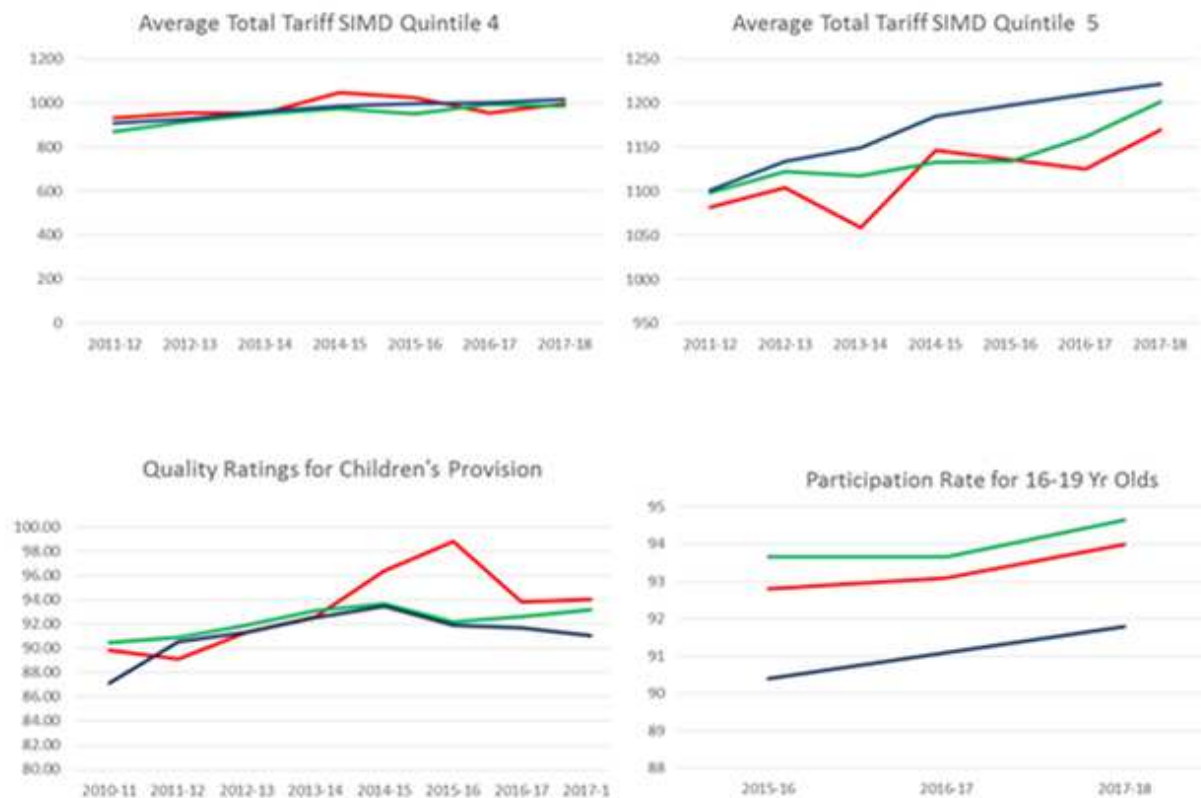
Please note chart axes vary to accentuate change and careful interpretation is required.

— Perth & Kinross — FG Median — Scotland



Please note chart axes vary to accentuate change and careful interpretation is required.

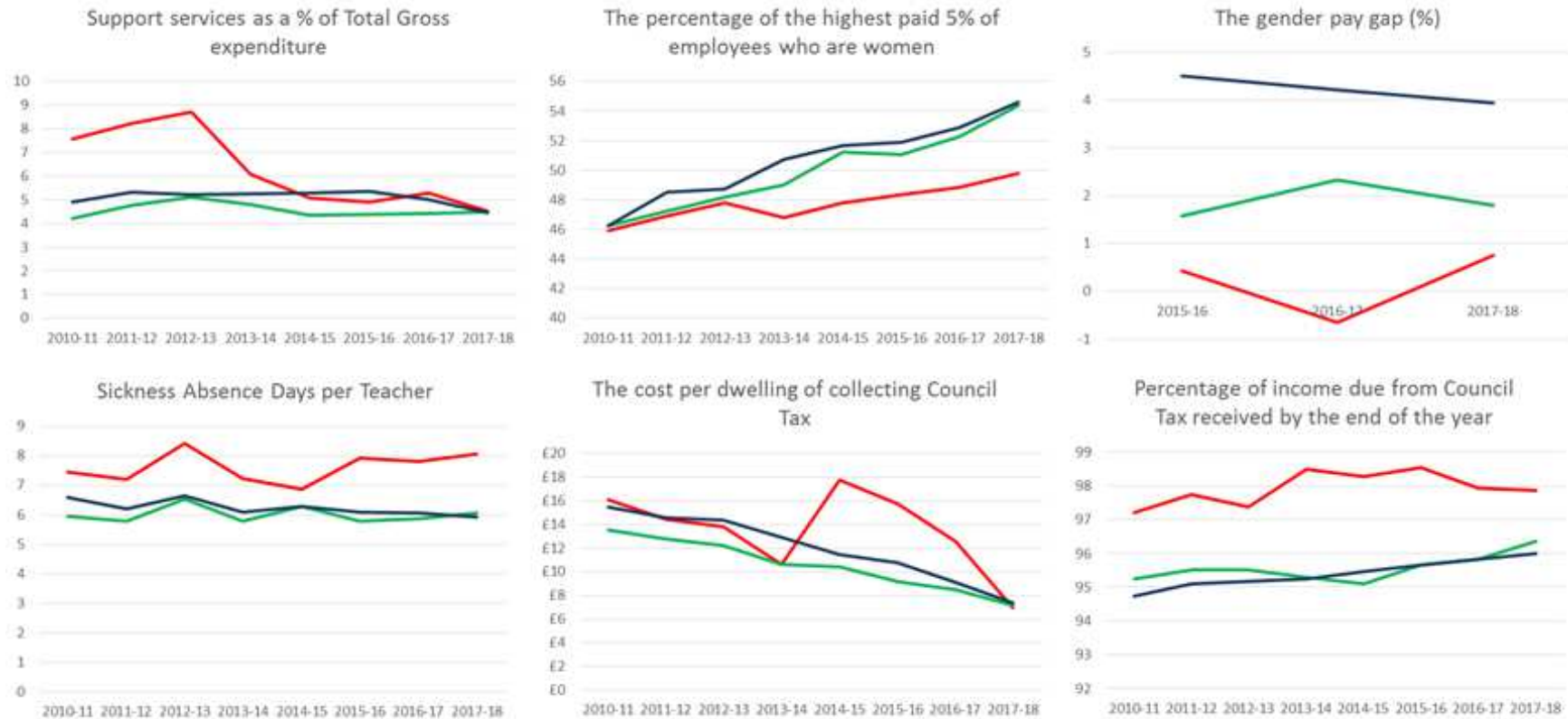
— Perth & Kinross — FG Median — Scotland



Please note chart axes vary to accentuate change and careful interpretation is required.

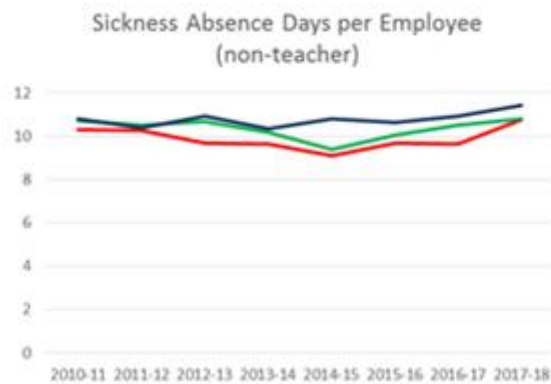
Perth & Kinross ☒ FG Median ☒ Scotland ☒

6.2 Corporate Services – FG2



Please note chart axes vary to accentuate change and careful interpretation is required.

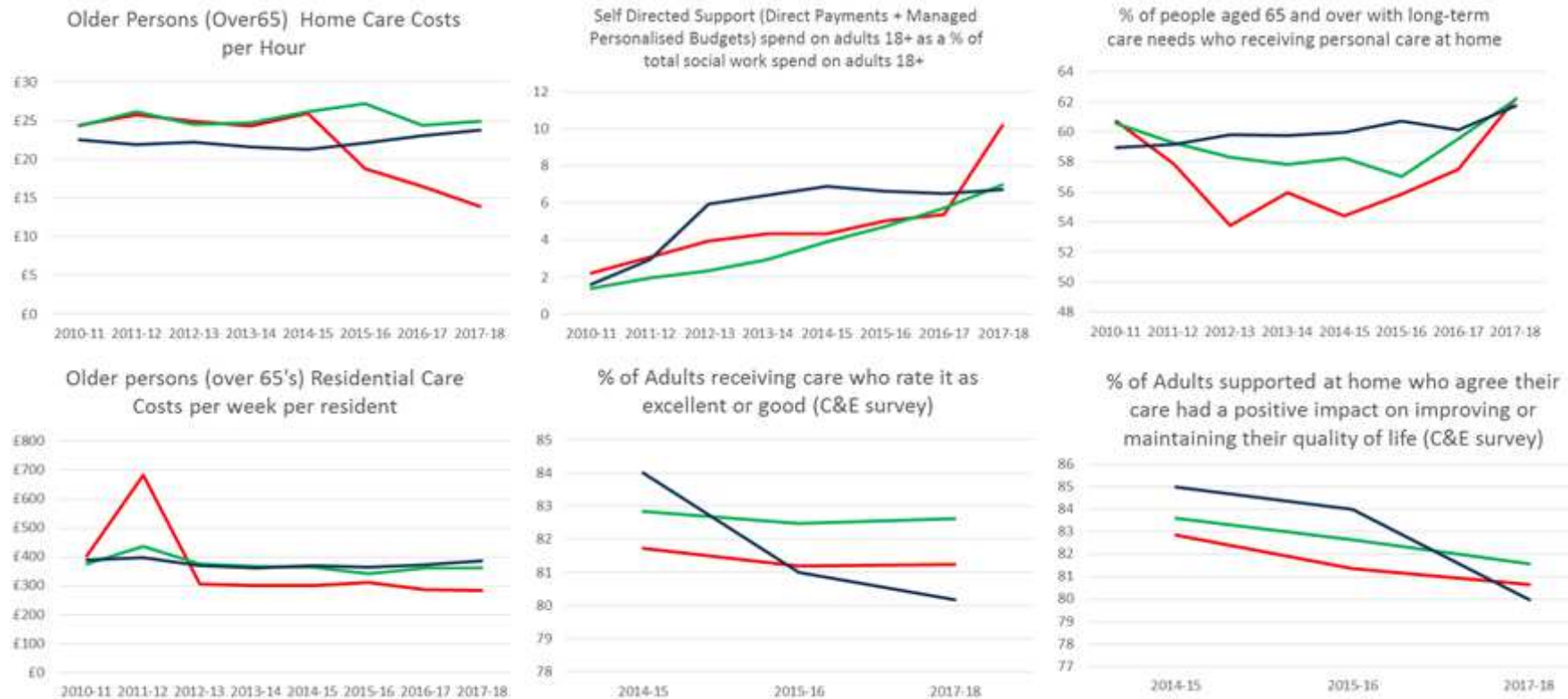
— Perth & Kinross — FG Median — Scotland



Please note chart axes vary to accentuate change and careful interpretation is required.

Perth & Kinross ☒ FG Median ☒ Scotland ☒

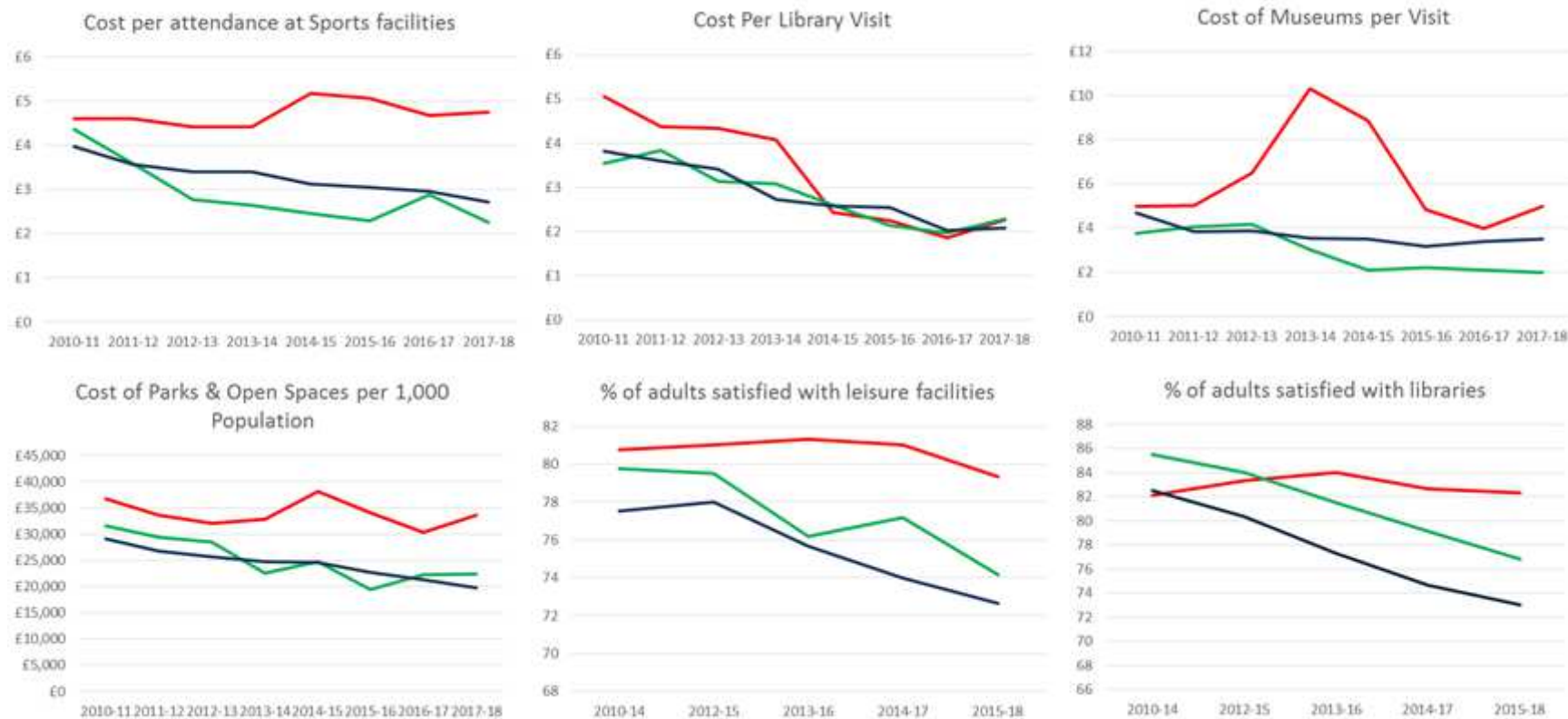
6.3 Adult Social Care – FG1



Please note chart axes vary to accentuate change and careful interpretation is required.

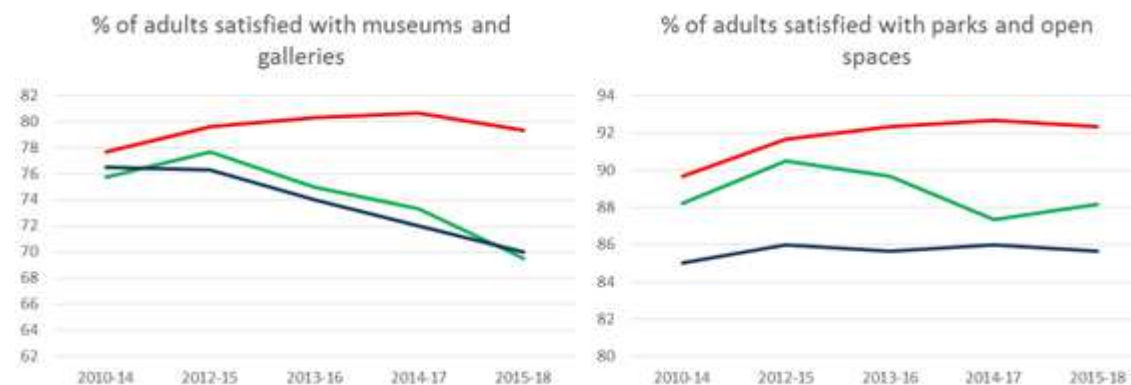
— Perth & Kinross — FG Median — Scotland

6.4 Culture and Leisure Services – FG2



Please note chart axes vary to accentuate change and careful interpretation is required.

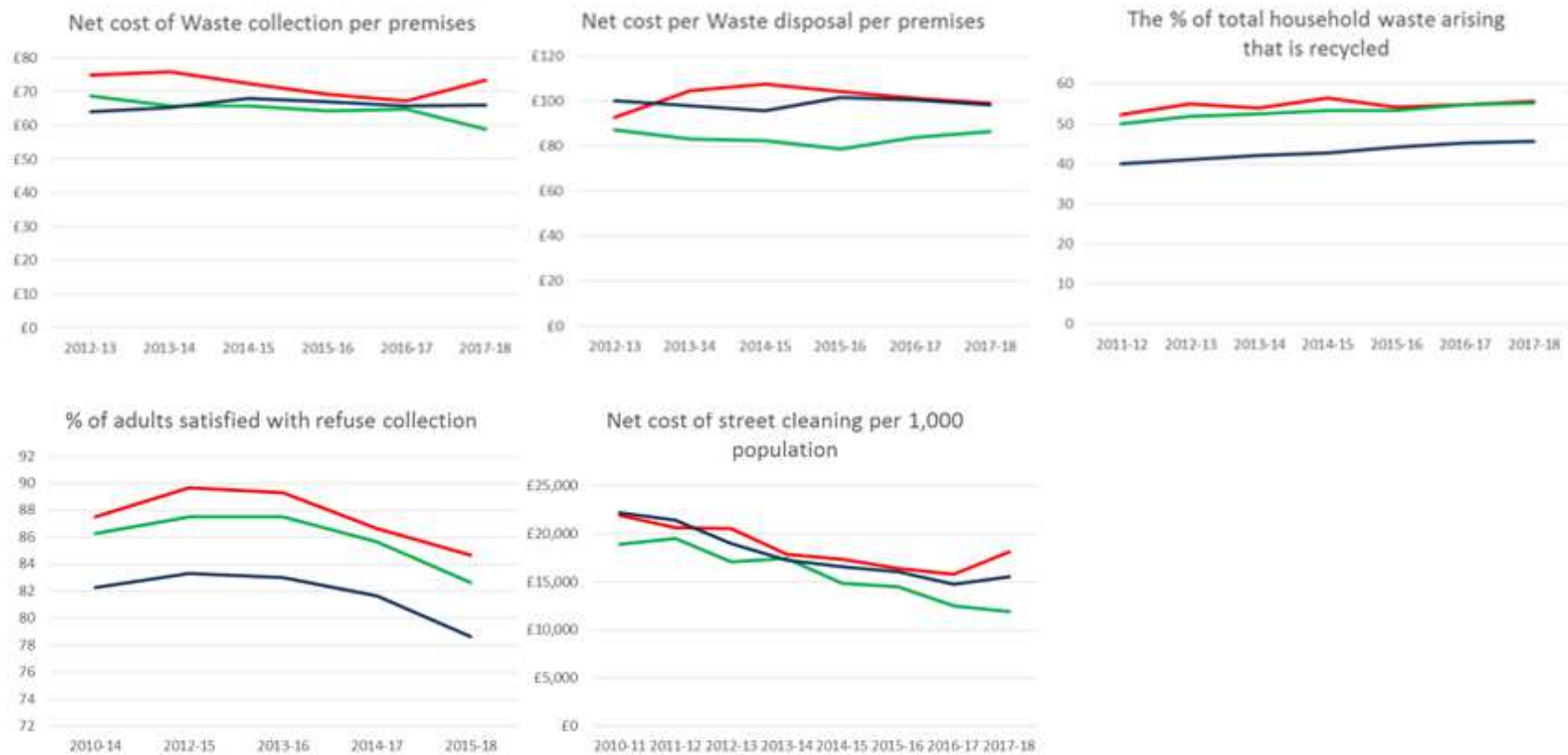
— Perth & Kinross — FG Median — Scotland



Please note chart axes vary to accentuate change and careful interpretation is required.

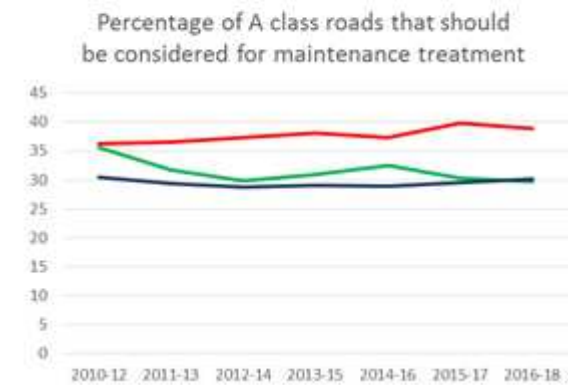
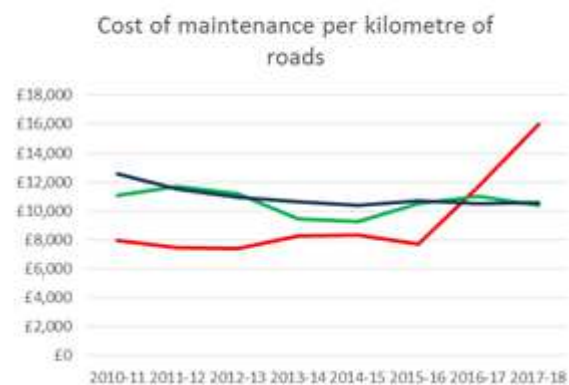
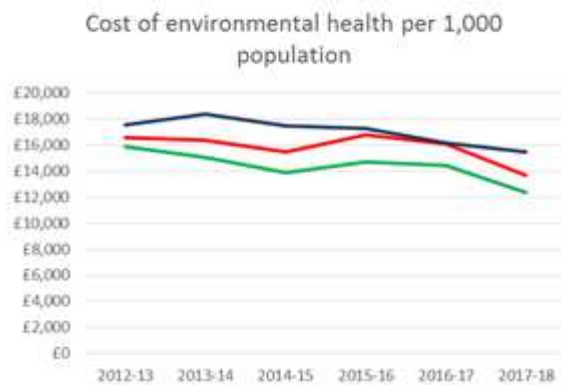
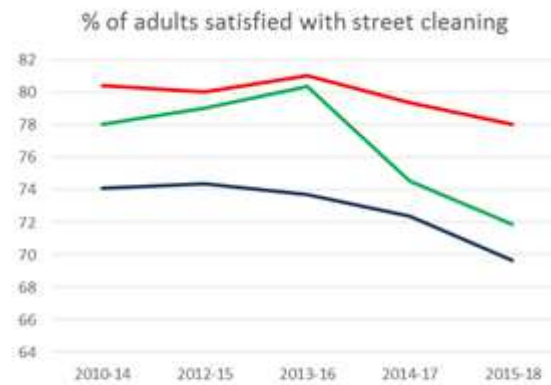
— Perth & Kinross ☒
— FG Median ☒
— Scotland ☒

6.5 Environmental Services – FG2



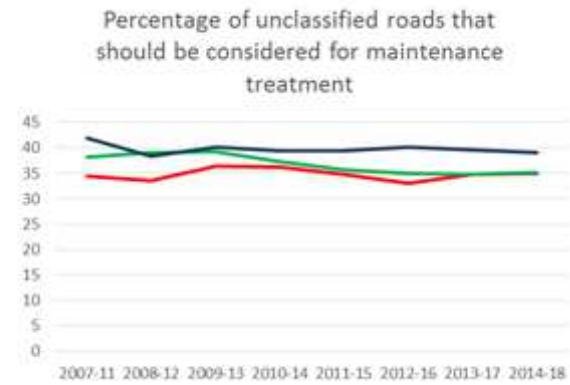
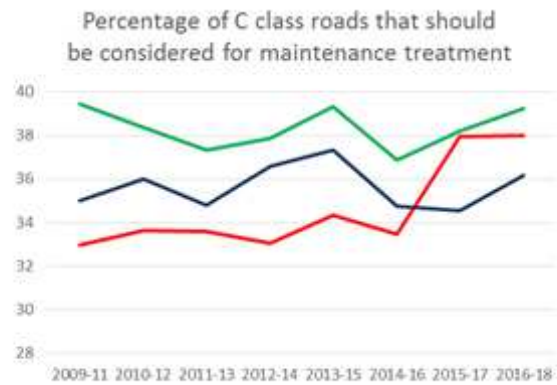
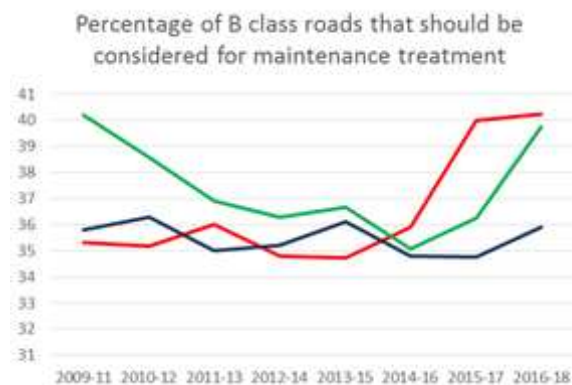
Please note chart axes vary to accentuate change and careful interpretation is required.

— Perth & Kinross — FG Median — Scotland



Please note chart axes vary to accentuate change and careful interpretation is required.

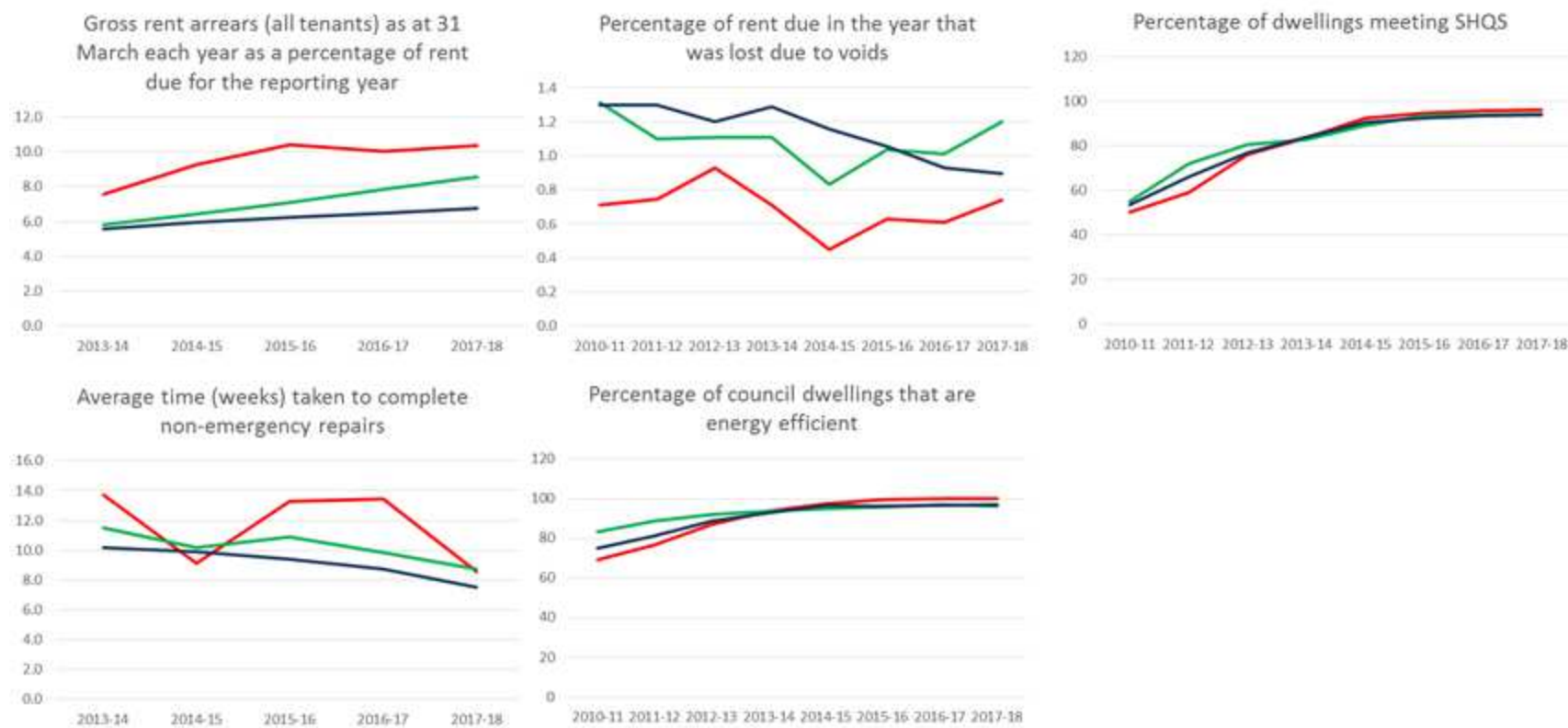
— Perth & Kinross — FG Median — Scotland



Please note chart axes vary to accentuate change and careful interpretation is required.

Perth & Kinross FG Median Scotland

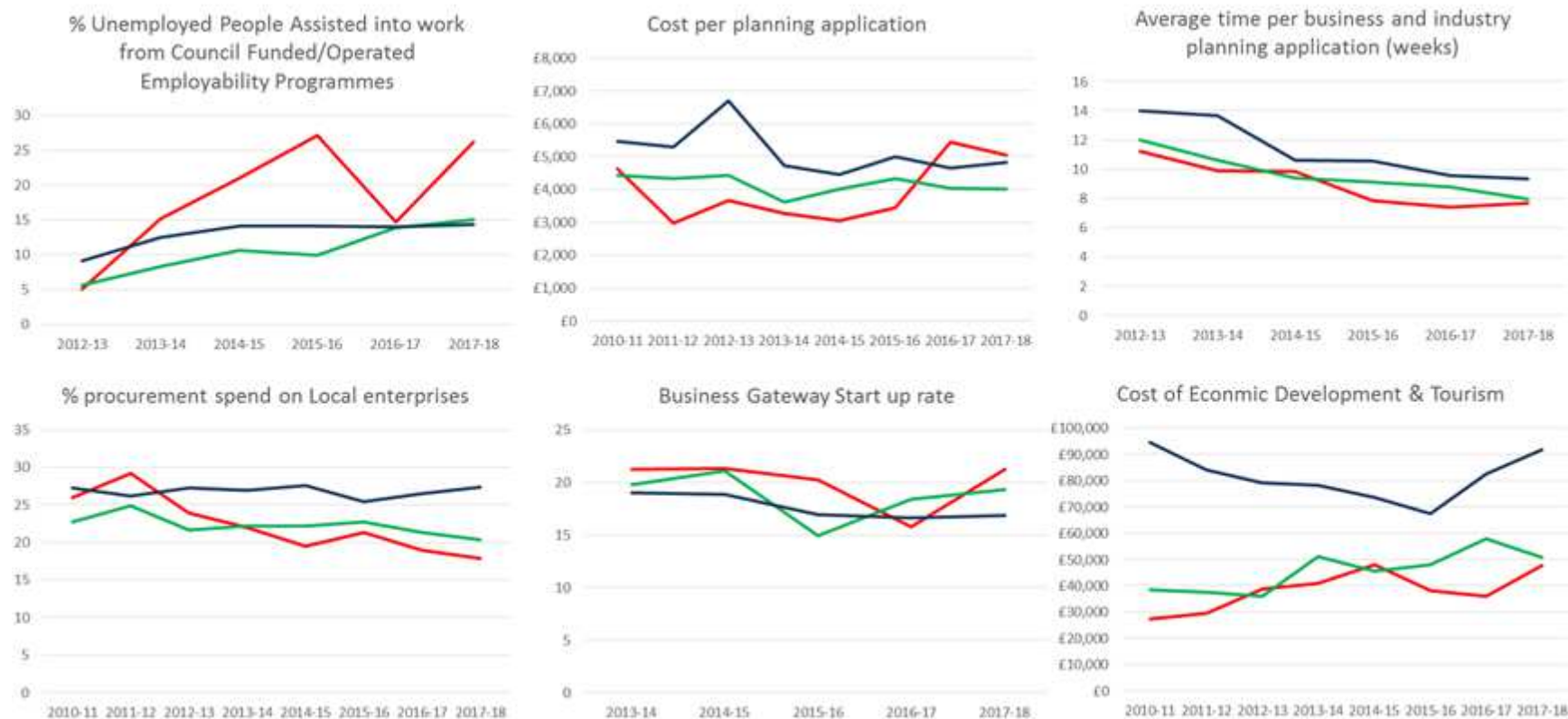
6.6 Housing – FG1



Please note chart axes vary to accentuate change and careful interpretation is required.

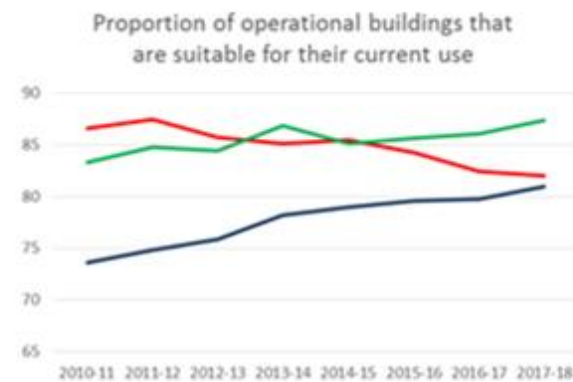
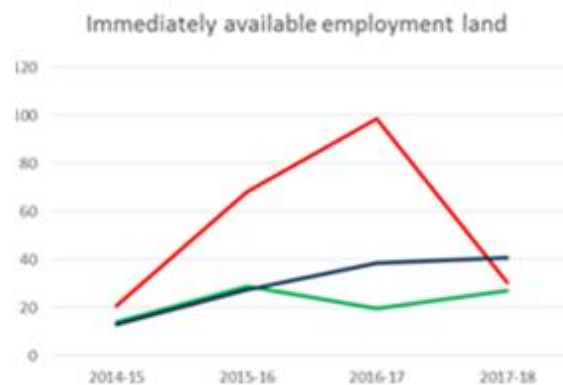
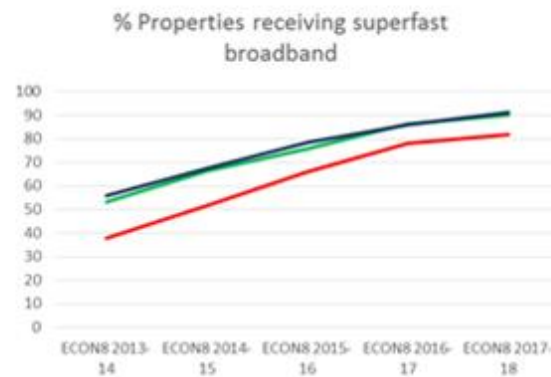
— Perth & Kinross — FG Median — Scotland

6.7 Economic Development – FG2



Please note chart axes vary to accentuate change and careful interpretation is required.

— Perth & Kinross — FG Median — Scotland



Please note chart axes vary to accentuate change and careful interpretation is required.

— Perth & Kinross — FG Median — Scotland

7. CONCLUSION AND RECOMMENDATION

7.1 Perth and Kinross Council is committed to using benchmarking to improve our understanding of how we perform in comparison to other councils and why difference in performance occurs. Benchmarking supports change and improvement by helping the Council to identify and share good practice.

7.2 It is recommended that Council:

- i) Notes the LGBF results for 2017/18; and
- ii) Notes that the LGBF results will be used to inform the development of the Council's Transformation Programme and the Council's wider performance management and planning framework.

Authors

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Louisa Dott	Team Leader (Strategic Planning, Improvement & Risk)	LJDott@pkc.gov.uk 01738 475070

Approved

Name	Designation	Date
Jim Valentine	Depute Chief Executive and Chief Operating Officer	20 February 2019

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Corporate Plan

- 1.1 This report supports the delivery of the Strategic Objectives within Perth and Kinross Community Plan (Local Outcomes Improvement Plan) 2017-2027 and Corporate Plan 2018-2022.

2. Resource Implications

Financial

- 2.1 There are no financial implications arising from this report.

Workforce

- 2.2 There are no workforce implications arising from this report.

Asset Management (land, property, IT)

- 2.3 There are no asset management implications arising from this report.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This report has been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- Assessed as not relevant for the purposes of EqIA

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

Legal and Governance

- 3.6 Not applicable.

Risk

- 3.7 Not applicable.

4. Consultation

Internal

- 4.1 The Executive Officer Team were consulted during the preparation of this report.

External

4.2 Not applicable.

2. BACKGROUND PAPERS

The background papers referred to within the report are:

Report by Improvement Service: [National Benchmarking Overview Report 2017/18](#) and the LGBF data made available to Councils by The Improvement Service.

3. APPENDICES

Appendix 1 - Local Government Benchmarking Framework PKC Summary 2017/18



Local Government Benchmarking Framework PKC Summary 2017/18

Benchmarking for Improvement

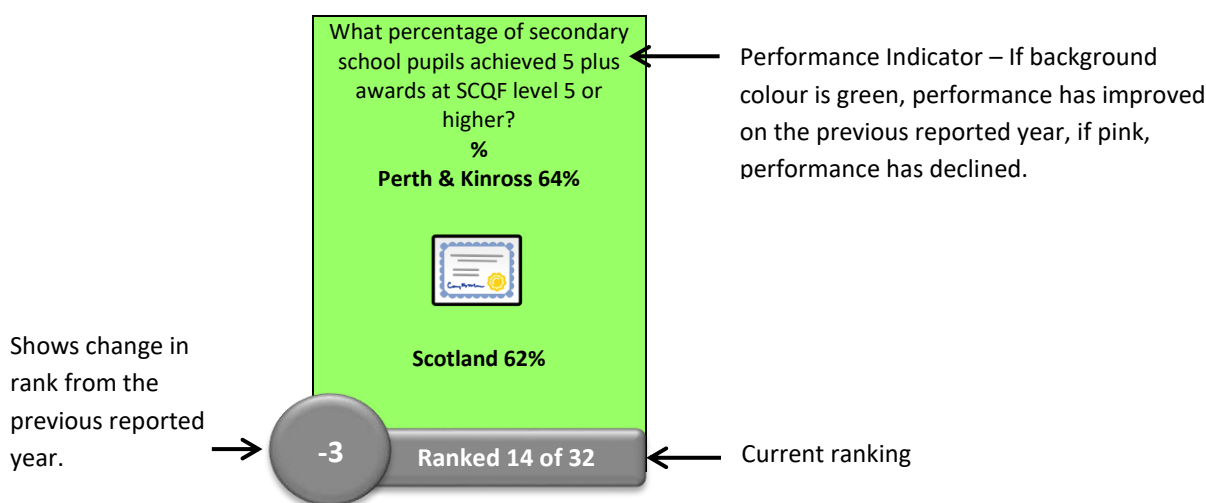
We are involved in a wide range of formal and informal benchmarking which includes participation in the national Local Government Benchmarking Framework (LGBF).

The [Local Government Benchmarking Framework](#) (LGBF) was developed by the Improvement Service (IS), on behalf of SOLACE, in 2012. The overall purpose of the framework is to support Councils in focusing change to areas of greatest impact in terms of efficiency (unit costs), productivity and outcomes.

As well as reporting on the LGBF, the Council includes benchmarking data, where available, as part of the Council's Annual Public Performance Report. Benchmarking also forms a key stage of Best Value Reviews, Transformation Projects and other reviews such as those undertaken by the Scrutiny Committee. Benchmarking data and benchmarking activity across a wide range of service areas is considered as part of each Service's How Good is Our Council self-evaluation.

The Council is a member of various benchmarking groups including the [LGBF Benchmarking Groups](#) and other networks such as the SCOTS Performance Management Working Group, Libraries ABC Benchmarking Group, Scottish Housing Best Value Network, the HMI and the SCOTXED Programme, SOCITM Benchmarking Club and Scottish Members Services Development Network.

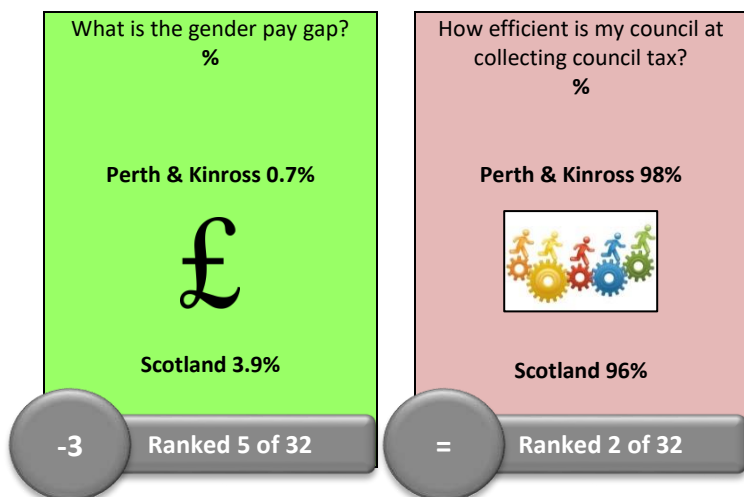
Key to Infographics



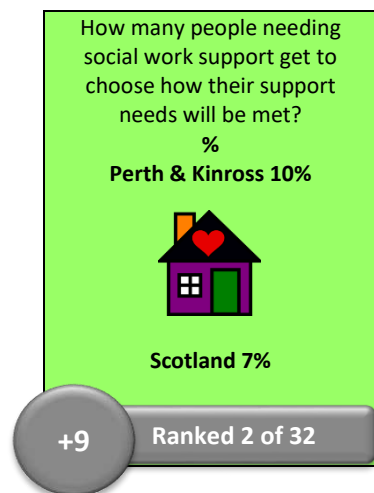
Cost indicators are shown in grey - For cost indicators, ranking is not useful as reduced costs do not necessarily mean improved outcomes for local communities and as a result, the cost indicators have not been ranked.

Quartile 1

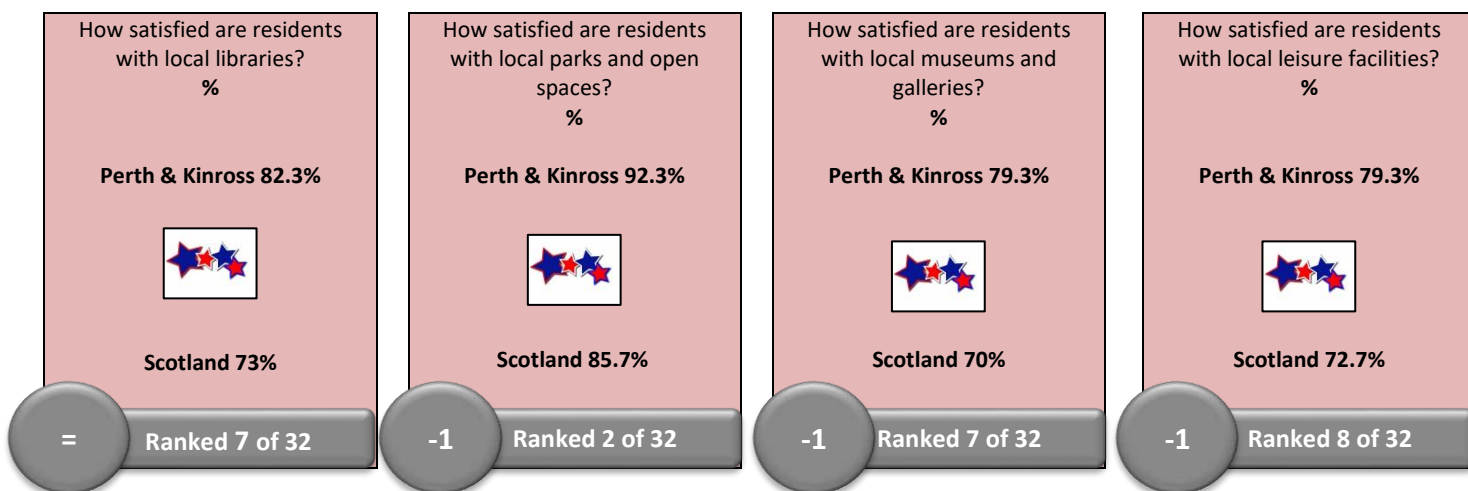
Corporate Services



Adult Social Care

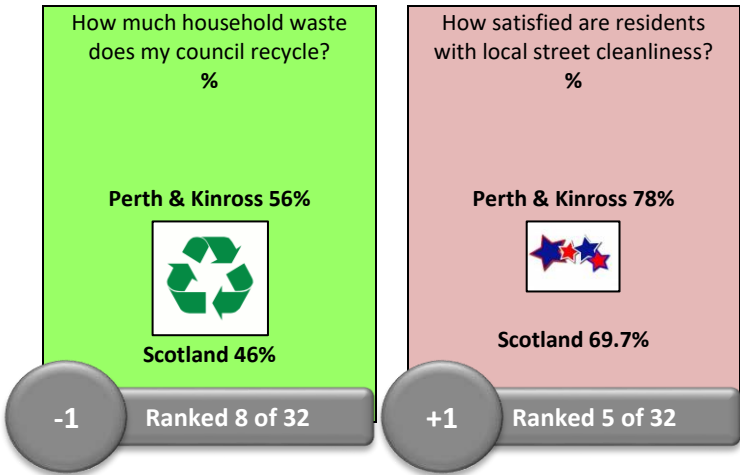


Culture & Leisure Services

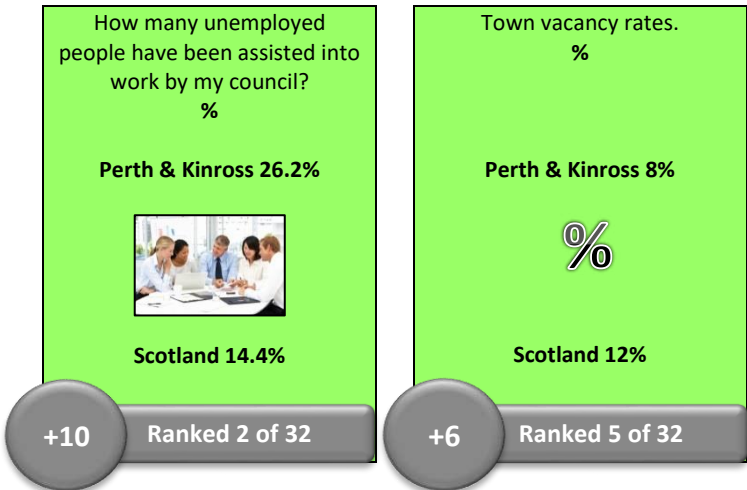


Quartile 1

Environmental Services



Economic Development



Quartile 2

Children's Services

What percentage of secondary school pupils achieved 5 plus awards at SCQF level 5 or higher?
%

Perth & Kinross 64%



Scotland 62%

-3

Ranked 14 of 32

What percentage of secondary school pupils achieved 5 plus awards at SCQF level 6 or higher?
%

Perth & Kinross 33%



Scotland 34%

-5

Ranked 16 of 32

How satisfied are residents with local schools?
%

Perth & Kinross 78.7%



Scotland 72.3%

-2

Ranked 11 of 32

Average total points awarded for levels of attainment achieved – overall average tariff.

Average tariff score

Perth & Kinross 925



Scotland 891

-3

Ranked 10 of 32

Funded early years provision rated good or better.
%

Perth & Kinross 94%



Scotland 91%

-1

Ranked 15 of 32

What % of 16-19 year olds are participating in learning, training or work?
%

Perth & Kinross 94%



Scotland 92%

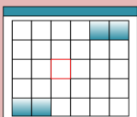
-1

Ranked 10 of 32

Corporate Services

What is the level of sickness absence in my council?
Average number of days per employee (non-teachers)

Perth & Kinross 10.74 days



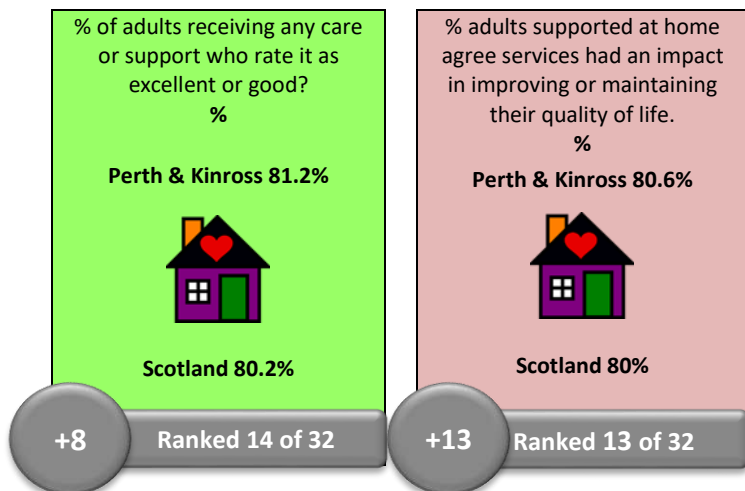
Scotland 11.41 days

-5

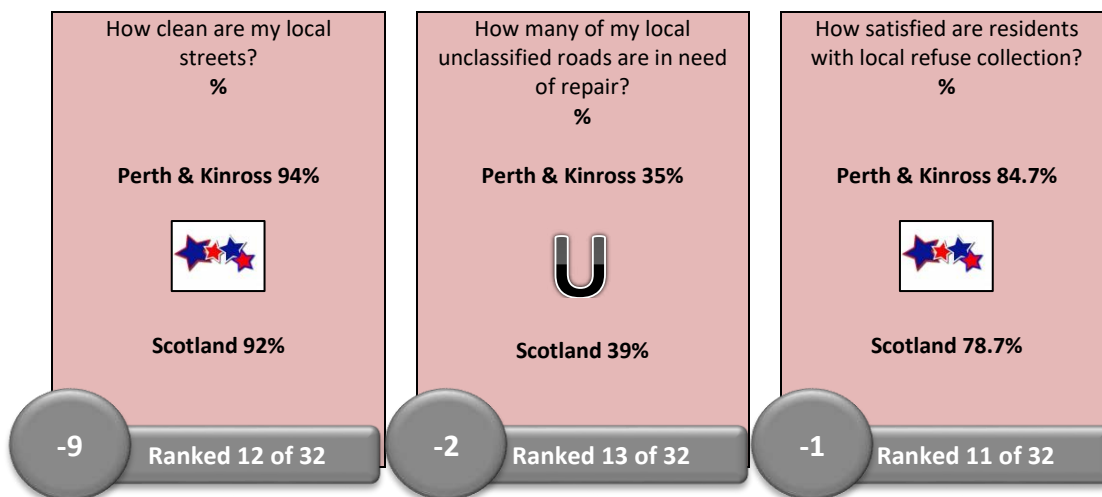
Ranked 11 of 32

Quartile 2

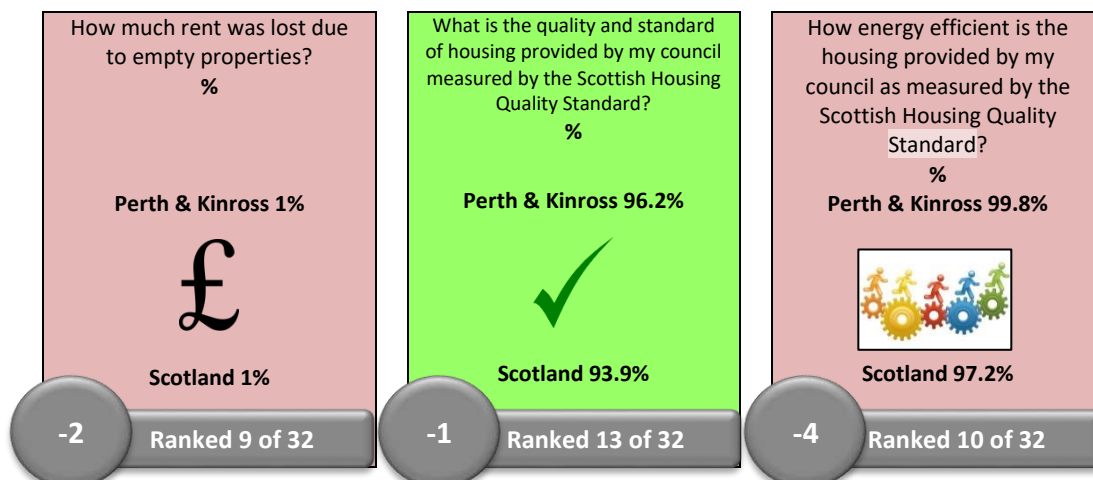
Adult Social Care



Environmental Services

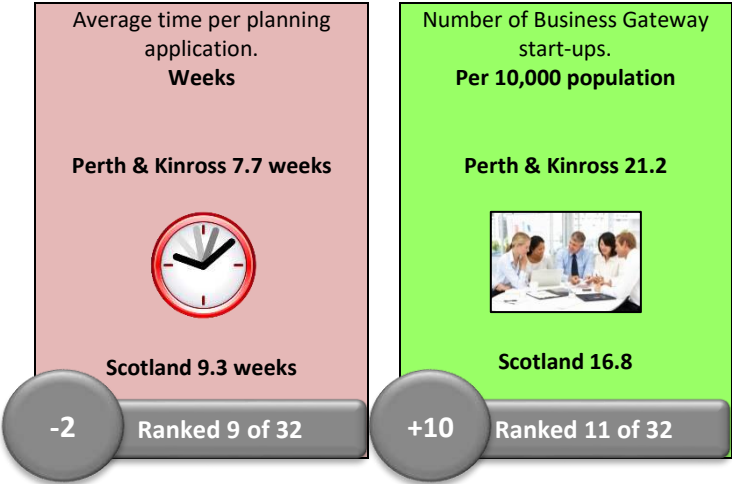


Housing Services



Quartile 2

Economic Development



Quartile 3

Children's Services

What percentage of secondary school pupils from deprived areas achieved 5 plus awards at level 5 or higher?
%

Perth & Kinross 36%



Scotland 42%

+4

Ranked 22 of 32

What percentage of secondary school pupils from deprived areas achieved 5 plus awards at level 6 or higher?
%

Perth & Kinross 13%



Scotland 16%

+4

Ranked 20 of 32

Average total points awarded for levels of attainment achieved – SIMD Quintile 1.
Average tariff score

Perth & Kinross 545



Scotland 618

+1

Ranked 21 of 32

Average total points awarded for levels of attainment achieved – SIMD Quintile 3.
Average tariff score

Perth & Kinross 856



Scotland 896

-13

Ranked 20 of 32

Average total points awarded for levels of attainment achieved – SIMD Quintile 4.
Average tariff score

Perth & Kinross 997



Scotland 1,016

+2

Ranked 19 of 32

Average total points awarded for levels of attainment achieved – SIMD Quintile 5.
Average tariff score

Perth & Kinross 1,169



Scotland 1,221

+4

Ranked 17 of 32

Corporate Services

How much of my council's total running costs is spent on administrative support services?
%

Perth & Kinross 5%



Scotland 5%

+3

Ranked 19 of 32

How many women are in top 5% earners?
%

Perth & Kinross 49.8%



Scotland 54.6%

-2

Ranked 24 of 32

How efficient is my council at paying invoices on time?
%

Perth & Kinross 94%



Scotland 93%

-4

Ranked 17 of 32

Quartile 3

Adult Social Care

How many older people with intensive needs are supported by my council so that they can remain at home?
%

Perth & Kinross 62.2%



Scotland 61.7%

+4

Ranked 22 of 32

Environmental Services

How many of my local C class roads are in need of repair?
%

Perth & Kinross 38%



Scotland 36%

+1

Ranked 20 of 32

Housing Services

How long does it take my council to complete non-emergency repairs?

Average number of days

Perth & Kinross 8.6 days



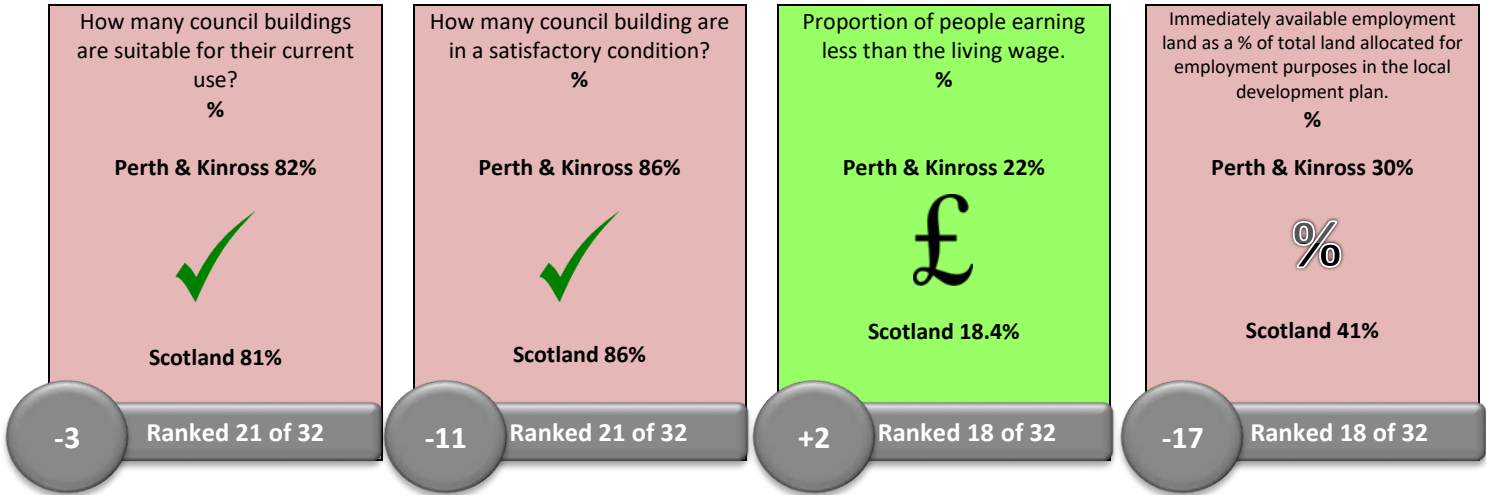
Scotland 7.5 days

+6

Ranked 19 of 32

Quartile 3

Economic Development



Quartile 4

Children's Services

Average total points awarded for levels of attainment achieved – SIMD Quintile 2.

Average tariff score

Perth & Kinross 646



Scotland 750

-3

Ranked 28 of 32

Corporate Services

What is the level of sickness absence for teachers in my council?

Average number of days per teacher

Perth & Kinross 8.06 days



Scotland 5.93 days

=

Ranked 30 of 32

Environmental Services

How many of my local A class roads are in need of repair?
%

Perth & Kinross 39%

A

Scotland 30%

=

Ranked 31 of 32

How many of my local B class roads are in need of repair?
%

Perth & Kinross 40%

B

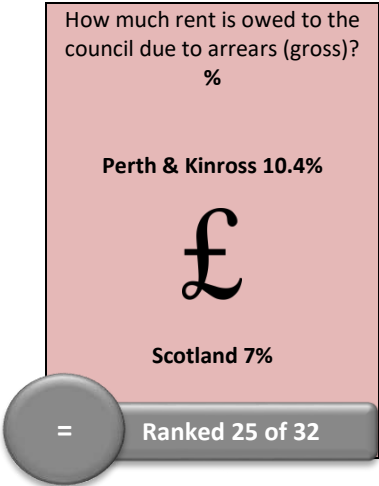
Scotland 36%

+2

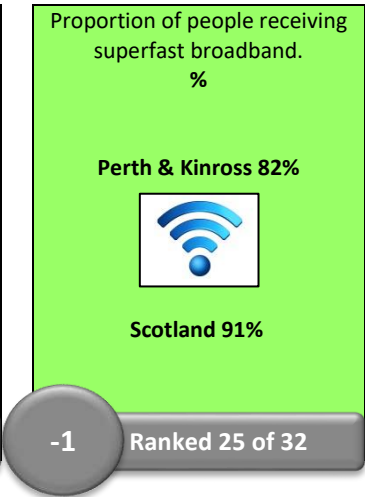
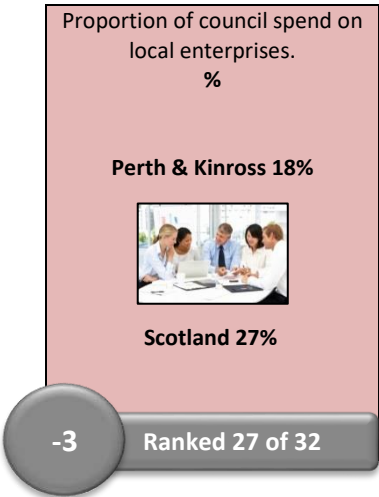
Ranked 26 of 32

Quartile 4

Housing Services

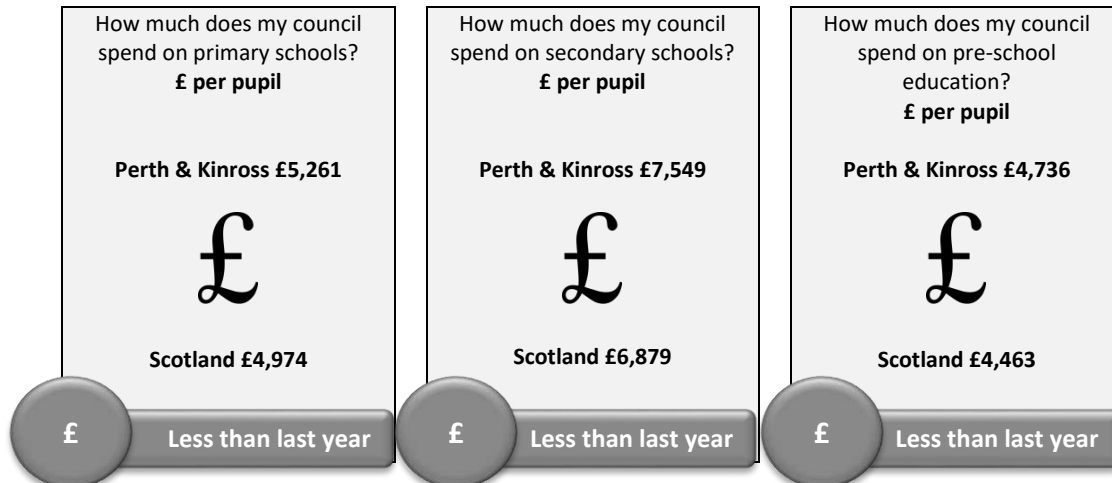


Economic Development

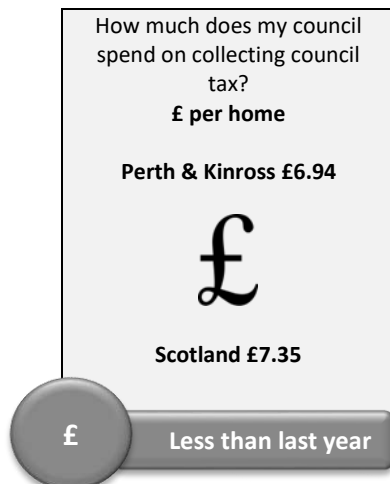


Cost Indicators

Children's Services



Corporate Services

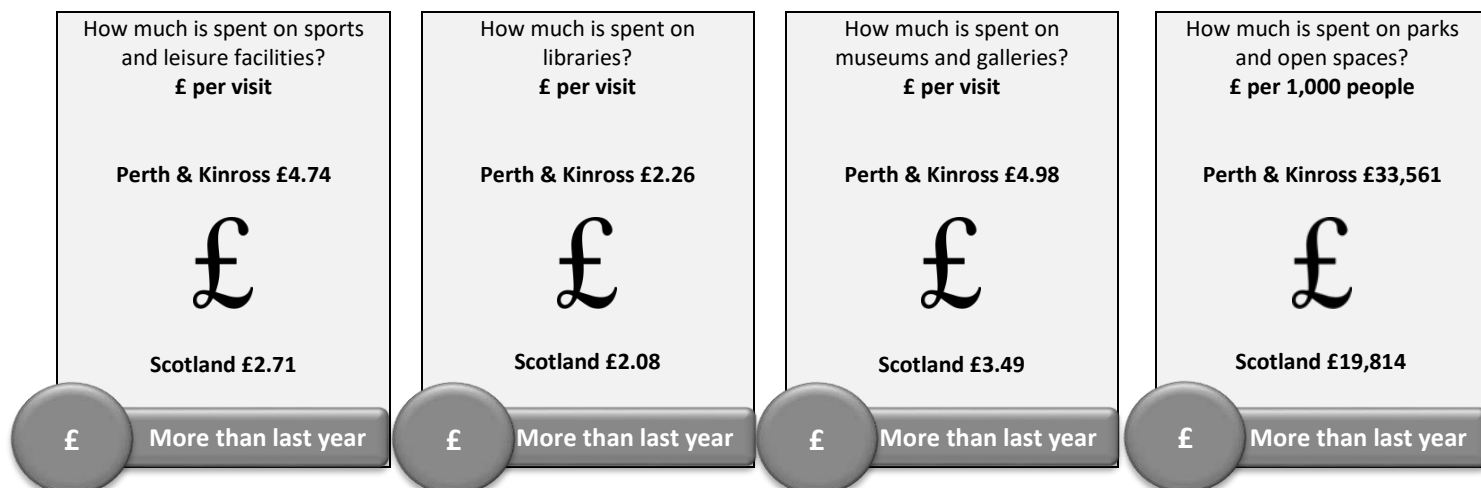


Adult Social Care

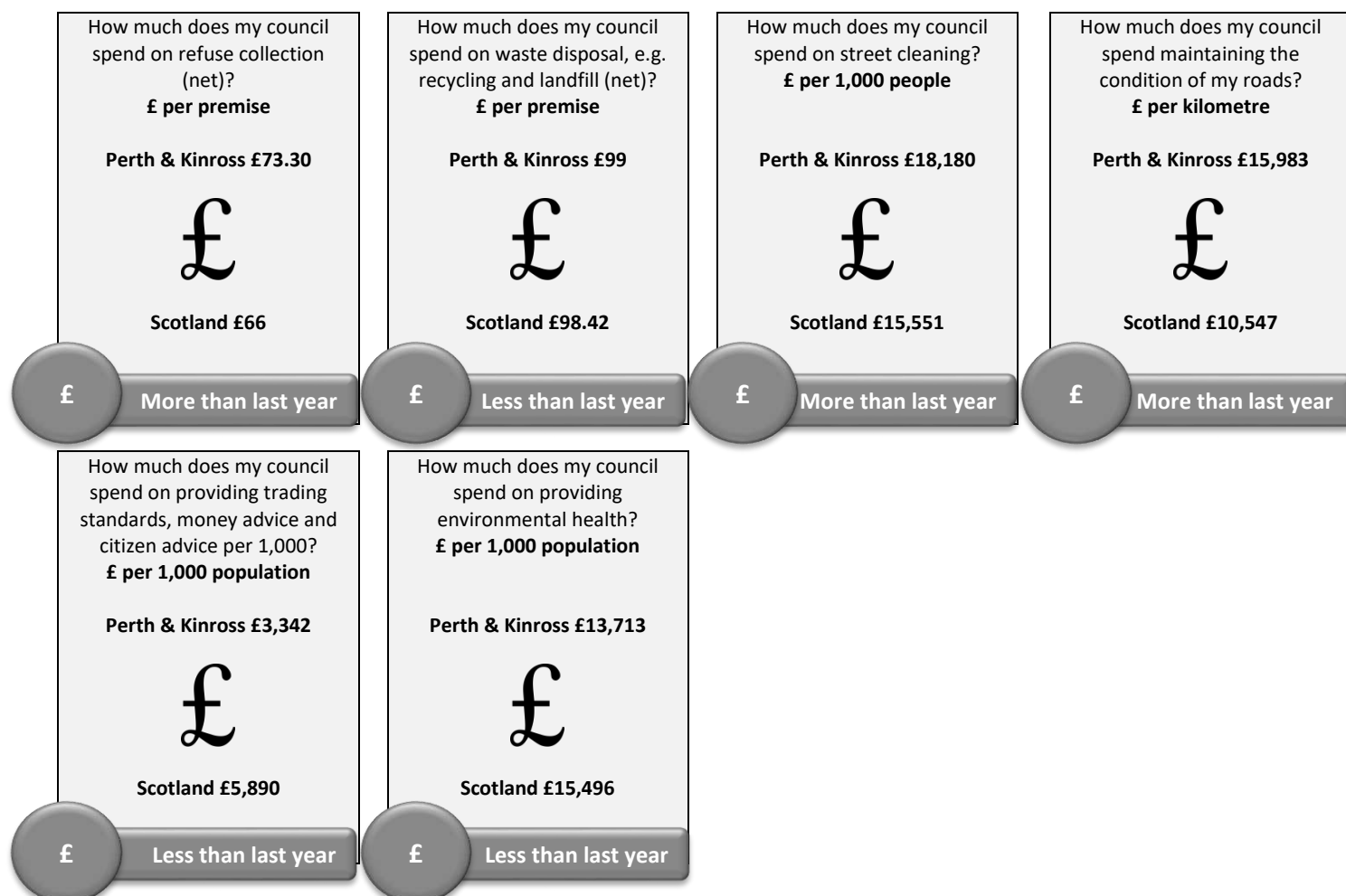


Cost Indicators

Culture & Leisure Services

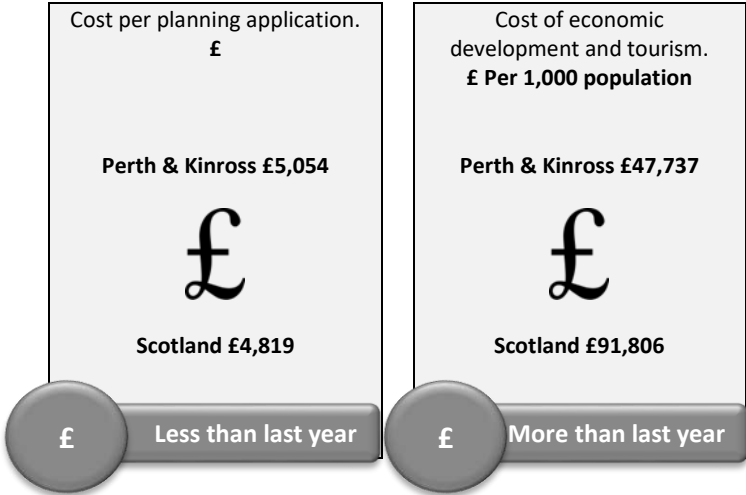


Environmental Services



Cost Indicators

Economic Development



PERTH AND KINROSS COUNCIL

27 February 2019

TAY CITIES DEAL GOVERNANCE ARRANGEMENTS

PROPOSED JOINT COMMITTEE GOVERNANCE AGREEMENT

Report by Depute Chief Executive & Chief Operating Officer (Report No. 19/63)

The purpose of the report is:-

- to seek approval for the Council to enter into a formal agreement with Angus Council, Dundee City Council, and Fife Council to establish the governance arrangements for the Joint Committee established under Section 57 of the Local Government (Scotland) Act 1973 set out in Minute of Agreement approved by Council 16 August 2017.
- note the legal requirement for the Consituent Authorities to defray the operating costs of the Tay Cities Region Joint Committee; and
- agree the contribution sum as set out in the Governance Agreement

1. BACKGROUND / MAIN ISSUES

- 1.1 At its meeting on 16 August 2017 the Council agreed to establish a Joint Committee with Angus Council, Dundee City Council and Fife Council ("the Consitituent Authorities") for the purposes of progressing and implementing the Tay Cities Deal.
- 1.2 The Consitituent Authorities entered into a Minute of Agreement ("MOA") which was signed for and on behalf of the Council on 18 December 2017 establishing the Tay Cities Region Joint Committee ("the Joint Committee").
- 1.3 The MOA provided that the governance arrangements for the discharge of the Joint Committee's functions should be the subject of a separate t formal agreement.
- 1.4 The proposed agreement sets our the purpose, structure and operating principles of the Joint Committee and is attached as Appendix A.
- 1.5 Section 58 of the Local Government (S) Act 1973 states that the expenses incurred by a Joint Committee shall be defrayed by the appointing local authorities in such proportions as they may agree.
- 1.6 Perth & Kinross Council along with Angus Council, Dundee City Council and Fife Council are the appointing local authorities (referred to in the

governance agreement as “the Constituent Authorities”) in respect of the Joint Committee for the purposes of Section 58 of the 1973

2. CONCLUSION AND RECOMMENDATIONS

2.1 The Joint Committee requires to put in place formal governance procedures to ensure clarity and transparency in respect of the discharge of the functions delegated to it by the Constituent Authorities in terms of the Minute of Agreement.

2.2 It is recommended that the Council:

- (i) Approves the terms of the proposed Governance Agreement setting out the governance arrangements for the Joint Committee as attached at Appendix A.
- (ii) Delegates authority to officers to negotiate and agree other minor amendments, as appropriate.
- (iii) Agrees that the operating costs of the Joint Committee shall be defrayed by the Constituent Authorities in accordance with the terms of the Governance Agreement as required by S 58 of the Local Government (S) Act 1973

Name	Designation	Contact Details
Lisa Simpson	Head of Legal & Governance	01738 475000

Approved

Name	Designation	Date
Jim Valentine	Depute Chief Executive (Chief Operating Officer)	19 February 2019

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	Yes
Financial	Yes
Workforce	
Asset Management (land, property, IST)	
Assessments	Yes
Equality Impact Assessment	
Strategic Environmental Assessment	
Sustainability (community, economic, environmental)	
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	
Communication	None
Communications Plan	

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 The proposals support the delivery of the priorities in the Perth and Kinross Community Plan / Single Outcome Agreement.

Corporate Plan

- 1.2 The proposals support the achievement of the priorities in the Council's Corporate Plan Priorities.

2. Resource Implications

Financial

- 2.1 the Agreement commits the Council to defray a proportion of the operating costs of the Joint Committee.

Workforce

- 2.2 Not applicable.

Asset Management (land, property, IT)

2.3 Not applicable.

3. Assessments

Equality Impact Assessment

3.1 Not applicable.

Strategic Environmental Assessment

3.2 Not applicable.

Sustainability

3.3 Not applicable.

Legal and Governance

3.4 The Head of Legal and Governance has been fully involved in the development of this report and the drafting of the proposed Governance Agreement

Risk

3.5 The Governance Agreement provides clarity and transparency as regards the governance arrangements of the Joint Committee which will mitigate risk and facilitate the effective delivery of the Tay Cities Deal programme.

4. Consultation

Internal

4.1 Head of Economic Development

External

4.2 Not applicable.

2. BACKGROUND PAPERS

Report No. 17/264

3. APPENDICES

Appendix A: Joint Committee Governance Agreement

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Appendix A



Joint Committee Governance Agreement

Tay Cities Region Joint Committee

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INTRODUCTION

WHEREAS

- (A) **Angus Council**, the local authority for Angus constituted under the Local Government etc (Scotland) Act 1994 and having their principal offices at Angus House, Orchardbank Business Park, Forfar, Angus, DD8 1AN, **Dundee City Council**, the local authority for the City of Dundee constituted under the Local Government etc (Scotland) Act 1994 and having their principal offices at 21 City Square, Dundee, DD1 3BY, **Fife Council**, the local authority for Fife constituted under the Local Government etc (Scotland) Act 1994 and having their principal offices at Fife House, North Street, Glenrothes, Fife, KY7 5LT and **Perth and Kinross Council**, the local authority for Perth and Kinross constituted under the Local Government etc (Scotland) Act 1994 and having their principal offices at Council Building, 2 High Street, Perth, PH1 5PH (the “Constituent Councils”) entered into a Minute of Agreement (hereinafter referred to as “the MOA”) to form the Tay Cities Region Joint Committee (“the Joint Committee”).
- (B) The MOA, which is referred to for its terms and appended to this agreement at Schedule 1, resolved to create a separate formal agreement or agreements for the administration of the governance arrangements in respect of the functions as detailed in Recital Sixth of the MOA. Where the terms of this agreement differ from the MOA, this agreement shall be considered to have amended the MOA to that extent.
- (C) The Constituent Councils confirm that they have all the necessary powers and authority to enter into such a formal agreement.
- (D) The document (hereinafter referred to as the Joint Committee Governance Agreement) constitutes the separate formal agreement to establish the arrangements for the administration and governance of the functions of the Joint Committee.
- (E) The Constituent Councils may enter into further formal agreements to determine more detailed arrangements for the implementation of any of the functions should this be considered necessary by them or by the Joint Committee.

NOW THEREFORE the Constituent Councils agree as follows:-

We, Angus Council, the local authority for Angus constituted under the Local Government etc (Scotland) Act 1994 and having our principal offices at Angus House, Orchardbank Business Park, Forfar, Angus, DD8 1AN, Dundee City Council, the local authority for the City of Dundee constituted under the Local Government etc (Scotland) Act 1994 and having our principal offices at 21 City Square, Dundee, DD1 3BY, Fife Council, the local authority for Fife constituted under the Local Government etc (Scotland) Act 1994 and having our principal offices at Fife House, North Street, Glenrothes, Fife, KY7 5LT and Perth and Kinross Council, the local authority for Perth and Kinross

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constituted under the Local Government etc (Scotland) Act 1994 and having our principal offices at Council Building, 2 High Street, Perth, PH1 5PH each agree to become a Constituent Authority of the Tay Cities Region Joint Committee which is a Joint Committee constituted under Section 57 of the Local Government (Scotland) Act 1973. We each confirm that we have all necessary powers to participate as a Constituent Authority of the Tay Cities Region Joint Committee and that our membership of the Tay Cities Region Joint Committee and the operation of the Tay Cities Region Joint Committee and its functions shall be governed by the following terms and conditions:-

1 INTERPRETATION

1.1 In these terms and conditions the following expressions shall have the meanings respectively ascribed to them:-

"The Clerk" means the Head of Democratic and Legal Services of the Lead Authority.

"The Commencement Date" is set out in clause 2.1.

"Confidential Information" is defined in clause 14.2.

"Constituent Authorities" means Angus Council, Dundee City Council, Fife Council and Perth & Kinross Council

"Constituent Member Organisations" shall mean those members of the Joint Committee who are not Constituent Authorities as described in clause 3 of the MOA

"The Contribution Sum" means any sum payable by each Constituent Authority in accordance with these terms and conditions, calculated in accordance with clause 9.6 to meet each Constituent Authority's share of the budgeted costs of work of the Joint Committee, and such other costs as the Management Group shall determine. [The Management Group have asked that the proposed "cap" on contributions of £100K per annum over the next five years should be the subject of a separate discussion and separate written agreement/undertaking between the four Chief Executives]

"Functions" are as defined in clause 4.2 of this Agreement and as otherwise agreed by the Constituent Authorities.

"The Joint Committee" means the Tay Cities Region Joint Committee, a Joint Committee established under Section 57 of the Local Government (Scotland) Act 1973, the terms and conditions of which are set out herein.

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"The Lead Authority" means Dundee City Council (unless the Constituent Authorities agree otherwise) whose role and remit is more particularly described in clause 7.

"Management Group" shall mean the group comprising the four Chief Executives or their nominees of the Constituent Authorities and the nominees of the Constituent Member Organisations established in terms of clause 5 of this Agreement.

"MOA" means that minute of agreement between the parties hereto dated 30th November and 1st, 7th and 18th December 2017.

"The Programme Manager" means the officer appointed by the Management Group to lead and manage the Programme Management Office and have responsibility for coordinating the operational delivery of the TCD Programme

"The Programme Management Office" (the PMO) shall be the team of officers employed by or seconded to the Lead Authority to fulfil the operational tasks necessary to coordinate the delivery of the TCD Programme, whose role is more particularly described in clause 6.

"The Tay Cities Deal" is that to be agreed between the Constituent Authorities and the UK and Scottish Governments comprising the key themes of Inclusive Tay, Innovative Tay, International Tay and Connected Tay.

"The Tay Cities Region" means the local government areas of Angus Council, Dundee City Council and Perth & Kinross Council in their entirety, and in relation to Fife Council, the area of North East Fife.

"The TCD Programme" shall mean the programme of activities, projects and works in respect of the implementation of the Tay Cities Deal as detailed in Schedule 2.

"The Treasurer" means the Executive Director of Corporate Services of the Lead Authority.

1.2 In this Agreement:-

- (a) Reference to the Tay Cities Region Joint Committee are to be treated as references to the Joint Committee and vice versa;
- (b) References to contracts/grants entered into or awarded by the Joint Committee are references to contracts entered into or awarded on behalf of the Tay Cities Region Joint Committee by the Lead Authority on the instruction of the Joint Committee or any sub-committee or officer authorised to issue such an instruction.

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- 1.3 Words imparting the masculine gender only shall include the feminine gender and vice versa.
- 1.4 Words imparting the singular number shall, except where the context otherwise requires, include the plural number and vice versa.

2 COMMENCEMENT AND DURATION

- 2.1 The Agreement shall commence on the date these terms and conditions are received by the Lead Authority validly executed on behalf of all the Constituent Authorities. Subscription of these terms and conditions will not impose any legally enforceable rights or obligations on the body which has executed these terms and conditions until then.
- 2.2 Once validly executed, these terms and conditions shall be legally binding upon the Constituent Authorities, subject to any lawful variation thereof, unless and until this Agreement is terminated in accordance with clause 12.

3 MEMBERSHIP & VOTING RIGHTS

- 3.1 The Commencement Date and membership of the Joint Committee is stated in clause 3 of the MOA.
- 3.2 Any Local Authority other than those listed in the Introduction which wishes to become a member of the Joint Committee may apply for membership. Each existing Constituent Authority shall have a veto on this application which each may use entirely at their own discretion.
- 3.3 Each Constituent Authority shall appoint their Leader to be one of their representatives on the Joint Committee. It will, however, be open to each of the Constituent Authorities to replace its representatives on the Joint Committee at any time. The appointment of any substitutes and alterations to those substituted are a matter for each Constituent Authority provided that appropriate written notice is given to the Clerk of such appointment in advance
- 3.4 Upon formal execution of this document by the Constituent Authorities, all members of the Joint Committee as defined in the first part of clause 3 of the MOA, namely the Constituent Authorities and the Constituent Member Organisations (hereinafter referred to as "Voting Members") shall have full voting rights.

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- 3.5 Any Voting Member of the Joint Committee may be substituted by another member of their own authority or organisation. Any such substitute shall have the same powers at the meeting as the member whom he or she is substituting for.
- 3.6 A simple majority of those voting members present shall be required in all voting procedures with the exception of the suspension of the standing orders, which shall require a majority of two thirds.
- 3.7 The quorum for the Joint Committee shall be seven voting members representing no less than three of the four constituent Councils and one Constituent Member Organisation.
- 3.8 The Joint Committee may co-opt for an agreed period additional non-voting members to represent other interests or provide specialist expertise.

4 PURPOSE AND SCOPE

- 4.1 The Joint Committee has been established for the purpose of regulating the joint discharge of the Functions by the Constituent Authorities.
- 4.2 The Functions of the Joint Committee shall be as defined and agreed by the Constituent Authorities but shall include:-
- i. Implementation of the Tay Cities Deal, in particular:-
 - a. The approval and oversight of investments to be funded through the Tay Cities Deal;
 - b. The approval and reporting of business cases in respect of those investments;
 - c. Making recommendations to the Scottish and UK Governments of modified or substitute projects under the Tay Cities Deal as appropriate.
 - d. The monitoring, evaluation and reporting of progress in respect of projects being delivered;
 - e. Signing off on satisfactory completion of each project delivered under the Tay Cities Deal;
 - f. Acting as a strategic point of contact with the Scottish and UK Governments and to provide quarterly progress reports to them in relation to the Tay Cities Deal;
 - ii. Acting as a regional partnership for the Tay Cities Region;
 - iii. Regional economic development for the Tay Cities Region;
 - iv. Regional land use and strategic planning for the Tay Cities Region;

FINAL

- v. Regional infrastructure planning for the Tay Cities Region;
- vi. Support for regional transport planning for the Tay Cities Region;
- vii. Monitoring, evaluation and reporting in respect of regional economic performance;
- viii. Approving governance arrangements for the Joint Committee, the Management Group, sub-committees and procedural standing orders;
- ix. Establishing sub-committees and agreeing to the delegation of responsibilities of the Joint Committee to those bodies and to officers;
- x. Approval of the roles and remits of any sub-committees to whom areas of authority may be delegated by Constituent Authorities

4.3 The Joint Committee shall adopt standing orders relating to proceedings at their meetings and the meetings of any sub-committees.

5 THE MANAGEMENT GROUP

5.1 The Management Group shall undertake such activities as are delegated to it by the Joint Committee.

6 PROGRAMME MANAGEMENT OFFICE (PMO)

6.1 The PMO shall be the team of officers employed by or seconded to the Lead Authority to coordinate the operational tasks necessary to implement the delivery of the TCD Programme.

In particular the PMO will:-

- i. provide best practice styles and documentation to the Constituent Authorities;
- ii. scrutinise proposed business cases and make recommendations to the Joint Committee via the Management Group. Where necessary expertise does not exist within this team to fulfil this responsibility, external support may be commissioned and managed by the PMO;
- iii. assess and monitor progress, process, slippage and risks in respect of projects within the TCD Programme and report these to the Management Group;
- iv. *analyse* the impact of the delivery of the projects within the TCD Programme as well as the wider economic benefits as agreed in business cases and conditions of grant awards and to report the same to the Joint Committee to enable them to fulfil their reporting obligations to all in accordance with commitments made to the UK and Scottish Governments as part of the Tay Cities Deal;
- v. liaise with and co-ordinate programme delivery across other partners and National Bodies, including non-departmental public bodies, as long as such co-ordination advances the aims of the Tay Cities Deal and the functions of the Joint Committee; and
- vi. develop and implement communications and stakeholder engagement strategies.

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- 6.2 The Programme Manager shall be appointed by the Management Group to lead and manage the PMO and have responsibility for co-ordination of the operational delivery of the TCD Programme.
- 6.3 The Programme Manager shall be employed by or seconded to the Lead Authority.
- 6.4 The Programme Manager shall work under the direction of the Management Group and shall be accountable to the Joint Committee, through the Management Group, for the operational delivery of the TCD Programme.
- 6.5 Through the Management Group, the Programme Manager shall provide quarterly updates and an annual report to the Joint Committee advising on the progress, performance, slippage and risks in respect of all active projects within the TCD Programme.

7 LEAD AUTHORITY

- 7.1 The Constituent Authorities have agreed that Dundee City Council shall be the Lead Authority.
- 7.2 The Lead Authority shall be the employing or secondee authority for the Programme Manager, the PMO and any other person appointed by the Joint Committee.
- 7.3 The Clerk to the Joint Committee may appoint a depute or deputies as appropriate subject always to agreement by the Constituent Authorities.
- 7.4 The Treasurer to the Joint Committee may appoint a depute or deputies as appropriate subject always to agreement by the Constituent Authorities.
- 7.5 The Lead Authority shall provide administrative, professional and technical support services as may be required, which services shall include financial, legal, audit, human resources, information technology systems and security and any other professional or technical support services as required to enable the Joint Committee to deliver its functions.
- 7.6 In particular the Lead Authority shall:-
- i. develop, in consultation with the Heads of Legal Services or equivalent of the other Constituent Authorities, all necessary governance documents for the effective operation of the Joint Committee;
 - ii. ensure that the PMO budget and funding are used legally and appropriately;
 - iii. prepare regular consolidated budget monitoring statements for consideration of the Joint Committee;

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- iv. prepare the annual report and accounts for the Joint Committee and arrange for audit of the said accounts;
- v. ensure that any decisions in delivering the Functions conform with relevant legal requirements including equalities, environment, European Union legislation, sustainability and best value;
- vi. allocate and account for distribution of Tay Cities Deal grant income and enter into grant agreements on behalf of the Joint Committee with the relevant Constituent Authorities, Constituent Member Organisations and third parties in respect of the specified projects required to deliver the TCD Programme;
- vii. prepare and circulate all meeting agenda, reports and minutes;
- viii. publish the Joint Committee processes and outcomes;
- ix. facilitate engagement with the UK and Scottish Governments; and
- x. manage Joint Committee communications including the Tay Cities Deal website.

8 TAY CITIES DEAL FUNDING OBLIGATIONS

- 8.1 All funding in respect of a project under the TCD Programme shall be subject to a formal grant agreement, which shall be entered into by the Lead Authority on behalf of the Joint Committee, with the relevant Constituent Authority, Constituent Member Organisation or other third party ("Grant Recipient").
- 8.2 Where the Grant Recipient is a Local Authority, the terms of the grant agreement must comply with the requirements of the Financial Regulations and other relevant governance requirements of that Authority.
- 8.3 Grant Recipients shall deliver agreed projects under the TCD Programme in accordance with the terms of their grant agreement.
- 8.4 Where a Grant Recipient is failing to deliver a project under the TCD Programme in accordance with the terms of the grant agreement, the Grant Recipient shall report to the Management Group and agree mitigating actions to ensure successful completion of the project.
- 8.5 Grant Recipients shall provide all information requested of them within the prescribed timescales to enable the Joint Committee to fulfil its functions.
- 8.6 Should the Grant Recipient fail to comply with any relevant clause of this agreement or a material condition of the grant agreement, the Joint Committee will have the discretion to:-
 - i. Suspend any further payment of grant funding until suitable resolution is found;

FINAL

- ii. Terminate the relevant grant agreement;
- iii. Remove the particular project from the TCD Programme;
- iv. Recalculate the grant award; and
- v. Recover from the Grant Recipient any grant monies already paid and additional costs incurred or losses suffered by the Joint Committee or its Constituent Authorities arising from that failure.

9 JOINT COMMITTEE BUDGET & FUNDING

- 9.1 The Joint Committee shall as soon as reasonably practicable following the valid execution of this agreement approve a budget to 31 March 2019 in respect of the operational running costs of the Joint Committee (hereinafter referred to as the “JC Operational Costs”), which shall include the PMO costs and the reasonable costs, expenses and outgoings incurred by the Lead Authority in providing the administrative, professional and technical support services as outlined in clause 7 above.
- 9.2 Thereafter, in each year and prior to 31 March, the Joint Committee shall consider and approve a budget prepared jointly by the Programme Manager and the Treasurer in terms of the Lead Authority’s budgetary requirements, for the JC Operational Costs in the following financial year.
- 9.3 The Constituent Authorities shall defray the Joint Committee Operational Costs in accordance with these terms and conditions. The Contribution Sum shall be paid quarterly in advance in accordance with arrangements made by the Treasurer.
- 9.4 Since a significant proportion of the Tay Cities Deals will be to the benefit of the University of St Andrews, the University of Dundee, the University of Abertay, the University of the Highlands and Islands and the James Hutton Institute they have agreed to contribute to the JC Operational Costs incurred by the Constituent Authorities under clause 9.3 and said contribution will be the subject of a separate Agreement.
- 9.5 The Contribution Sum payable by the Constituent Authorities will be the total of the Joint Committee Operational Costs less the amount which is to be paid by the Universities and the Institute named in *Clause* 9.4 above.
- 9.6 The Constituent Authorities each agree to pay their Contribution Sum fixed by the Joint Committee in accordance with this clause.

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- 9.7 The full Contribution Sum shall be payable by each Constituent Authority regardless of the use made by a Constituent Authority of the functions of the Joint Committee or a Constituent Authority's participation in the projects under the TCD Programme.
- 9.8 The Contribution Sum of the Constituent Authorities shall be a proportion of the JC Operational Costs. The proportion paid by Angus Council, Dundee City Council, Perth & Kinross Council and Fife Council shall be in the ratio 2: 2: 2: 1 respectively.
- 9.9 The Treasurer shall prepare the audited financial statement and accounts of the Joint Committee for approval by the Joint Committee prior to 30 September immediately following the financial year to which the accounts relate. Any deficit arising shall be paid by the Constituent Authorities in accordance with arrangements made by the Treasurer. Any surplus will be reimbursed to Constituent Authorities in accordance with the pro rata Contribution Sums.
- 9.10 The Contribution Sums of all Constituent Authorities shall be reviewed by the Treasurer at least once every 3 years to identify whether the Contribution Sum of any Constituent Authority should be adjusted to reflect changes in the size of the population within Constituent Authorities areas and changes to the size of the aggregated population within all Constituent Authorities areas. The requirement to review the Contribution Sums of Constituent Authorities contained in this clause shall not commence until April 2019.
- 9.11 No change to the Contribution Sums of any Constituent Authority may be made without prior approval of the Joint Committee following consultation with those Constituent Authorities whose Contribution Sum is affected.

10 DEFAULT IN PAYMENTS

- 10.1 In the event that any Constituent Authority fails to make any payment due under this Agreement, the PMO may determine that interest will run from the date following the date upon which the money became due and payable until paid at a rate of 2% per annum above the base rate of the Royal Bank of Scotland plc.
- 10.2 Where a Constituent Authority remains in default for more than one calendar quarter the terms of clause 8.6 shall apply.
- 10.3 The Lead Authority, on behalf of the Constituent Authorities, and the Constituent Authorities themselves individually, reserve the right to recover any outstanding sums due to them from a defaulting Constituent Authority.

11 INDEMNITY AND INSURANCE

FINAL

11.1 The Constituent Authorities and the Lead Authority shall indemnify each other in respect of any claim, demand, loss, damage, injury, cost or expense (including any liability to their legal advisers) arising from any act or omission of the other party or parties in the course of their obligations under this Agreement.

11.2 The Lead Authority shall arrange for the taking out of such policies of insurance as the Treasurer considers appropriate in relation to the carrying out of the functions on behalf of the Joint Committee which insurances shall include without prejudice to the foregoing generality, employers liability, public liability and professional indemnity insurance and the cost of taking out such policies shall be defrayed by the Constituent Authorities as part of the Contribution Sums with each Constituent Authority's share of the costs being calculated by reference to the Contribution Sums.

12 TERMINATION

12.1 This Agreement shall continue in full force and effect until the whole TCD Programme as defined in Clause 1 has been concluded.

12.2 The Treasurer shall keep or cause to be kept full and accurate accounts through the currency of this agreement, or any replacement thereof. The detailed records will be available for the following periods:

- (a) for the JC operational Costs detailed records will be held for a period of three years;
- (b) for Grant Receipt and allocation, detailed records will be retained for a period of twenty years.

12.3 The Constituent Authorities shall be entitled, on giving reasonable prior notice, to inspect such accounts and records and to make any examination which they may desire and for this purpose ,the Treasurer shall forthwith on demand produce to the Constituent Authorities all relevant information or vouchers as a Constituent Authority may reasonably request.

13 PREMISES

13.1 The PMO shall be located in premises approved by the Joint Committee.

13.2 If applicable, the costs of any premises occupied by the PMO shall be met in accordance with this Agreement.

14 CONFIDENTIAL INFORMATION

FINAL

- 14.1 The Constituent Authorities shall at all times use their reasonable endeavours to keep confidential (and to procure that their respective employees, agents, consultants and sub-contractors shall keep confidential) all Confidential Information concerning the Joint Committee, the Functions of the Joint Committee or the business and affairs of the other Constituent Authorities which may now or at any time hereafter be in its possession and shall not disclose it except with prior written consent of the other Constituent Authorities or where the Confidential Information relates only to one Constituent Authority the consent of that Constituent Authority.
- 14.2 “Confidential Information” means information imparted to any of the Constituent Authorities or their employees, agents, consultants or sub-contractors (“the Receiving Party”) which was imparted to the Receiving Party on the basis that it is to be kept confidential or would by its nature normally be regarded as being confidential or to the knowledge of the Receiving Party was obtained by the other Constituent Authorities on the basis that it was to be kept confidential or is of commercial value in relation to the Joint Committee but shall not include any information which is:
- i. already in the public domain otherwise than by reason of its wrongful disclosure by the Receiving Party; or
 - ii. already in the possession of the Receiving Party without restrictions as to its use; or
 - iii. the disclosure of which is required by statute or court order; or
 - iv. is provided for the purpose of obtaining professional advice; or
 - v. is received from a third party who lawfully acquired it and who is under no obligation restricting its disclosure; or
 - vi. which is information independently developed without access to the Confidential Information including audit and assessing best value.
- 14.3 This clause is subject always to the obligations of a Constituent Authority to comply with the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004, the General Data Protection Regulation (EU) 2016/679, the Data Protection Act 2018 and any other relevant legislation. A Constituent Authority shall not be in breach of this clause where information is released by that Constituent Authority to comply with the aforementioned legislation.

15 FREEDOM OF INFORMATION

- 15.1 Each Constituent Authority acknowledges that the other Constituent Authorities are subject to the requirements of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 (“FOI”).

FINAL

- 15.2 Each Constituent Authority shall assist and co-operate with other Constituent Authorities to enable the other Constituent Authorities to comply with their information disclosure obligations under FOI.
- 15.3 Where a Constituent Authority receives a request for disclosure of information under FOI which that Constituent Authority holds in connection with or as a result of its membership of the Joint Committee or its participation in any of the grants awarded through the Joint Committee, that Constituent Authority shall bring the receipt of such a request to the attention of the Clerk.
- 15.4 The Constituent Authority receiving a request under FOI shall be responsible for determining whether to disclose the information requested and where it is decided not to release any of the information requested, which of the exemptions in terms of FOI it is relying on. However, before making any determination in terms of this clause the Constituent Authority shall give the Clerk a reasonable opportunity of taking into account any statutory time limit for determining such a request to make representations regarding how the Clerk considers the request under FOI should be dealt with.
- 15.5 Where a Constituent Authority receives a request for information in relation to information which it is holding on behalf of any of the other Constituent Authorities in connection with its participation in the Joint Committee, it shall:-
- (a) transfer the request for information to the relevant Constituent Authority as soon as practicable after receipt; and
 - (b) provide all necessary assistance as reasonably requested by the relevant Constituent Authority to enable the Constituent Authority to respond to the request for information within the time for compliance set out in FOI.

16 GIFTS AND HOSPITALITY

- 16.1 Each member of the Joint Committee shall follow their respective council, organisation or body policies and procedures in relation to the acceptance of gifts and hospitality..

17 AUDIT AND SCRUTINY

- 17.1 The Lead Authority shall submit unaudited accounts to the auditor no later than 30th June immediately following the financial year to which they relate.
- 17.2 The Lead Authority shall submit to the Joint Committee the unaudited annual accounts as submitted to the auditor no later than 31st August immediately following the financial year to which the annual accounts relate.

FINAL

17.3 The Lead Authority shall have audited the accounts of the Joint Committee and prepare an annual report to 31st March in each year which will be submitted to the Joint Committee no later than 30th September following for approval.

17.4 The first audit will take place year ending 31st March 2019 and will subsequently take place on an annual basis.

17.5 Tay Cities Deal project income and expenditure which is accounted for within Constituent Authorities' own accounts will be subject to audit by an individual authority's own external auditors.

18 CONFLICTS OF INTEREST

18.1 The members of the Joint Committee will be expected to act in the interests of the Tay Cities Region as a whole when making decisions in relation to the TCD Programme.

18.2 Each member of the Joint Committee will be required to complete a register of interests. These will be collated by the Clerk for all members and substitutes and published on the Joint Committee website. At all meetings, members of the Joint Committee will be invited to declare any interests which may be relevant to decisions in relation to the TCD Programme.

18.3 A central appraisal team will be located within the PMO to assess individual business cases and make independent recommendations for decision to the Joint Committee. Investment decisions will ultimately remain the remit of the Joint Committee. As such, Constituent Authorities or other members who represent the project promoter for a business case will be asked to withdraw from decisions regarding that business case or the approval of a specific project.

19 MINUTE OF AGREEMENT

19.1 Except insofar as it is inconsistent with this Agreement, the Minute of Agreement among the Constituent Authorities which is attached as Schedule 1 will continue in full force and effect

20 VARIATION

20.1 These terms and conditions may only be varied by execution of a minute of variation signed by all of the Constituent Authorities.

21 RESOLUTION OF DISPUTES

FINAL

- 21.1 Any dispute between Constituent Authorities arising in connection with its membership of the Joint Committee which cannot be resolved by discussion between the Constituent Authorities in dispute shall be referred to an independent mediator appointed by the Law Society of Scotland. The fees and expenses of the mediator shall be borne equally by the parties involved in the mediation. In the event the parties fail to reach an agreement within 30 days after the commencement of the mediation, then the matter may be determined by an arbitrator.
- 21.2 Arbitration in terms of this clause may be initiated by any of the Constituent Authorities in dispute after the 30 day period referred to in clause 21.1. The arbitrator shall be mutually agreed by the parties in dispute failing which the arbitrator shall be approved by the Law Society of Scotland on the written application of any Constituent Authority.
- 21.3 The decision of the Arbitrator on the matter in dispute and on any award of expenses relating to the arbitration shall be final and binding on all parties involved in the arbitration.
- 21.4 The operation of Rule 69 of the Arbitration (Scotland) 2010 Act is excluded. The Constituent Councils also agree not to make a referral to the Outer House all in terms of Section 41 of the Arbitration Act 2010.

22 ASSIGNATION

- 22.1 No rights or obligations arising from these terms and conditions may be assigned except by the prior written consent of the Joint Committee.

23 SERVICE OF NOTICES

- 23.1 In any provision within the Agreement, where reference is made to the serving of notices if such notices are registered or recorded delivery post, receipt of such notices will be deemed to have occurred the day after the date of posting.

24 INCONSISTENCY

- 24.1 If any Constituent Authority shall find any discrepancy in or divergence between any of the following, including a divergence between parts of any one of them, namely:
- a) The Joint Committee Governance Agreement;
 - b) The MOA;
 - c) Any subsequent or ancillary agreements pursuant to the MOA and the Joint Committee Governance Agreement.

FINAL

The Constituent Authority shall without undue delay give to the Clerk a written notice specifying the discrepancy or divergence and the Constituent Authorities shall negotiate in good faith to agree any relevant modifications or amendments to the foregoing documents as may be required.

25 THIRD PARTY RIGHTS

- 25.1 This Agreement does not and is not intended to confer any contractual benefit on any person pursuant to the terms of the Contract (Third Party Rights) (Scotland) Act 2017.

26 AGREEMENT

26.1 Subject to clause 2.1 the execution of these terms and conditions by ourselves and by the Lead Authority creates a legally binding agreement between us as a Constituent Authority of the Joint Committee and the Lead Authority as the Lead Authority for the Joint Committee.

IN WITNESS WHEREOF these presents consisting of this and the preceding 18 pages together with the Schedules annexed hereto are subscribed as follows:-

SUBSCRIBED for and on behalf of Angus Council
at
on the day of 2019 by

.....

Authorised Signatory

.....

Authorised Signatory's Full Name (Block capitals)

.....

Witness' Signature

.....

Witness' Full Name (Block capitals)

.....

Witness' Address

.....

SUBSCRIBED for and on behalf of Dundee City Council
at
on the day of 2019 by

.....

Authorised Signatory

.....

Authorised Signatory's Full Name (Block capitals)

.....

Witness' Signature

.....

Witness' Full Name (Block capitals)

.....

Witness' Address

.....

FINAL

SUBSCRIBED for and on behalf of Fife Council
at
on the day of 2019 by

.....

Authorised Signatory

.....

Authorised Signatory's Full Name (Block capitals)

.....

Witness' Signature

.....

Witness' Full Name (Block capitals)

.....

Witness' Address

.....

SUBSCRIBED for and on behalf of Perth & Kinross Council
at
on the day of 2019 by

.....

Authorised Signatory

.....

Authorised Signatory's Full Name (Block capitals)

.....

Witness' Signature

.....

Witness' Full Name (Block capitals)

.....

Witness' Address

.....

FINAL

This is the Schedule 1 referred to in the foregoing agreement between Angus Council, Dundee City Council, Fife Council and Perth & Kinross Council

Schedule 1

Copy MOA

This is the Schedule 2 referred to in the foregoing agreement between Angus Council, Dundee City Council, Fife Council and Perth & Kinross Council

Schedule 2

The TCD Programme

PERTH AND KINROSS COUNCIL

27 February 2019

EU EXIT UPDATE

Report by Executive Director (Housing and Environment) (Report No. 19/64)

PURPOSE OF REPORT

This report provides a brief update on the preparations underway to prepare the Council for the potential implications of the UK exit from the European Union.

1. BACKGROUND

- 1.1 The Council have been actively monitoring the situation regarding the UK exit from the European Union since the EU Referendum vote in June 2016. The UK Government started formal negotiations with the EU in June 2017. The Government then passed the EU (Withdrawal) Bill which repeals the European Communities Act 1972. All existing EU legislation will be copied across into domestic UK law to ensure a smooth transition. The UK Parliament can then amend, repeal and improve individual laws as it deems necessary. The UK triggered Article 50 of the Lisbon Treaty on 29 March 2017 which means that the UK is scheduled to leave the EU at 11pm on 29 March 2019.
- 1.2 The UK Government agreed a Deal with the EU in mid-November 2018; however the Deal was rejected by a significant number of votes when the UK Parliament voted on it on 15 January 2019. The Deal envisages a transitional period to 31 December 2020. This would mean EU citizens arriving in the UK between Brexit day on 29 March to that date will have the same rights and guarantees as those who arrive before the EU Exit. The same will apply to UK expats currently living in the EU. The UK will be able to negotiate trade deals during this period but will still be party to existing EU deals. However, the main outstanding element remains the Backstop which seeks to ensure there is no return to a hard border between Northern Ireland and the Republic of Ireland.
- 1.3 The Government is currently trying to negotiate changes to the Deal which would allow it to be supported by the Parliament. A further statement is planned for 26 February, with the Parliament due to debate the issue further on 27 February.
- 1.4 The Council meeting on 3 October 2018 agreed that *“this Council will continue both current and planned Brexit assessments in active collaboration with neighbouring local authorities where necessary. Further, that the output from that work will be shared with Council and residents in due course.”* This report provides a summary of the various elements of preparedness work that has been progressed since mid-2016.

2. SUMMARY OF BREXIT PREPARATIONS TO DATE AND PLANNED

2.1 Council officers have been actively monitoring the situation with regards to the potential impacts of Brexit on the Council, and the wider area and the economy since the vote to leave in June 2016. We have been monitoring published information, Government briefings and more localised sources of information and intelligence on what is a very complex and constantly changing environment. We have also been working with colleagues in other Councils, the East of Scotland European Consortium (ESEC), COSLA, and the Scottish Cities Alliance. In addition, we have also been working with our community planning partners and others through the Tayside Local Resilience Partnership to gather intelligence and put plans and support in place.

2.2 The key actions and activities taken to date are summarised below:-

- We undertook a Local Business Survey in October 2016 which identified at that point that 69% of businesses felt that Brexit would have a negative impact on their business; with 52% saying that concerns about Brexit had a negative impact on their own business confidence.
- The Scottish Cities Alliance considered a report on Scotland's Cities, Brexit and the Challenges Ahead in February 2017; and a further paper on Brexit Challenges and Opportunities for the Cities and their Key Sectors in April 2017.
- An economic briefing paper on Brexit was prepared and discussed by the Community Planning Economy and Lifelong Learning Group in July 2017, with a further update on EU migration provided in February 2018.
- An Economic Journal on "Migration since the EU Vote" was published on the Council's website in December 2017 (updated in September '18).
- A report on Employment and Workforce Implications was discussed at the Corporate Management Group in January 2018. This reported initial efforts to identify the numbers of EU nationals employed by the Council, highlighted support put in place, and the creation of a dedicated intranet page.
- Senior officials and the Council Leader attended a Cities Alliance event which brought together Scottish Ministers and City Leaders on 24 May 2018 to discuss potential Brexit implications for the Scottish Cities.
- During the Perth & Kinross Business Month in May 2018 Council officers and our partner business support organisations hosted a Brexit workshop for local companies; with similar events being held subsequently across the wider region and in Perth. We have been regularly highlighting to local businesses the support and guidance available via the [Prepare for Brexit Website](#).
- Officers submitted a Perth & Kinross Council response to the UK Government All Party Parliamentary Group Consultation on Post Brexit Funding for Nations, Regions and Local Areas in September 2018.

- Our Equalities Strategic Forum established an EU Settlement Scheme Working Group in September 2018 involving Council officers and representatives from Perth College UHI, and the Voluntary Sector including PKAVS and Citizens Advice Bureau. An information page has been created and updated on the [Council website](#). A Community Event was held recently on 14 April 2018 at which over 100 EU nationals attended to find out the latest details on the scheme from the Home Office.
- The Executive Officer Team considered a report on Brexit 2 October 2018
- Council Leader gave a verbal update on actions to date to Council on 3 October 2018.
- A Briefing was held for elected members on 20 November 2018 which provided some background and an overview of:-
 - potential impacts on the Council (incl. staffing and finance)
 - potential impacts on the Council area (workforce and labour market/business impact/business preparedness & confidence/local partnership working)
- Senior officers responded to a COSLA/SOLACE questionnaire on Brexit Preparedness in early December 2018. This sought our views on potential impacts on Workforce; Goods, Services & Supply Chains; area specific issues; and Funding/Finance.
- Tayside Local Resilience Partnership have established a Brexit sub-group and held a workshop on 18 January to discuss potential implications and review the Scottish & UK governments “Planning Assumptions”.
- Officers and Council Leader attended the COSLA Brexit conference 23 January 2018.
- Officers have developed an EU Exit Preparedness self-assessment template which was discussed with Service Management Teams during January 2018, with a final draft presented to the Executive Officer Team on 29 January 2018 [Brexit Preparedness Summary](#) . The Executive Officer Team now have Brexit as a standing item on their fortnightly agenda, and have formally established a corporate EU Exit working group. The assessment considers our preparedness across a number of key service areas and issues, and highlights work done to date and proposed future actions.

2.3 Future planned actions include:-

- service Risk Workshops on EU Exit preparedness
- a workshop with Community Planning partners
- a second elected member briefing planned for 7 March 2019
- further meetings of the Tayside Resilience Partnership EU Exit Group
- fortnightly updates to the Executive Officer Team
- regular updates to Leaders’ Groups when any significant information/changes are noted

3. CONCLUSION AND RECOMMENDATIONS

3.1 A significant volume of work has been undertaken to date in terms of assessing the potential impacts of EU Exit on the Council and the Council area. The actual extent and nature of the impacts remains uncertain though, and will require ongoing monitoring and review as the situation unfolds.

3.2 It is recommended that the Council:-

- (i) notes the contents of this report
- (ii) requests that any significant impact for the Council in relation to the EU Exit arrangements are reported back to the Council.

Author(s)

Name	Designation	Contact Details
Alison Seggie	Enterprise Manager	alseggie@pkc.gov.uk

Approved

Name	Designation	Date
Barbara Renton	Executive Director (Housing and Environment)	19 February 2019

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes
Community Plan	Yes
Corporate Plan	Yes
Resource Implications	Yes
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	None
Communication	Yes
Communications Plan	

1. Strategic Implications

1.1 The Community Plan and the Council's Corporate Plan have five outcomes which provide clear strategic direction, inform decisions at a corporate and service level and shape resource allocation.

- Giving every child the best start in life
- Developing educated, responsible and informed citizens
- Promoting a prosperous, inclusive and sustainable economy
- Supporting people to lead independent, healthy and active lives
- Creating a safe and sustainable place for future generations

1.2 This report outlines how we are planning and preparing the Council to protect it from any implications arising from the exit from the European Union. These are likely to impact on all of strategic objectives.

2. Resource Implications

Financial

2.1 Leaving the EU will lead to a number of potential financial impacts on the Council and on the wider Council area. The most direct impact will be through the loss of access to EU funding programmes. For example, the Council have secured in the region of £8.4M from the current 2013-2020 Structural Funds

programme including ERDF, ESF and LEADER. The UK government have committed to create a UK Shared Prosperity Fund; however it is unclear as to its likely priorities and distribution model. In addition, forecasters are predicting a slowdown in the economy, particularly if the UK were to exit in a No Deal scenario. This may potentially lead to a number of issues which could bring additional financial pressures on the Council; including the impact on Government funding for public services: pressures on Council income generation (Non Domestic Rates; Council Tax; Planning fees etc); pressures from increased demand for Council services and inflationary pressures on the Council's expenditure, such as labour; construction; services and food costs.

- 2.2 The Head of Finance has been consulted.

Workforce

- 2.3 There are no immediate workforce issues arising from this report; however, Human Resources have been actively trying to establish the numbers of EU nationals within our workforce. Numbers identified to date are a relatively small percentage of our overall workforce. Risks associated with this have been acknowledged in our Corporate Workforce Plan and in our Corporate Risk Register.

Asset Management (land, property, IT)

- 2.4 None.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and were assessed as not relevant for the purposes of EqIA.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. However, no action is required as the Act does not apply to the matter presented in the report.

Sustainability

- 3.4 None.

Legal and Governance

- 3.5 There are no specific legal issues arising from this report; however our exit from the EU will in time lead to a changing legislative environment. This will be closely monitored by Council officers. The Exit from the EU could have many implications for the Council and its partners and communities; these need to be carefully monitored and mitigating actions identified wherever possible.
- 3.6 In terms of governance the Executive Officer Team has adopted the role of the overseeing "Board", the Executive Director (Housing and Environment) is the Executive Sponsor, with the Depute Director (Housing and Environment) acting as Senior Responsible Owner.
- 3.7 The Head of Legal and Governance has been consulted.

Risk

- 3.8 The exit from the European Union may lead to significant risks for the Council. The Corporate and Service Risk Management registers will be updated to reflect these. Workshops are planned to further refine the Service Risk registers.

4. Consultation

Internal

- 4.1 The Head of Legal and Governance, the Head of Finance and the Corporate Human Resources Manager have been consulted in the preparation of this report.

External

- 4.2 None.

5. Communication

- 5.1 The Corporate Communications Manager is a member of the Corporate Brexit Working Group and a communications plan is being developed.

2. BACKGROUND PAPERS

None.

3. APPENDICES

None.

PERTH AND KINROSS COUNCIL

27 February 2019

SCOTTISH GOVERNMENT CONSULTATION ON PRISONER VOTING

Report by the Chief Executive (Report No. 19/65)

PURPOSE OF REPORT

This report sets out the response of Perth and Kinross Council to the Scottish Government's Consultation on its proposals for Prisoner Voting and for ensuring compliance with the European Convention on Human Rights (ECHR).

1. BACKGROUND / MAIN ISSUES

- 1.1 The Scottish Government is consulting on proposals for the introduction of voting for prisoners in Scotland. The consultation opened in December 2018 and will close on 8 March 2019. A copy of the consultation is shown in Appendix 1 and also available at https://consult.gov.scot/elections/prisoner-voting/user_uploads/consultation-on-prisoner-voting.pdf
- 1.2 There has been a longstanding ban on convicted prisoners voting in all Elections in the UK. This ban applies irrespective of the length of the sentence and applies to Local Government and Scottish Parliament Elections. Civil prisoners, such as people committed for non-payment of fines, can already vote as they have not been convicted of an offence. Prisoners who are held on remand are also currently able to vote. Prisoners released on parole or home detention curfew (HDC) are also eligible to vote.
- 1.3 The European Court of Human Rights (ECHR) found in 2005 that the UK's blanket ban on convicted prisoners voting in Elections is in breach of Article 3 of Protocol 1 of the ECHR. The Scotland Act 2016 devolved responsibility for the franchise at Local Government Elections to the Scottish Parliament. The Scottish Parliament gained new powers over Elections as a result of the Scotland Act 2016 and is now considering how to ensure compliance with the European Convention on Human Rights in relation to prisoners voting. The Scottish Government plans to bring forward legislation on the franchise for Scottish Parliament and Local Government Elections.
- 1.4 The Scottish Government recognises that there are strongly held views on whether or not prisoners should be able to vote. Factors that need to be considered include the rights of victims and the public interests in sanctioning criminal conduct and in enhancing civic responsibility and respect for the rule of law, as well as the rights of prisoners as members of society and the needs of rehabilitation.
- 1.5 The Scottish Government proposes that the right balance will be struck by enabling prisoners serving short sentences (which would be defined as a

sentence of imprisonment for a length of time which is below a specified maximum threshold) to vote.

1.6 The proposal is to introduce voting rights for prisoners serving short sentences in Scottish Parliament and Local Government Elections. The consultation questions relate to:

- The proposal is to limit voting rights to prisoners according to the length of prison sentence and views are sought on what the appropriate length of sentence might be.
- The practical issues associated with giving some prisoners the right to vote.

2. PROPOSALS

2.1 The Council has prepared a response to the small number of questions set out within the Scottish Government's Consultation on prisoner voting. A copy of the response is set out in Appendix 2.

2.1 In summary it is proposed that:

- the Council agrees with the intention to limit voting to prisoners according to the length of sentence. It is suggested that this could be set reasonably and appropriately at 12 months, as this is consistent with the sentencing powers and jurisdiction between summary and solemn procedure in Scottish Courts.
- the Council makes comment on the importance of their being robust arrangements to determine the place of ordinary residence for prisoners at the point of imprisonment in order that election results are not skewed. It is suggested that this is particularly important for the Council as it has two prisons within its geographical boundary.

3. CONCLUSION

3.1 The European Court of Human Rights (ECHR) found in 2005 that the UK's blanket ban on convicted prisoners voting in Elections is in breach of Article 3 of Protocol 1 of the ECHR. The Scottish Parliament gained new powers over Elections as a result of the Scotland Act 2016 and the Scottish Government plans to bring forward legislation on the franchise for Scottish Parliament and Local Government Elections, which will include changes to the entitlement for some prisoners to vote in Scottish Parliament and Local Government Elections.

3.2 The Council is requested to:

- a. Note the impending changes to the entitlements for some prisoners to vote in Scottish Parliament and Local Government Elections.
- b. Approve the proposed response to the Scottish Government Consultation as set out in Appendix 2.

Author(s)

Name	Designation	Contact Details
Jacquie Pepper	Chief Social Work Officer	01738 475000

Approved

Name	Designation	Contact Details
Karen Reid	Chief Executive	1 February 2019

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan	None
Corporate Plan	None
Resource Implications	None
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	None
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	Yes
Internal	None
External	None
Communication	None
Communications Plan	None

1. Strategic Implications

Community Plan

1.1 Not applicable.

Corporate Plan

1.2 Not applicable.

2. Resource Implications

Financial

2.1 Not applicable.

Workforce

2.2 Not applicable.

Asset Management (land, property, IT)

2.3 Not applicable.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This report has been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as not relevant for the purposes of EqIA

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 No action is required as the Act does not apply to the matters presented in this report.

Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets;
 - in the way best calculated to deliver any statutory adaptation programmes; and
 - in a way that it considers most sustainable.
- 3.6 This report and the matters referred to in it have no impact on the duties.

Legal and Governance

- 3.4 Not applicable.

Risk

- 3.5 Not applicable.

4. Consultation

Internal

- 4.1 Nicola Rogerson, Service Manager, Criminal Justice Services and Lisa Simpson, Head of Governance & Legal Services have been consulted in the preparation of this report.

External

- 4.2 Not applicable.

5. Communication

- 5.1 Not applicable.

2. BACKGROUND PAPERS

Consultation Document

3. APPENDICES

Appendix 1 – Consultation Document
Appendix 2 – Completed Consultation

Consultation on Prisoner Voting

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Ministerial foreword



The Scottish Government is committed to protecting and promoting human rights and will always measure up to that challenge even when it is difficult.

When the Scottish Parliament gained new powers over elections in the Scotland Act 2016, it became necessary to consider how to comply with the European Convention on Human Rights on the issue of prisoner voting.

It is clear that the blanket ban on prisoners voting is no longer fit for purpose as it is not compatible with human rights law. The Equalities and Human Rights Committee in the Scottish Parliament took evidence on prisoner voting and published a report in May 2018 advocating lifting the ban. We want to be clear that having considered the report and taken into account international practice, the Scottish Government does not take the view that all prisoners should be given the vote.

There are a number of possible ways to give prisoners the vote and these are explored in this consultation document. We favour allowing only those prisoners serving short sentences to vote. I consider that this approach would strike the appropriate balance between the right to vote and the aims of preventing crime by sanctioning the conduct of convicted prisoners, and of enhancing civic responsibility and respect for the rule of law.

I recognise that for many people giving any prisoners the vote will be an unwelcome change and there will be concerns about the feelings of the victims of crime. This is why restricting voting rights to those with short sentences strikes us as a reasonable and proportionate response.

There may also be concerns about the practical issues involved in enabling prisoners to vote. Prisoners on remand can already vote so this is not brand new territory. Even so, it is an important issue and views are sought on the practicalities in this consultation.

In an open and democratic society, even long-held views need to be reconsidered from time-to-time. I hope that you will respond to this consultation.

A handwritten signature in black ink, consisting of several bold, sweeping strokes that form a stylized representation of the name 'Michael Russell'.

Michael Russell
Cabinet Secretary for Government Business and Constitutional Relations

Introduction

This consultation paper sets out the Scottish Government's suggestions for ensuring compliance with the European Convention on Human Rights (ECHR) on the matter of prisoners voting in elections. It seeks views on a proposal to allow only those prisoners sentenced to short sentences to vote. Views are sought on what the appropriate length of sentence should be. Views are also sought on the practical issues associated with giving some prisoners the right to vote.

Background

There has been a longstanding ban on convicted prisoners voting in all elections in the UK. The Representation of the People Act 1983 established the current legal basis for the ban and section 3 of the Act sets out that any convicted person is "*legally incapable*" of voting at any election while detained in pursuance of their sentence or while unlawfully at large when required to be so detained. This ban applies irrespective of the length of the sentence and applies to Local Government and Scottish Parliament elections. Civil prisoners, such as people committed for non-payment of fines, can already vote as they have not been convicted of an offence and do not fall within the definition of "convicted person" in section 3 of the 1983 Act.

Prisoners who are held on remand are also currently able to vote, casting their ballots by postal and proxy voting. Those who have been released from prison on parole or home detention curfew (HDC) are eligible to vote.

The European Court of Human Rights (ECtHR) found in 2005 that the UK's blanket ban on convicted prisoners voting in elections is in breach of Article 3 of Protocol 1 of the ECHR. The Scotland Act 2016 devolved responsibility for the franchise at Local Government elections to the Scottish Parliament. The franchise for Scottish Parliament elections is derived from the Local Government franchise. Accordingly, the Scottish Parliament now has the competence to legislate on all matters relating to the Scottish Parliament and Local Government franchise, and therefore the responsibility for ensuring compliance with the ECHR in relation to these matters.

The role of the Scottish Parliament's Equalities and Human Rights Committee includes considering and reporting on human rights matters. As part of this work, the Committee decided in June 2017 to take evidence on the current UK position, the practical issues around voting in prisons and the arguments for and against allowing prisoners to vote.

Having taken evidence from a wide range of stakeholders and interested parties, the Committee published a report on Prisoner Voting in Scotland on 14 May 2018¹. The Committee's recommendation was that the Scottish Government "legislate to remove the ban on prisoner voting in its entirety."

¹<https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRiC/2018/5/14/Prisoner-Voting-in-Scotland/EHRiC-S5-18-3.pdf>

The Committee also asked the Scottish Government to consider a wide range of views on this issue going forward, and to consult as many stakeholders as possible, including groups representing the interests of victims of crime and the general public.

This consultation paper gives interested groups and members of the public the opportunity to examine and give their views on the Scottish Government's proposals.

The Scottish Government's proposal

The Scottish Government recognises that there are strongly held views on whether or not prisoners should be able to vote. Factors that need to be considered include the rights of victims and the public interests in sanctioning criminal conduct and in enhancing civic responsibility and respect for the rule of law, as well as the rights of prisoners as members of society and the needs of rehabilitation.

It is clear, however, that the current blanket ban on voting by convicted prisoners in custody (but not those on remand, parole or HDC) is not consistent with the ECHR. The question, therefore, that faces the Scottish Parliament is what arrangements should be put in place to replace the blanket ban.

We acknowledge the thorough work that the Equalities and Human Rights Committee has undertaken on this issue, and the range of evidence from stakeholders on this topic. The evidence provided to the Committee, alongside other sources, has been used to help develop policy on this topic.

In the light of the range of evidence and arguments, the Scottish Government's view is that it is neither appropriate, nor necessary to ensure compliance with the ECHR, to enfranchise all prisoners. Having considered the Equalities and Human Rights Committee's report, the case-law of the ECtHR and international practice, the Scottish Government proposes that the right balance will be struck by enabling prisoners serving short sentences (which would be defined as a sentence of imprisonment for a length of time which is below a specified maximum threshold) to vote. Views are sought on what length of sentence would be an appropriate threshold.

The Scottish Government plans to bring forward legislation on the franchise for Scottish Parliament and Local Government elections². Following consultation earlier in 2018³, that will include proposals to extend the right to vote to citizens of all nationalities resident in Scotland.

Hirst (No 2) and the ECHR

The ECHR is an international treaty intended to safeguard human rights and political freedoms in Europe. It was approved and signed by the founding members of the Council of Europe in November 1950, including the UK. It was ratified by the UK

²<https://beta.gov.scot/binaries/content/documents/govscot/publications/publication/2018/09/delivering-today-investing-tomorrow-governments-programme-scotland-2018-19/documents/00539972-pdf/00539972-pdf/govscot:document/>

³<https://beta.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2017/12/consultation-electoral-reform/documents/00529431-pdf/00529431-pdf/govscot:document/>

Parliament in 1951 and it came into force in September 1953. All member states of the Council of Europe are party to the ECHR.

The Council of Europe is a different international organisation from the European Union and therefore any outcome of Brexit does not alter the legal effect of the ECHR in the UK. The ECHR also established the ECtHR. Any person who feels that their rights under the ECHR have been violated by a state party signatory may take their case to the ECtHR.

In 2005, in the case of *Hirst v United Kingdom (No 2)*, the Grand Chamber of the ECtHR noted the differences in electoral law relating to prisoner voting throughout Europe. The Court stated that member states should be afforded a significant degree of discretion (known as the “margin of appreciation”) on how to deal with this issue. However, it ruled that the UK Government’s blanket ban on prisoner voting was in breach of Article 3 of Protocol 1 of the ECHR⁴. Whilst the UK’s ban pursued the legitimate aim of disenfranchising prisoners as a means of encouraging responsible citizenship, the ECtHR found that the provisions employed in meeting that aim were not proportionate because the ban applied across the board, regardless of the nature of the offence or the length of the sentence.

Article 3 of Protocol 1 provides that member states:

“undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

This has been interpreted by the courts to give individuals rights, including the right to vote and to stand for election.

In *Moohan v. Lord Advocate*, the United Kingdom Supreme Court considered the case law of the ECtHR on prisoner voting. The Supreme Court found that Article 3 of Protocol 1 of the ECHR does not extend to referendums. This was later confirmed by the ECtHR in *Moohan and Gillon v United Kingdom*. The ECtHR has also confirmed, in the case of *McLean and Cole v United Kingdom*, that local authorities in the United Kingdom are not part of the “legislature” and therefore fall outside the scope of Article 3 of Protocol 1. Article 3 of Protocol 1 only applies to elections to a legislature held “at reasonable intervals”. Therefore in the devolved Scottish context, this means Scottish Parliament elections.

In *Moohan*, the Supreme Court observed that the ECtHR has, on several occasions since the decision in *Hirst (No 2)*, ruled that the blanket ban on prisoner voting is incompatible with the ECHR. The overarching principles which can be identified in the case law of the ECtHR since the decision in *Hirst (No 2)* are:

- (i) that the basic principle which underpins Article 3 of Protocol 1 is universal suffrage;

⁴ The right to vote is also outlined in Article 21 of the Universal Declaration of Human Rights and Article 25 of the International Covenant on Civil and Political Rights (ICCPR).

(ii) that the right to vote may, however, be limited, provided that the limitations are imposed in pursuit of a legitimate aim and the means employed are not disproportionate;

(iii) that restrictions on the right of prisoners to vote may be justified in order to pursue the legitimate aims of preventing crime by sanctioning the conduct of convicted prisoners and of enhancing civic responsibility and respect for the rule of law; but

(iv) that the automatic and indiscriminate disenfranchisement of all serving prisoners, irrespective of the nature or gravity of their offences, is incompatible with Article 3 of Protocol No. 1 of the ECHR.

Within the margin of appreciation allowed to them, it is for individual States party to the ECHR to determine whether or not the right to vote of prisoners should be restricted, and, if so, what restriction would be appropriate having regard to the aim pursued.

Other Council of Europe Member States

The situation with regards to prisoner voting differs across Europe. Of the member states of the Council of Europe, a limited number have a blanket ban on prisoner voting; these are: Andorra, Armenia, Bulgaria, Estonia, Georgia, Hungary, Russia and San Marino. 21 of the remaining member states allow all prisoners to vote, while 18 allow some prisoners to vote, with each member state determining its own rules on this matter. A table containing this information is shown below:

Council of Europe states with blanket bans on convicted prisoners voting	Council of Europe states where all prisoners can vote	Council of Europe states where some prisoners can vote
Andorra Armenia Bulgaria Estonia Georgia Hungary Russia San Marino	Albania Austria Azerbaijan Croatia Czech Republic Denmark Finland Ireland Latvia (<i>excluding local elections</i>) Lithuania FYR Macedonia Moldova Monaco Montenegro Netherlands Norway Serbia Slovenia Spain	Belgium Bosnia and Herzegovina Cyprus France Greece Germany Iceland Italy Liechtenstein Luxembourg Malta Poland Romania Portugal Slovakia Turkey Ukraine United Kingdom

	Sweden Switzerland	
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A full summary of the arrangements regarding prisoner voting in Council of Europe member states can be found in the appendices of the following House of Commons briefing paper, starting on p.52:

<http://researchbriefings.files.parliament.uk/documents/SN01764/SN01764.pdf>

Elections to the UK Parliament

Successive UK Governments have explored a number of approaches to resolve the issue identified in the *Hirst (No 2)* case for elections to the UK Parliament. The Labour government elected in 2005 issued two consultations: one in 2006 and one in 2009. No proposals were brought forward before the 2010 general election.

On 10 February 2011, following a backbench business debate, the House of Commons passed a motion which supported the current situation in which no prisoner was able to vote except those imprisoned for contempt, default or on remand. The motion also noted the finding of the ECtHR in *Hirst (No 2)* that there had been no substantive debate by the UK Parliament on the issue and stated that decisions of this nature should be a matter for democratically-elected lawmakers.

A draft Voting Eligibility (Prisoners) Bill was published in November 2012 and pre-legislative scrutiny was undertaken by a joint committee of the House of Commons and the House of Lords. The committee reported in December 2013⁵. It recommended that all prisoners serving sentences of 12 months or less should be entitled to vote in UK parliamentary, local and European elections. In response, the Lord Chancellor and Secretary of State for Justice undertook to keep the matter under consideration⁶, but no final bill was brought forward.

In 2017, David Lidington MP, then Lord Chancellor and Secretary of State for Justice, made a statement to the House of Commons setting out the UK Government's response to the ECtHR's judgment in *Hirst (No 2)*. In it, he outlined a package of administrative measures⁷ which would have the effect, in relation to elections which are reserved to the UK Parliament, that:

(a) Those who are in the community on temporary licence would be able to vote. Temporary licence is a form of discretionary and temporary parole aimed at the resettlement and rehabilitation of offenders.

(b) It would be made clear to those given custodial sentences that they will lose the right to vote in prison. The statement argues that this addresses a

⁵ HL Paper 103; HC 924.

<https://publications.parliament.uk/pa/jt201314/jtselect/jtdraftvoting/103/103.pdf>

⁶ <https://www.parliament.uk/documents/joint-committees/Draft-Voting-Eligibility-Prisoners-Bill/Grayling-letter-to-Chair.pdf>

⁷ Full details of the proposals, as presented to the Committee of Ministers of the Council of Europe are at: <https://rm.coe.int/1680763233>

concern of the judgment in *Hirst v United Kingdom (No 2)* that UK offenders are not informed with sufficient clarity that they cannot vote while serving a prison sentence.

These proposals came into effect across the UK in summer 2018.

A prisoner released on temporary licence or on HDC has never been prohibited from voting under the terms of section 3 of the Representation of the People Act 1983 which restricts voting rights for a prisoner “during the time that he is detained in a penal institution in pursuance of his sentence.” However, as set out in the UK Government’s policy statement⁸, previous prison guidance had led to an anomaly that offenders who are released back in the community on licence using an electronic tag under the HDC scheme could vote, but those who are in the community on Temporary Licence could not. The UK measures outlined addressed this and will allow around 100 prisoners to vote in elections reserved to the UK Parliament.

The Scottish Government proposal seeks to comply with the ECHR whilst also taking into consideration length of sentence which reflects, among other considerations, the seriousness of the case. To allow for a compatible solution, proposals aim to set a threshold length of sentence, below which prisoners should be entitled to vote.

A further key factor in developing a proposal that differs from the UK Government to ensure ECHR compliance for devolved elections in Scotland is the consideration of the Scottish Parliament Equalities and Human Rights Committee. In addition to the commitment to consider a plurality of views on the issue of prisoner voting as soon as possible, the Scottish Government has taken into account the recommendations of the Committee to legislate and examine the proportionality of a particular restriction on the right to vote for Local Government and Scottish Parliament elections.

Elections in Wales and Northern Ireland

The Welsh Government has consulted on a package of proposals for electoral reform for Local Government elections and is exploring the options for extending the rights of prisoners to vote in Local Government elections.

The National Assembly for Wales Commission consulted on a package of proposals for reform of the Assembly’s electoral and internal arrangements in spring 2018, including whether either the UK Government’s or Welsh Government’s proposals for prisoner voting should also apply to Assembly elections. Following the consultation, the Llywydd announced that further consideration of the democratic and human rights issues relating to prisoner voting was required. The Commission has invited the Assembly’s Equality, Local Government and Communities Committee to consider holding an inquiry to examine the issue of whether prisoners in Wales should be allowed to vote in elections to the National Assembly.

⁸ <https://www.gov.uk/government/speeches/secretary-of-states-oral-statement-on-sentencing>

The changes brought forward by UK Government have been implemented for all elections in Northern Ireland.

Options for Scottish Parliament and Scottish Local Government Elections

As set out above, the Scottish Parliament gained new powers over elections as a result of the Scotland Act 2016. Consideration must now be given as to how to comply with the ECHR in relation to prisoner voting.

There are various factors, including the rehabilitation of prisoners, which the Scottish Government has considered when determining a suitable, ECHR-compliant approach to prisoner voting.

The starting point, as indicated by the ECtHR caselaw, is the principle of universal suffrage. While certain Convention rights cannot be restricted by the state (for example, the Article 2 right to life and the Article 3 prohibition on torture) there are some Convention rights that can be restricted in prison (for example the Article 5 right to liberty and the Article 8 right to private and family life). The ECtHR caselaw makes clear that the franchise of prisoners may also be restricted, provided that the restriction is proportionate to a legitimate aim. Legitimate aims include sanctioning the conduct of convicted prisoners and enhancing civic responsibility and respect for the rule of law.

As noted previously, the Scottish Government considers it to be neither appropriate, nor necessary to ensure compliance with the ECHR, to extend the right to vote to all prisoners. The length of the sentence given to the prisoner is an indication of the seriousness of the case. While those sentencing take into account various considerations, the more grave offences typically attract longer sentences, and other factors – such as the record of the accused – which are relevant on sentencing may also be regarded as relevant to an assessment of the seriousness of the case.

The ECtHR in *Hirst (No 2)* emphasised the wide margin of appreciation given to member states in terms of developing a compliant solution on prisoner voting. This reflects the wide variety of approaches on prisoner voting across Council of Europe member states.

The following section of the consultation paper explores the different options available, and sets out factors to consider in the Scottish context. The Scottish Government has considered the scope of Article 3 of Protocol 1 and its different application to Scottish Parliament and Local Government electoral franchises. Currently, these franchises are linked and it is intended that the proposal which will ultimately be adopted following this consultation will apply to both Scottish Parliament and Local Government elections.

In broad terms, the options are:

- To link disenfranchisement to the length of a prisoner's custodial sentence.
- To make disenfranchisement an additional sentencing option, to be applied at the discretion of the sentencing judge.
- To link disenfranchisement to the type of crime committed.

- To link a prisoner's regaining the right to vote to the length of time remaining on their custodial sentence.

A fuller summary of the options is provided below. Having carefully considered the requirements of the ECHR, the Equalities and Human Rights Committee's report and international practice, the favoured approach is to enfranchise only those prisoners serving a sentence of imprisonment for a length of time which is under a defined threshold. This proposal seeks to strike an appropriate balance, taking into account the nature, gravity and circumstances of the offending.

In all of these options prisoners would be registered to vote in a home constituency or ward, not at the address of the prison.

Option 1: Enfranchisement based on Length of Sentence

The Scottish Government's favoured option is to remove the right to vote only from prisoners who have been sentenced to a longer sentence of imprisonment. Views are sought on the threshold length of sentence, below which prisoners should be entitled to vote. Although sentencing judges take various factors into account, the length of the sentence imposed is, generally speaking, a reflection of the seriousness of the case – having regard to all the circumstances, including the nature of the offence, the circumstances in which it was committed, and the offender's previous criminal record. Accordingly, this approach strikes an appropriate balance between removing the right to vote only where the circumstances are serious enough to justify such a longer sentence⁹ and the promotion of the rule of law and responsible citizenship, as well as wider objectives of the rehabilitation and reintegration of prisoners in order to reduce reoffending.

This approach would ensure that there is no longer a blanket restriction on voting in devolved elections for all prisoners in Scotland, irrespective of the length of their sentence or the nature, gravity and circumstances of their offence. Such a blanket restriction was central to the ECtHR's finding of a disproportionate interference with Article 3 of Protocol 1 in the case of *Hirst (No 2)*.

It is an approach which is implemented among other member states of the Council of Europe. An approach based on sentence length is used in Austria, Belgium, Greece, Italy, Luxembourg, Romania, Slovenia and Turkey. A cut-off of 12 months is used in Malta where most prisoners lose their right to vote (for the duration of their sentence) except those serving a sentence of 12 months or less or those serving a sentence as a result of their failure to pay a fine.

Relying on the length of sentence in this way would be consistent with approaches elsewhere in the justice system. For example, depending on the length of sentence received, different rules apply in terms of disclosure of previous convictions. The longer the custodial sentence received, the longer an individual is required to disclose the conviction when, say, applying for a job or seeking home insurance. Similarly, different rules apply on the eligibility of prisoners for parole or HDC depending on the length of sentence received.

⁹ Prisoners will not be eligible to stand as candidates at Local Government or Scottish Parliament elections. No changes are proposed to existing rules on disqualification.

Sentences of determinate length in Scotland are split into two categories: short-term sentences which are for less than four years and long-term sentences which are for four years or more. A short-term prisoner is automatically released from prison into the community after serving half of their sentence.

A long-term prisoner sentenced prior to February 2016 will be released automatically on licence at the two-thirds stage of their sentence but can be released from the halfway stage on Parole Board recommendation. A long-term prisoner sentenced after February 2016 can be released from the halfway stage of their sentence on Parole Board recommendation which failing, they will be released automatically for the final 6 months of their sentence.

Under section 27(5) of the Prisoners and Criminal Proceedings (Scotland) Act 1993, consecutive or concurrent terms of imprisonment are to be treated, for the purposes of Part 1 of the 1993 Act, as a single term. For example, if the eligibility threshold for prisoner voting is set at 12 months and an offender receives a 6 month sentence, that prisoner would be eligible to vote. If that prisoner receives an additional 7 month sentence for another offence and that sentence is to be served consecutively to the previous sentence, that prisoner will be serving a single-term of 13 months which will take them past the prisoner voting threshold.

Fixing the threshold at 12 months or less would be consistent with the distinction within the Scottish criminal justice system between the sentencing powers of courts of summary jurisdiction and courts of solemn jurisdiction. A court of summary jurisdiction (which may comprise a sheriff, a summary sheriff or a justice(s) of the peace sitting alone without a jury) deals with less serious offending. On summary complaint, a sheriff can impose a sentence of imprisonment up to 12 months or a fine up to £10,000. In solemn proceedings, a sheriff can impose a sentence of imprisonment up to 5 years or an unlimited fine while there are no limits on the length of prison sentence or fine which can be imposed by the High Court. As can be expected, solemn courts deal with the most serious cases. The proposal would be consistent with what was proposed by the UK Parliament Joint Committee in the Voting Eligibility (Prisoners) Draft Bill in 2013.

It should be noted, however, that a prisoner serving a sentence of 12 months or more could be serving several shorter sentences imposed on summary conviction (which have been single-termed under section 27(5) of the 1993 Act) rather than one sentence imposed following conviction on indictment.

Option 2: Disenfranchisement applied as an additional penalty

Another option would be to empower courts to impose the loss of the right to vote as a sentence in itself. This would mean that a judge could impose disenfranchisement at their discretion when sentencing a person convicted of a crime.

This method is intended to be more precise than others. In theory, by leaving the decision on disenfranchisement to the sentencing judge, it can be more precisely applied. This is because the judge will be in full possession of the facts of a case, and so able to fit the punishment (i.e. disenfranchisement) to the crime more accurately.

This approach has been adopted by several Council of Europe member states. In France, for example, the removal of the right to vote is an additional penalty that judges can apply at their discretion for a certain period of time. It is also a mandatory part of the sentence for certain serious crimes. However, even where it is a mandatory part of the sentence, judges can choose to not apply this penalty if they feel that it would not be appropriate in a particular case.

However, this approach has been criticised by the Scottish judiciary. In a letter to the Scottish Parliament's Equalities and Human Rights Committee¹⁰, provided as part of their investigation on prisoner voting, Lord Carloway, the Lord President of the Court of Session, said:

"I have consulted the senior judiciary (the High court judges). All are opposed to such a course of action."

Lord Carloway stressed that, after "due democratic consultation", the key principles of the prisoner voting issue should be decided by Parliament and not be left to be developed on a case by case basis by individual judges.

The Scottish Government is persuaded by the arguments put forward by the Lord President and so does not favour this option.

Option 3: An approach based on type of crime

A further option would be to link the disenfranchisement of convicted prisoners to the type, or severity, of crime committed. With this option, prisoners convicted of crimes deemed to be more serious would lose their right to vote. An approach based on the type of crime rather than length of sentence would require to specify the offences or broad types of offences which would carry a loss of the right to vote.

This approach to the issue aims to make the punishment proportionate. Disenfranchisement is a serious penalty; it should be applied to people convicted of serious crimes. Another approach taken by some countries has been to tie disenfranchisement to crimes against the state or electoral system. In Italy, certain specified crimes attract disenfranchisement, all related to dishonesty. These cover various abuses of public office and crimes of dishonesty committed while exercising a public office.

A number of Council of Europe states have taken this path. In Germany, for example, prisoners that have committed crimes targeting the 'integrity of the state' or the 'constitutional protected democratic order', such as political insurgents, lose their right to vote. This disenfranchisement continues until the full sentence has been served. However, many states that take this approach limit disenfranchisement linked to specific offences to a small number of crimes.

A clear disadvantage of this option is that there are different levels of seriousness within the definition of a specific crime. For example, defrauding a pensioner of their

¹⁰

http://www.parliament.scot/S5_Equal_Opps/Inquiries/LordCarlowaytoConvener.pdf

life savings might be viewed more seriously than defrauding a business of a few thousand pounds. Indeed, a key factor in determining the seriousness of a particular crime is reflected by the length of sentence imposed by the Court.

It should also be noted that the Representation of the People Act 1983 already makes provision for a person found guilty by an election court of “corrupt or illegal practices” at an election to be barred from:

- Registering to vote or voting.
- Being elected to Parliament.
- Holding any elective office.

This is temporary, and can last for either 3 or 5 years. As these provisions reflect a specific punishment which is directly linked to electoral offences, we propose that these provisions are retained as they apply to devolved elections.

Option 4: Enfranchisement towards end of sentence

Another possibility would be to give each prisoner the vote for a specified period before the end of their sentence. A prisoner would lose the right to vote upon being sentenced to time in prison. They would then regain the right to vote upon reaching a point where they had a defined amount of their sentence remaining. The period before the end of sentence during which a prisoner would regain the right to vote would need to be determined by the Scottish Parliament.

This approach aims to aid the rehabilitation of convicted prisoners by allowing them to be reintegrated into society as preparation for their full release. The object would be to demonstrate to prisoners that they still have a stake in the society to which they will soon return, encouraging a greater sense of social responsibility. However, this approach would enfranchise people who have committed serious offences whilst they are still serving their sentence which may cause understandable distress to the victims of crime.

None of the other member states of the Council of Europe have adopted this approach.

In addition, the complex nature of sentencing and prisoner release arrangements would mean that this approach would be difficult to implement.

Where and how should prisoners vote?

It is estimated that around 1000 prisoners would be enfranchised if the threshold sentence length was 12 months or less. A threshold for 6 months or less would allow around 480 prisoners to vote.

Prisoners will not be entitled to vote in person. Instead, they will need to register for a postal or a proxy vote, in a similar way to remand prisoners who are currently eligible to vote.

Prisoners would be registered to vote by declaration of local connection to a previous address or local authority, rather than the prison address. This would avoid the potential for large numbers of prisoners, registered to the prison, to cause distortion to voter numbers and electoral results, especially for Scottish local elections given the smaller sizes of wards. This approach would also avoid the impracticalities of having to deal with ballots from wards and constituencies all over the country in one polling station located in a prison.

Prisoners wishing to register to vote will need to submit a paper form to an Electoral Registration Officer (“ERO”) to register. Prisoners do not currently have internet access. Phone registration would also be impractical due to the inability to check whether the information provided is accurate.

Postal votes would be sent to the prison address which prisoners have provided to EROs. Postal vote packs would be treated as privileged correspondence, and so Scottish Prison Service (“SPS”) staff would not open the packs when they enter or leave the prison.

Consultation questions

Question 1: Do you think that prisoners' right to vote in Scottish Parliament and Local Government elections should be linked to the length of their sentence?

Yes ☐

No ☐

Question 2: If your answer to Question 1 is 'no', what would be your preferred approach to extending prisoners' voting rights?

Comments:

Question 3: If your answer to Question 1 is 'yes', what length of sentence would be appropriate as the eligibility threshold for prisoner voting rights?

12 months or less ☐

6 months or less ☐

Another duration ☐

Question 4: If your answer to the above is 'another duration', please specify this here.

Comments:

Question 5: Do you have any comments on the practicalities of prisoner voting?

Comments:

Question 6: Do you have any other comments that have not been captured in the responses you have provided above?

Comments:

Responding to this consultation

We are inviting responses to this consultation by 8 March 2019.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/elections/prisoner-voting>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 8 March 2019.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Elections Team
Scottish Government
Area 2W
St Andrew's House
Edinburgh
EH1 3DG

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:
<https://beta.gov.scot/privacy/>

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at PrisonerVotingConsultation@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



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Consultation on Prisoner Voting

Page 1 of 5

Closes 8 Mar 2019

Questions

1. Do you think that prisoners' right to vote in Scottish Parliament and Local Government elections should be linked to the length of their sentence?

☒ Yes

☐ No

2. If your answer to Question 1 is 'no', what would be your preferred approach to extending prisoners' voting rights?

3. If your answer to Question 1 is 'yes', what length of sentence would be appropriate as the eligibility threshold for prisoner voting rights?

- ☒ 12 months or less
- ☐ 6 months or less
- ☐ Another duration

4. If your answer to the above is 'another duration', please specify this here.

5. Do you have any comments on the practicalities of prisoner voting?

As a Local Authority with two prisons within its geographical boundary which take prisoners from all over Scotland, we would support an arrangement whereby prisoners were able to vote only in the location of the prisoner's ordinary residence. This would avoid the skewing of votes for a potential significant population. The electoral roll provides a mechanism for linking prisoners to their last residence prior to their imprisonment, however it is our view that many prisoners will not have registered on the roll. We suggest that a system will be required which identifies the various constituencies for which each prisoner is eligible to vote at the point of their prison sentence commencing to avoid any dispute.

6. Do you have any other comments that have not been captured in the responses you have provided above?

It is our opinion that extending voting rights to prisoners serving a sentence or a series of sentences of up to 12 months is fair and reasonable.

Fixing the threshold at 12 months or less would be consistent with the distinction within the Scottish criminal justice system between the sentencing powers of courts of summary jurisdiction and courts of solemn jurisdiction.



PERTH AND KINROSS COUNCIL

27 February 2019

REVIEW OF PARLIAMENTARY CONSTITUENCY POLLING DISTRICTS AND POLLING PLACES

**Report by the Depute Chief Executive (Chief Operating Officer)
(Report No. 19/66)**

PURPOSE OF REPORT

This report seeks the Council's views on the proposed temporary change to the parliamentary constituency polling place for parliamentary polling district PLI and PLJ following the closure of the Fairfield Neighbourhood Centre.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Electoral Registration and Administration Act 2013 (ERA 2013) introduced a new provision altering the timing of compulsory reviews. The compulsory review period was the period of 16 months beginning with 1 October 2013 and the period of 16 months beginning with 1 October every fifth year after that. Perth and Kinross Council conducted and completed a statutory review of polling districts and polling places in December 2013.
- 1.2 Reviews of local government polling arrangements are conducted simultaneously with a review of polling districts and polling places for UK Parliamentary elections. The aim of any review is to ensure that every elector in Perth and Kinross had such reasonable facilities for voting as are practicable, and to ensure that so far as possible, the accessibility needs of persons with a disability have been considered when designating polling places.
- 1.3 The location of proposed polling districts and places is the responsibility of Perth and Kinross Council and the location of polling stations is the responsibility of the Returning Officer. However, for the purpose of this report, all aspects of the process have been undertaken jointly.
- 1.4 Fairfield Neighbourhood Centre currently allocated as a polling place for parliamentary polling districts PLI and PLJ has been closed due to structural problems and is to be demolished. No replacement centre is to be built on the site.
- 1.5 In view of the above, it was necessary to examine the options for a temporary replacement polling place.
- 1.6 There is an electorate of approximately 2,267 within the parliamentary polling districts of PLI and PLJ with about 393 of these opting to vote by post.

- 1.7 The polling place is a multi-ward polling place. PLI falls within Ward 11 – Perth City North and PLJ falls within Ward 12 – Perth City Centre. Both polling districts are within the same Scottish Parliamentary Constituency and Westminster Parliamentary Constituency.
- 1.8 A full review of all parliamentary polling districts and polling places is required to be completed by 31 January 2020.

2. PROPOSALS

2.1 Option 1 – Railway Staff Club, Feus Road, Perth

With this option we would continue to have both polling districts within the same polling place. The Railway Staff Club is large enough to accommodate the two polling stations and a third if ever required. There is a large car park to the side of the Railway Staff Club with allocated disabled parking and ramped access into the function room. Access from the street also meets accessibility needs. The Railway Staff Club has sufficient kitchen and welfare facilities required for polling staff.

2.2 Option 2 – Kinnoull Junior Football Club, Tulloch Road, Perth

Again with this option we could continue to have both polling districts within the same polling place. In terms of location, this would be closest to Fairfield Neighbourhood Centre, however, the venue would struggle to accommodate both polling stations within the boardroom and therefore the changing rooms would require to be used to house the other polling station(s). Access to the building is not good with the car park being uneven with large potholes. The entrance into the building is up one step, which a ramp can be provided, but the doorway and corridors are narrow. There is no natural light within the changing room areas so additional lighting would be required to provide sufficient lighting for electors whilst in polling booths. There are adequate kitchen facilities for staff but we do have concern surrounding the welfare facilities as some are located within the changing rooms which could potentially be used as polling stations.

2.3 Option 3 – Tulloch Community Centre, Perth

With this option it would mean splitting the polling districts to their respective wards. PLI, which falls within Ward 11, would move to Tulloch Community Centre. This polling place already accommodates 3 polling stations. There is a concern that the current polling place could not accommodate another polling station and an additional 1,000 voters.

2.4 Option 4 – St John's RC Church, Balhousie Street, Perth

As above in 2.3, this would mean splitting the polling districts to their respective wards. PLJ which falls within Ward 12 could move to St John's RC Church. This polling place currently accommodates 2 polling stations and does have capacity to accommodate another 1 polling station. Although PLJ

is within Ward 12 and the Westminster constituency of Perth and North Perthshire it would be within a different Scottish Parliamentary constituency from the other polling stations within this polling place which could be difficult for staff to manage.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 Option 1, Railway Staff Club, we can continue to provide the status quo within the venue.
- 3.2 Option 2, Kinnoull Junior Football Club is not fit for purpose, does not meet our accessibility needs and is therefore not suitable as a polling place.
- 3.3 Option 3, Tulloch Community Centre, although currently a suitable polling place, it does not have the capacity to accommodate another polling station and approximately an additional 1,000 voters.
- 3.4 Option 4, St John's RC Church, provides an adequate venue as a polling place but is located outwith the Scottish Parliamentary constituency of Perthshire South and Kinrossshire for parliamentary polling district PLJ.
- 3.5 It is recommended that the Council –
 - (i) agree Option 1, Railway Staff Club, Feus Road, Perth, be allocated as the temporary polling place for parliamentary polling districts PLI and PLJ.
 - (ii) agree a review of the temporary polling place as part of the full review of parliamentary constituency polling districts and polling places when it proceeds after Westminster boundary proposals have gone through Parliament.

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Christine Grant	Senior Elections and Community Council Officer	

Approved

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 The proposals support the delivery of the priorities in the Perth and Kinross Community Plan/Single Outcome Agreement.

Corporate Plan

- 1.2 The proposals support the achievement of the priorities in the Council's Corporate Plan.

2. Resource Implications

Financial

- 2.1 There will be no additional financial implications arising directly from this report.

Workforce

- 2.2 Not applicable.

Asset Management

- 2.3 Not applicable.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The proposals in this report have been considered under the Corporate Equalities Impact Assessment process (EqIA) and assessed as not relevant for the purposes of EqIA.

Legal and Governance

- 3.3 The legal framework for this report is contained within the Electoral Administration Act 2006 (EAA 2006) and the Electoral Registration and Administration Act 2013 (ERA 2013)

Risk

- 3.4 It is still too early to identify if there are any long term risks.

4. Consultation

Internal

- 4.1 Elected members for Ward 11 and Ward 12 have been consulted in the requirement for a replacement polling place to be identified.

External

- 4.2 There are no active Community Councils within the area affected by this polling place to consult.

5. Communication

- 5.1 Additional publicity for electors within area will be made at time of election along with issue of poll cards.

2. BACKGROUND PAPERS

- 2.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report.

- Representation of the People Act 1983 Schedule A1
- The Review of Polling District and Polling Places (Parliamentary Elections) Regulations 2006
- Electoral Administration Act 2006
- Electoral Registration and Administration Act 2013 (ERA 2013)

3. APPENDICES

Risk Assessments with photographs of venues are available on CHIP and from Members' Services.

PERTH AND KINROSS COUNCIL

27 FEBRUARY 2019

REVIEW OF THE SCHEME OF ESTABLISHMENT FOR COMMUNITY COUNCILS IN PERTH AND KINROSS - OUTCOME OF STATUTORY PUBLIC CONSULTATION EXERCISE

Report by Head of Culture and Communities Service (Report No. 19/67)

PURPOSE OF REPORT

This report updates members on the statutory public consultation exercise on the proposed amendments to the Scheme of Establishment of Community Councils and other associated documents. Information is also provided on requests to change some community council boundaries for the Perth and Kinross area.

The Council is asked to consider and approve the amendments to the documentation; and also to consider and conditionally approve the proposed boundary changes, subject to agreement from all other affected Community Councils.

1. BACKGROUND / MAIN ISSUES

- 1.1 The current [Scheme of Establishment for Community Councils](#) was adopted by the Council on 23 February 2011 (Report 11/72 and Article 110 refer) following public consultation. The Council also approved [a model constitution](#) for a community council and [model standing orders for community council meetings](#).
- 1.2 A report was submitted to Council on 7 March 2018 ([Report 18/72 and Article 119 refer](#)) to review the current Scheme. At its meeting on 20 June 2018, the Council agreed to extend the remit of the review 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.
- 1.3 The Council agreed on 3 October 2018 ([Report 18/324 and Article 586 refer](#)) to note the general issues and comments as set out in Appendix 1 to Report 18/324. The Council approved the suggested changes to the Scheme of Establishment for Community Councils for Perth and Kinross, as set out in Appendix 2 to Report 18/324 and noted the next steps would be a public consultation between 8 October 2018 and 3 December 2018, with a final report to Council in February 2019.

2. REVIEW PROCESS

- 2.1 The initial review commenced in April 2018 with an email to all community councils providing them with a link to [Report 18/72](#) and advising of the Council's decision to review the Scheme.

- 2.2 The public consultation commenced on 8 October 2018 with information on Perth and Kinross Council's community council webpage as well as on the Perth and Kinross Council's consultations page. Community councils were emailed a copy of Report 18/324 and invited to submit any further comments by 3 December 2018.

3. PROPOSALS

- 3.1 The Scheme (Appendix 1) has been changed, where deemed appropriate, to reflect the feedback received from the consultation process.
- 3.2 The key changes made to the Scheme (Appendix 1) include:
- Clearer explanation of draft minutes of meetings (paragraph 5.2 iii. Scheme)
 - Clearer explanation of membership levels of community councils (paragraph 6 i. Scheme)
 - Definition of members eligibility (paragraph 6 iii. Scheme)
 - Slight rewording of EU nationals paragraph (paragraph 6 v. Scheme)
 - Clearer wording of section 7.4.
 - Change of month of AGM from November to October (paragraph 13.2 Scheme), to ensure that the business of an outgoing community council can be dealt with prior to an election
 - Due to the change of month for the AGM, there is also a change to the financial year (paragraph 15.1 Scheme)
- 3.3 The model Constitution has also been amended to reflect the changes to the Scheme as outlined in 3.2.
- 3.4 A series of updated guidance notes will also be provided – including in relation to data protection, finances and dealing with complaints.
- 3.5 A request by Crieff Community Council to reduce their maximum membership level was received. The community council has had 3 by-elections in the past 18 months and they have found achieving the 13 members to be very difficult. It is proposed that the community council membership be reduced to maximum membership of 10, which should help to support a sustainable community council, with reasonable levels of representation.
- 3.6 Various boundary requests have been received. Some of these cannot be progressed at this stage as agreement is required from all affected community councils before this can happen. The Council is asked to approve these changes, in principle, subject to the other affected Community Councils confirming their approval:

- (i) Request by Cleish and Blairadam Community Council in relation to a change of boundary which affects both Fossoway Community Council and Kinross Community Council. Kinross Community Council has mixed views on this proposal and there has been no response from Fossoway Community Council.
 - (ii) Proposal by Portmoak Community Council that Loch Leven, which currently falls within Kinross Community Council area, should be divided between the 3 community councils bordering it, Kinross Community Council, Milnathort Community Council and Portmoak Community Council. This would provide the community councils a clearer interest in the loch and be part of consultations undertaken by Scottish Natural Heritage and River Leven Trustees as to the management of the Loch. Milnathort Community Council agree with proposal but Kinross Community Council have not submitted a response.
 - (iii) Proposal by Milnathort Community Council to transfer an area of Earn Community Council which falls over 2 electoral wards so that area within Ward 8 – Kinross-shire would transfer to Milnathort Community Council. This would allow residents attending community council meetings access to their local Kinross-shire elected members rather than those from Almond and Earn. Earn Community Council have not submitted a response.
 - (iv) A request by a local elected member was received that the Bendochy Sub-Area of Coupar Angus and Bendochy Community Council be transferred to Blairgowrie and Rattray Community Council. Again this is a community council that falls over 2 electoral wards. Both community councils have submitted their agreement to this proposal and the Council is asked to approve this change
 - (v) Request by Killiecrankie and Fincastle Community Council to include part of Rannoch and Tummel Community Council area into their own area. Area covers Foss and Tummel Bridge. As there is no established community council in the Rannoch and Tummel Community Council area, no representation can be sought. The Council is asked to approve this change.
- 3.9 Request by Milnathort Community Council to change the community council to Milnathort and Orwell Community Council to reflect the name of the historic Orwell parish that the community council area covers. No other representations have been received on this point and the Council is asked to approve this change.

4. NEXT STEPS

- 4.1 The proposed Scheme, Constitution, Standing Orders and Code of Conduct adopted by the Council to be rolled out to community councils immediately following the election in November 2019.

- 4.2 Guidance notes in relation to data protection, finances and dealing with complaints will be revised in line with the adopted Scheme and associated documents will be updated and distributed to community councils.
- 4.3 Council staff will continue to seek responses from the community councils affected by proposals in 3.8 and make the required changes should approval be forthcoming.

5. CONCLUSION AND RECOMMENDATIONS

- 5.1 This report advises on the final findings of the review of the Scheme of Establishment for Community Councils for Perth and Kinross. The report proposes to adopt a revised Scheme, Constitution, Standing Orders and Code of Conduct to be rolled out to community councils following elections in November 2019.
- 5.2 It is recommended that the Council:-
- (i) Adopts the Scheme of Establishment for Community Councils for Perth and Kinross as set out in Appendix 1 to this report.
 - (ii) Agree to the reduction in maximum membership level of Crieff Community Council.
 - (iii) Agree to proposed boundary changes subject to agreement by all community councils affected.
 - (iv) Agree to proposal by Killiecrankie and Fincastle Community Council to extend their boundary to include part of Rannoch and Tummel Community Council area.
 - (iv) Agree to change of name of Milnathort Community Council to Milnathort and Orwell Community Council.

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Approved

Name	Designation	Date
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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	None
Consultation	
Internal	None
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 The proposals support the delivery of the priorities in the Perth and Kinross Community Plan/Single Outcome Agreement.

Corporate Plan

- 1.2 The proposals support the achievement of the priorities in the Council's Corporate Plan.

2. Resource Implications

Financial

- 2.1 There will be no additional financial implications arising directly from this report.

Workforce

- 2.2 Not applicable.

Asset Management

- 2.3 Not applicable.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The proposals in this report have been considered under the Corporate Equalities Impact Assessment process (EqIA) and assessed as not relevant for the purposes of EqIA.

Legal and Governance

- 3.3 The Scheme for the Establishment of Community Councils, Model Constitution and Standing Orders adopted by Perth and Kinross Council on 23 February 2011 (Article 110/11 Report 11/72) were taken into account in preparing this report.

Risk

- 3.4 It is still too early to identify if there are any long term risks.

4. Consultation

Internal

- 4.1 No direct consultation has been undertaken in the preparation of this report.

External

- 4.2 Public consultation for 8 weeks.

5. Communication

- 5.1 Elected members and community councils will be advised of the proposals.

2. BACKGROUND PAPERS

None

3. APPENDICES

Appendix 1 – Perth and Kinross Scheme of Establishment of Community Councils 2019-2023



PERTH & KINROSS COUNCIL

SCHEME OF ESTABLISHMENT OF

COMMUNITY COUNCILS

2019 – 2023

**Incorporating Constitution, Standing Orders, Community
Council members Code of Conduct and Area Descriptions**

Document Version	1.6
Document Status	DRAFT
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Review Date	2023

Version Control

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Introduction

Community councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of community councils. Under the legislation, every local community in Scotland is entitled to petition their council to establish a community council in their area.

The local authority is required to publish a community council scheme for their area outlining various arrangements for community councils including elections, meetings, boundaries, and finance.

This scheme will come into operation from 7 November 2019 and will be subject to review periodically.

1. Statutory Purposes

The statutory purposes of community councils established under the Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -

“In addition to any other purpose which community councils may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable”

2. Establishment of Community Councils under the Scheme

Upon the local council's decision to amend the Scheme, it shall publish a Public Notice, which shall invite the public to make suggestions as to the areas and composition of the community councils.

Thereafter, a consultation process on the proposed scheme shall be undertaken prior to its formal adoption by Perth & Kinross Council.

If for any reason there is no established community council in an area following elections, twenty local electors who must be on the electoral register for the area concerned may make a request by way of a petition to Perth & Kinross Council for an election to be held. Any members elected in this way will only hold office up to the next scheduled full community council elections.

3. Community Council Areas within Perth and Kinross

Perth & Kinross Council has produced a list of named community council areas and a map or maps that define their boundaries. The list of community areas are specified in the First Schedule to the Scheme. These can be modified with the prior approval of Perth & Kinross Council.

Any request to create a new or amend existing community council boundaries by (1) the sub-division of an existing community council area or (2) the merging of 2 community council areas or (3) changing the boundaries of existing community councils must be made in writing to Perth & Kinross Council. Such requests should demonstrate local support for the proposal, including the agreement of existing community council(s).

4. Roles and Responsibilities of Perth & Kinross Council

4.1 The Role of Perth & Kinross Council

Create a Scheme for the Establishment of Community Councils in Perth & Kinross with the provision of boundary maps.

4.2 Responsibilities of Perth & Kinross Council

- i. Arrange for establishment of community councils upon receiving 20 signatures of electors in that area in terms of section 52(7) of the Local Government (Scotland) Act 1973
- ii. Review the Scheme, both periodically and in response to representations made, and where amendments are required to propose, consult and vote on those amendments in terms of section 53 of the Local Government (Scotland) Act 1973
- iii. Where appropriate, revoke the existing Scheme and replace it with a new Scheme in terms of section 22 of the Local Government etc (Scotland) Act 1994.
- iv. Consult directly with community councils on all issues where consultation with the public is a statutory requirement.
- v. Consult with community councils on changes in licensing policies.
- vi. Arrange elections for community councils
- vii. Provide an administrative grant to cover administrative costs, volunteer expenses and equipment as per paragraph 15 vi. below.
- viii. Provide appropriate Public Liability insurance.
- ix. Register appointed community councillor from each community council as Data Controller with the Information Commissioner's Office in compliance with Data Protection legislation.

Within the resources available, Perth & Kinross Council shall endeavour to:

- x. Determine a consistent level of support to community councils across the local authority area within available resources.

- xi. Offer advice and assistance to community councils for development and training on such things as the duties and responsibilities of office bearers, the role of community councils, the functions of Perth and Kinross Council and other relevant topics.
- xii. Consult reasonably with community councils regarding the administration of Common Good funds.

5. Role and Responsibilities of Community Councils

The general purpose of community councils is to act as a voice for their local area.

- This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to their council, other public sector bodies and private agencies on matters within their sphere of interest.
- It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the community councils will have in place, in consultation with Perth & Kinross Council, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

5.1 Role

- i. Community councils have a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between community councils, Perth & Kinross Council and other public sector and private agencies.
- ii. Community Councils are a community participation body under the Community Empowerment Act 2015 and may make requests in relation to this provision.
- iii. Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of Perth & Kinross Council's Scheme of Establishment of Community Councils.
- iv. There should be mutual engagement in the establishment of working relationships with Perth & Kinross Council and other agencies.
- v. In carrying out their activities community councils must at all times adhere to the law, the terms of Perth & Kinross Council's Scheme of Establishment of Community Councils and the Community Councillors' Code of Conduct as set out in Appendix 3.

- vi. Each new community council is required to adopt a Constitution. A standard template is provided in Appendix 1, together with a standard template Standing Orders provided in Appendix 2, to encourage and facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. Community Councils have the power to change the Constitution and Standing Orders subject to ratification by Perth & Kinross Council.

5.2 Responsibilities

Community councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community.

In order to fulfil their responsibilities as effective and representative, community councils shall:

- i. Be non- political
- ii. Inform the community of their work (eg: in newsletters and online in social media outlets such as websites, twitter and Facebook); display agendas and minutes of meetings in public places (such as libraries and notice boards); and, subject to the provisions contained within the Data Protection Act 2018 and the General Data Protection Regulations, provide contact details of community council members.
- iii. Draft minutes of community council's meetings must be presented to Perth & Kinross Council's Community Council Liaison Officer within 14 days from the date of that meeting. Minutes should be circulated, by whichever means the Community Council feels is appropriate, to community council members, elected members and other interested parties.
- iv. Seek to broaden both representation and expertise by promoting the associate membership of the community council of persons (not eligible for election to the community council) for specific projects/issues.
- v. Make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
- vi. Have in place consultative mechanisms to ascertain, co-ordinate and reflect the views of all sectors of the community which it represents, to liaise with other community groups within the area, and to fairly express and consider the diversity of opinions and outlooks of the people within the course of the community council business.

- vii. Maintain proper financial records and present regular financial reports at community council meetings (notes on financial guidance will be provided).
- viii. Inform Perth & Kinross Council of any change in membership (resignations, co-option and associate membership) and as soon as practicable and record any such changes in membership at the next ordinary meeting.

6. Membership of Community Councils

- i. The MAXIMUM membership number of a community council should not be less than 6 or more than 15.
- ii. The minimum age to stand for election as a community councillor is 16 years old.
- iii. Members for community council membership must be named on the electoral register for the community council area in which they reside.
- iv. Members must also reside within the specific community council area i.e. the individual's electoral registered home must be within the community council area.
- v. Only, in the circumstances where a candidate, who is resident in the community council area and is excluded from the electoral register as a EU national, their membership can be proposed by residents who reside and are named on the electoral register for the community council area to qualify.
- vi. There shall be provision made for non-voting associate membership for purposes as defined by each community council. For example, persons under 16 years of age. Such persons will not be counted in terms of meeting a quorum, or towards the total number of community council members.

7. Community Council Elections

7.1 Nominations and Elections

- i. The first elections to be held under the Scheme shall be held on 7 November 2019.
- ii. Subsequent elections will be held on the first Thursday of November on a three-yearly-cycle. Perth & Kinross Council will administer all elections.
- iii. Perth & Kinross Council will appoint an Independent Returning Officer.

7.2 Eligibility

- i. Candidates wishing to stand for election to a community council must meet the criteria for membership outlined in paragraph 6 of this Scheme. To be eligible to vote in a community council election the voter must reside and be named on the electoral register for that community council area.
- ii. Any community council member who no longer resides within that community council area is deemed to have resigned from that community council.
- iii. Any individual who is elected to serve on Perth and Kinross Council, or the Scottish, United Kingdom or European Parliament shall be ineligible to remain a community councillor, or to stand for election to a community council. Such persons, upon taking office, become *ex-officio* members of the community councils contained in whole or in part of their electoral constituency.

7.3 Nominations

- i. Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be resident and appear on the Electoral Register for that community council area. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.
- ii. A nomination form should be completed, the style of which will be determined by Perth & Kinross Council. Nomination forms require to be submitted by the date set down in the election timetable. No nomination forms submitted after that date will be accepted. Candidates are also invited to submit a Personal Statement with the nomination form. In the event that there are more nominations than vacancies in any area or sub-area, a candidate's personal statement will be published along with his or her name and address. Personal statements are limited to 50 words (in addition to name and address). Where no personal statement is submitted only the candidate's name and address will be printed.

7.4 Process

On the expiry of the period for lodging nominations:

- i. Should the number of candidates validly nominated equal or exceed the **MINIMUM** prescribed membership, but be less than or equal to the total number of vacancies, the said candidates will be declared to be elected unopposed and no ballot shall be held.

- ii. Should the number of candidates validly nominated exceed the number of vacancies, arrangements for a Poll shall be implemented. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the community council.
- iii. Should the number of candidates validly nominated, be below the **MINIMUM** of the total maximum permitted membership no community council will be established at that time. However, that does not preclude Perth & Kinross Council from issuing a second call for nominations for a community council area failing to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

7.5 Method of Election

Where appropriate, elections will take place across the Perth & Kinross Council area at one time, and with regard to the terms of paragraph 7.1 above. Community councils shall be elected on a simple majority basis.

7.6 Filling of casual places/vacancies between elections

Casual vacancies on a community council may arise in the following circumstances:

- i. When an elected community council member submits her/his resignation;
- ii. When an elected community council member ceases to be resident within that community council area;
- iii. When an elected community council member has her/his membership disqualified (paragraph 12 below).

Should a vacancy or vacancies arise on a community council between elections, it shall be a requirement that the community council undertake appropriate election arrangements, in consultation with Perth & Kinross Council. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. However, should circumstances arise that lead to the number of elected community councillors falling below the **MINIMUM** permitted membership, Perth & Kinross Council shall be informed and shall undertake arrangements for an interim election to be held.

7.7 Co-option to Community Councils

- i. Co-opted members must be eligible for membership to the community council as detailed within paragraph 7. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (general and interim). A co-option nomination form should be completed and submitted to Perth & Kinross Council for validating before the co-option can take place. Notice of any proposed co-option of a member should be included on the agenda for the next available meeting of the community council.
- ii. The number of co-opted members may not exceed a THIRD of the total community council membership and should be rounded up to the nearest figure. Should the ratio of co-opted to elected community councillors become greater than one third, due to any circumstances, an interim election process shall be triggered.
- iii. After 12 months from the date of their co-option to the community council the co-opted member will become a full member with the same rights and this full member will no longer be counted within the ratio of co-opted members.
- iv. Where a community council has sub-areas and there is a vacancy in a sub-area, a co-opted member to fill that vacancy must come from the sub-area.

8. Additional Membership

8.1 Associate Members

Associate members may be appointed by a community council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights.

Associate members may serve for a fixed period as determined by the community council or for the term of office of the community council that has appointed them.

Associate members may include representation from other constituted local voluntary organisations, young people, etc

An associate member does not require to reside within the community council area.

8.2 Ex-Officio Members

Local Authority Councillors, MPs, MSPs and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the community council area shall be deemed ex-officio members of the community council.

Ex-officio members shall have no voting rights and will not be entitled to be elected or nominated representatives of a community council.

For the avoidance of doubt, the attendance of any associate or ex-officio member at a meeting of the community council will not count towards the quorum for that meeting.

9. Resignations

- i. Resignations of members must be submitted in writing by hard copy or by electronic means to the Chairperson, stating the effective date of resignation. This is not permitted to be retrospective.
- ii. If the Chairperson resigns then he/ she should notify the Vice-Chair and Secretary in the same manner.
- iii. Any notification of resignation received should be acknowledged by the recipient within 7 days or at the next scheduled community council meeting whichever is soonest.
- iv. If a resignation is made during the course of a community council meeting and no written resignation is then submitted, if the resignation has been witnessed by the remainder of the members present at the meeting, then once formally minuted the resignation will stand.
- v. A resignation is final once noted and minuted during the course of business at a community council meeting.
- vi. If the member resigning is appointed as an office bearer, they must ensure that all records held by them on behalf of the community council, are passed to the nominated person appointed by the community council to replace them, within 7 working days of the effective date of resignation.

10. Equalities

Recognition should be given to the contribution of everyone participating in the work of the community council.

Community councils must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

Consideration must also be given by the community council as to their meeting place. This must be in terms of accessibility and facilities for disabled users, as well as location, as far as practicable, to ensure that the needs of the all members, visiting public or other additional members are met.

11. Complaints

A guidance note will be provided to assist community councils to deal with a complaint made against the community council or individual community council members.

12. Disqualification of Membership

- i. Members who cease to reside in the community council area will be deemed to have resigned.
- ii. If any member of a community council fails to attend 6 consecutive meetings (where the community council meets monthly) or 3 consecutive meetings (where the community council meets every 2/3 months, with or without submitting apologies, the community council shall advise Perth & Kinross Council, and terminate their membership. However, at the discretion of individual community councils, a period of leave of absence for community council members may be granted at any meeting of the community council.
- iii. Membership of a community council is invalidated should a community council member's name no longer appear on the electoral register for that community council area, except in the circumstances described at Section 6 v.

13. Meetings

13.1 First Meeting

The first meeting of a community council following a community council election will be called by one of the local elected members of Perth and Kinross Council and will take place within 28 days of the date of the election, or as soon as practicable thereafter.

The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing community council.

Adoption of a constitution by the community council and ratification by Perth & Kinross Council must follow within 2 months of the first meeting as described at Section 5.1 vi. above.

In the absence of the community council agreeing and signing their constitution and seeking ratification by Perth & Kinross Council, the community council shall not be constituted, and the community council members must abide by the standard constitution in the interim until they are constituted (Appendix 1)

13.2 Meeting Frequency

The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 3 ordinary meetings being held each year. The annual general meeting shall be held in the month of October each year. In an election year the first ordinary meeting after the election will involve the appointment of office bearers and adoption of constitution, standing orders and code of conduct as detailed at 13.1 above.

13.3 Quorum

The quorum for community council meetings shall be one third of the current voting membership of a community council, or 3 voting members, whichever is the greater.

13.3 Declaration of Interest

Whether before or during any meeting of a community council a member of that community council becomes aware that he/she or any person connected with him/her has an interest in or relating to any matter to be or being considered, he/she shall declare such interest. A member who has declared a financial interest, or a non-financial interest which he/she considers would cause a member of the public, knowing all the relevant facts and acting reasonably, to form the view that he or she might be influenced by that interest, shall withdraw from the meeting during such consideration and shall not speak or vote on any question relating to the matter. Such declarations of interest shall be recorded in the minutes of meeting.

13.4 Content of Business

An outline for the content of business that community councils should adhere to when holding ordinary, special and annual general meetings is contained within the Standing Orders (Appendix 2).

14. Liaison with Perth and Kinross Council

Correspondence between Perth & Kinross Council and the community councils should, in the first instance be directed through the appropriate Perth & Kinross Council Service.

Community councils may make representations to Perth & Kinross Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate Service official. On issues where a Perth & Kinross Council Service is consulting with community councils, representations should be made to the appropriate service officer.

However, in order to facilitate the effective functioning of community councils, Perth & Kinross Council has identified an official to act as a Liaison Officer with community councils on constitutional or general issues.

Community councils shall provide copies of their minutes within prescribed timescales via the Perth & Kinross Council's Liaison Officer as detailed in paragraph 5.2 iii. above.

15. Resourcing a Community Council

15.1 Financial Year

The financial year of each community council shall be provided for in the constitution of each community council and shall be from 1 September to 31 August in each succeeding year to allow for the proper submission of independently examined statement of accounts to the community council's annual general meeting on a specified date in October.

15.2 Annual Accounts

- i. The annual accounts of each community council shall be independently examined by at least one examiner appointed by the community council, who is not a member of the community council.

- ii. A copy of the independently examined statement of accounts/balance sheet shall be forwarded after the statement is approved at the community council's annual general meeting and no later than 28 February to Perth & Kinross Council's Liaison Officer.
- iii. The Liaison Officer may, at their discretion and in consultation with the Council's Chief Financial Officer, require the community council to produce such records, vouchers and account books, as may be required.
- iv. Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- v. Each community council shall be eligible to apply for grants for suitable projects through Perth & Kinross Council's grant system.
- vi. Subject to the submission of independently examined accounts, Perth & Kinross Council will provide an annual top-up administrative grant, to ensure that a community council has a minimum administrative grant bank balance of £700 at the end of the financial year. The administrative grant can be used to assist with the operating costs of the community council.
- vii. Perth & Kinross Council's Liaison Officer shall facilitate advice and assistance to community councils and arrange for the establishment of a training programme for community councils on the duties and responsibilities of community council office bearers, the role of community councils, the functions of Perth & Kinross Council and other relevant topics.

16. Liability of Community Council Members

A scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon Perth & Kinross Council advising the insurance underwriter of the establishment of a community council.

17. Dissolution of a Community Council

The terms for dissolution of a community council are contained within the Constitution.

Notwithstanding these terms, should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates (during which time the community council and Perth & Kinross Council have taken action to address the situation), Perth & Kinross Council shall take action to dissolve that community council.

Dated: January 2019

THIS IS THE FIRST SCHEDULE
Referred to in the foregoing SCHEME

**This schedule lists the community councils within Perth and Kinross Council within each
Local Partnership area**

Eastern Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
17	Blairgowrie and Rattray	8	15	-	7790	05/11/15
18	Mount Blair	4	7	-	781	05/11/15
19	Alyth	6	11	-	2453	01/02/18
20	Meigle & Ardler	5	9	-	754	Not established
21	Coupar Angus and Bendochy	4	8	Coupar Angus (7) Bendochy (1)	2002 1852 150	05/11/15
22	Kettins	5	9	-	513	05/11/15
37	Burrelton and District	5	9	-	2211	Not established
39	Scone and District	5	10	-	4487	05/11/15
43	Errol	5	9	-	1924	05/11/15
44	West Carse	4	7	-	1523	05/11/15
45	Inchtute	5	10	-	1749	05/11/15
52	Invergowrie and Kingoodie	5	10	-	1473	Not established
53	Longforgan	5	9	-	1244	05/11/15

Highland Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
9	Killiecrankie & Fincastle	4	7	-	228	05/11/15
10	Blair Atholl and Struan	3	6	Blair Atholl (4) Struan (2)	611 480 131	05/11/15
11	Rannoch and Tummel	4	8	Kinloch Rannoch (4) Rannoch West (2) Strathtummel West (2)	466 303 79 84	Not established
12	Aberfeldy	5	10	-	1611	05/11/15
13	Dull and Weem	3	6	-	425	05/11/15
14	Glenlyon and Loch Tay	3	6	Fearnan (3) Fortingall (2) Glenlyon (1)	364 170 131 63	05/11/15
15	Kenmore and District	4	8	Acharn (4) Kenmore (4)	228 125 103	05/11/15
16	Mid Atholl, Strathtay & Grandtully	4	7	-	886	05/11/15
32	Dunkeld and Birnam	5	10	-	1646	05/11/15
33	Spittalfield and District	4	7	Spittalfield/Glendelvine (2) Murthly (2) Clunie (1) Meikleour (1) Caputh (1)	1491 207 685 210 182 207	05/11/15

Highland Local Action Partnership Area/... cont.

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
35	Auchtergaven	4	7	-	1261	05/11/15
36	Luncarty, Redgorten & Moneydie	4	8	-	1590	05/11/15
38	Stanley	4	8	-	1409	25/02/16
51	Pitlochry and Moulin	5	9	-	2642	05/11/15

Kinross-shire, Almond and Earn Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
34	Methven	6	12	-	3786	05/11/15
40	Abernethy	5	9	-	1479	05/11/15
41	Glenfarg	6	12	-	901	05/11/15
42	Earn	7	13	Aberdalgie (1) Bridge of Earn & Dron (6) Craigend (1) Forgandenny (2) Forteviot (1) Path of Condie (1) Rhynd (1)	3620 115 2558 78 567 74 60 168	05/11/15
46	Kinross	6	11	-	4600	05/11/15
47	Portmoak	4	8	-	1152	05/11/15

Kinross-shire, Almond and Earn Local Action Partnership Area/.... cont

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
48	Cleish and Blairadam	4	8	-	591	05/11/15
49	Milnathort	4	8	-	2040	25/02/16
50	Fossoway	4	8	-	1535	05/11/15

Perth Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
1	Central	5	10	-	3743	Not established
2	Tulloch	5	9	-	4648	Not established
3	City South (incorporates Friarton/Craigie (3) & Viewlands (6))	7	13	-	11435	Not established
4	North Inch and Muirton	7	13	-	2241	28/09/17
5	Bridgend, Gannochy and Kinnoull	5	10	-	2953	05/11/15
7	Letham	5	9	-	7212	Not established
8	North Muirton	5	9	-	2411	05/11/15

Strathearn and Strathallan Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
23	Crieff	5	10	-	5778	05/11/15
24	East Strathearn	5	10	-	1086	05/11/15
25	Comrie and District	5	10	-	1998	05/11/15
26	St Fillans	3	6	-	170	05/11/15
27	Auchterarder and District	5	9	Aberuthven (1) Auchterarder (7) Glendevon (1)	4910 413 4342 155	05/11/15
28	Dunning	5	9	-	1078	05/11/15
29	Blackford	5	9	-	722	05/11/15
30	Muthill and Tullibardine	5	9	Muthill (6) Tullibardine (3)	1036 783 253	05/11/15
31	Braco and Greenloaning	3	6	-	942	05/11/15

* The maximum membership of a community council is the total number of members that the **individual** community council can have at any one time. The minimum number is the minimum number of members that that **individual** community council can have and if membership falls below that number this then triggers a by-election. This is different from the minimum/maximum membership as described at 6 i. above which is the minimum/maximum prescribed membership of community councils as a whole.

Appendix 1 – Constitution

COMMUNITY COUNCIL CONSTITUTION

1. Name

The name of the COMMUNITY COUNCIL shall be

.....
.....

(referred to as “the COMMUNITY COUNCIL” in this document).

2. Area of the Community Council

The area which the COMMUNITY COUNCIL shall represent shall be as described in the first schedule to the Scheme and as shown on the map annexed.

3. Objectives

The objectives of the COMMUNITY COUNCIL shall be:

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- (b) to express the views of the community to the local authority for the area to public authorities and other organisations;
- (c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- (d) to promote the well-being of the community and to foster community spirit;
- (e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in paragraph 5 of the Scheme of Establishment of Community Councils, approved by Perth & Kinross Council and the Community Councillors’ Code of Conduct.

5. Membership

The COMMUNITY COUNCIL'S membership is as governed by paragraph 6 of the Scheme for the Establishment of Community Councils and as determined from time to time by Perth & Kinross Council.

6. Method of Election

Election procedures shall be governed by the method of election laid down in paragraph 7 of the Scheme of Establishment of Community Councils.

7. Resignations

Resignation procedures shall be governed by the method of resignation laid down in paragraph 9 of the Scheme of Establishment of Community Councils.

8. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of members falling below the minimum number as specified in paragraph 7.6 of the Scheme of Establishment of Community Councils, and at least 6 months has passed since the last election, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- (a) fill the vacancy (and any other outstanding vacancies) by holding an interim election, administered by Perth & Kinross Council, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of vacancies.
- (b) fill the vacancy by co-opting a resident in terms of paragraph 7.7 of the Scheme of Establishment of Community Councils
- (c) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

9. Voting Rights of Members of the Community Council

The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all members whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members.

With the exception of circumstances which may arise under the Scheme of Establishment of Community Councils: paragraph 7.7 – Community Council Elections [Co-option]; and Constitution: paragraph 17 – Alterations to the Constitution and paragraph 18 – Dissolution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

In the event of a vote of the members that results in a majority not being achieved, the chairperson shall have a casting vote.

10. Election of Office-Bearers

- (a) The COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as required and at the Annual General Meeting in October in each year, except for in an election year when this should be done at the first meeting after the elections
- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (b) Without the express approval of Perth & Kinross Council, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

11. Committees of the Community Council

The COMMUNITY COUNCIL may appoint representatives to committees of the COMMUNITY COUNCIL and shall determine their composition, terms of reference, duration, duties and powers.

12. Meetings of the Community Council

- (a) The quorum for COMMUNITY COUNCIL meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- (b) Once in each year in the month of October the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chairperson's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- (c) Including the annual general meeting, the COMMUNITY COUNCIL shall meet not less than 4 times throughout the year.

- (d) Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following ordinary elections and thereafter at its annual general meeting. Special meetings shall require at least 10 days public notice, either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of Perth & Kinross Council has the discretion to call a meeting of the COMMUNITY COUNCIL.
- (e) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL. Draft minutes of community council's meetings must be presented to Perth & Kinross Council's Community Council Liaison Officer within 14 days from the date of that meeting. Minutes should be circulated, by whichever means the Community Council feels is appropriate, to community council members, elected members and other interested parties.
- (f) The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- (g) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 20 persons resident within the COMMUNITY COUNCIL area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the COMMUNITY COUNCIL.
- (h) The COMMUNITY COUNCIL can meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

13. Public Participation in the Work of the Community Council

- (a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 12(h), above) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the COMMUNITY COUNCIL, under the guidance of the Chairperson.

- (b) Notices calling meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of ten days before the date of any such meeting, and, where possible, be advertised by other suitable means.

14. Information to Perth and Kinross Council

Perth & Kinross Council's Liaison Officer shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed meeting dates, times and venues, which should be agreed at the COMMUNITY COUNCIL'S annual general meeting, minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and Perth & Kinross Council.

When special meetings of the COMMUNITY COUNCIL are to be held, Perth & Kinross Council's Liaison Officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

15. Control of Finance

- (a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by Perth & Kinross Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by Perth & Kinross Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.
- (b) The treasurer shall undertake to keep proper accounts of the finances of the community council.
- (c) Any two of three authorised signatories, who would normally be office-bearers of the COMMUNITY COUNCIL, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be co-habitees.
- (d) A statement of accounts for the last financial year, independently examined by one examiner appointed by the COMMUNITY COUNCIL, who is not a member of the COMMUNITY COUNCIL, shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and shall be available for inspection at a convenient location.

- (e) The financial year of the COMMUNITY COUNCIL shall be from 1 September until 31 August of the succeeding year. Independently examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to the local authority following approval at the community council's annual general meeting as detailed in paragraph 15.2 ii. of the Scheme of Establishment of Community Councils.

16 Title to Property

Property and other assets belonging to the COMMUNITY COUNCIL shall be vested in the Chair, Secretary and Treasurer of the COMMUNITY COUNCIL and their successors in these respective offices.

17 Alterations to the Constitution

Any proposal by the COMMUNITY COUNCIL to alter this Constitution must be first considered by a meeting of the COMMUNITY COUNCIL and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme of Establishment of Community Councils.

If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL and is approved in writing by Perth & Kinross Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

18 Dissolution

If the COMMUNITY COUNCIL by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve.

It is a requirement that not less than ten days prior to the date of such meeting a public notice be given by means of notification in the local newspaper. If the resolution is supported by a majority of those members present and qualified to vote and is approved by Perth & Kinross Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of Perth & Kinross Council, after the satisfaction of any proper debts or liabilities shall transfer to Perth & Kinross Council who shall hold same in Trust for a future COMMUNITY COUNCIL representing that area.

In the event that the COMMUNITY COUNCIL is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a COMMUNITY COUNCIL for the area, these electors shall submit a requisition to Perth & Kinross Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme of Establishment of Community Councils.

Where for any reason, the number of COMMUNITY COUNCIL members falls below the minimum specified in the Scheme of Establishment of Community Councils Perth & Kinross Council may, by suspending the Constitution of the COMMUNITY COUNCIL, cause the COMMUNITY COUNCIL to be dissolved and in this event, the procedures for the establishment of a new COMMUNITY COUNCIL being those identified in the immediately preceding paragraph hereof, shall be initiated.

19. Approval and adoption of the Constitution

This Constitution was adopted by

Community Council, on
(date)

.....
Chairman's signature

.....
Member's signature

.....
Member's signature

and was approved on behalf of Perth and Kinross Council on

..... (date)

.....
Signed (Perth & Kinross Council Officer)

Appendix 2 – Standing Orders

COMMUNITY COUNCIL

STANDING ORDERS

1. Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held on the/in the months of
.....

.....
.....

.....[to be entered]. Special meetings may be called at any time on the instructions of the Chairperson of the community council or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or on the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually.
- (b) The notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and Perth & Kinross Council's Liaison Officer by the Secretary of the COMMUNITY COUNCIL, at least 10 days before the date fixed for the meeting.
- (c) The taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings, or the making of any oral report on any proceedings as they take place, shall be permitted subject to the approval of the community council and advance notice of any recordings must be published on the agenda of all community council meetings.

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drafted up within fourteen days from the date of that meeting, distributed in accordance with paragraph 5.2 iii of the Scheme of Community Councils and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

3. Quorum

A quorum shall be one-third of the current voting membership of the COMMUNITY COUNCIL, or 3 voting members, whichever is the greater.'

4. Order of Business

(i) Ordinary Meeting

The order of business at every ordinary meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (c) Any other item of business, which the Chairperson has directed, should be considered.
- (d) Any other competent business.
- (e) Questions from the floor.
- (f) Chairperson to declare date of next meeting and close meeting.

(ii) Annual General Meeting

It will not be uncommon that the COMMUNITY COUNCIL has arranged for an ordinary meeting of the COMMUNITY COUNCIL to begin at the close of the annual general meeting, to enable any outstanding reporting on business matters to be heard; and for COMMUNITY COUNCIL members and members of the public to have an opportunity to bring matters to the attention of the COMMUNITY COUNCIL, possibly for inclusion on a future agenda.

The order of business at every annual general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (c) Chairperson's Annual Report (and questions from the floor).
- (d) Secretary's Annual Report (and questions from the floor).

- (e) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- (f) Demit of current office bearers/election of office bearers.
- (g) Chairperson to declare date of next annual general meeting and close meeting.

(iii) Extraordinary General Meeting

The order of business at every extraordinary general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) Business for debate, as described in the calling notice for the special meeting.
- (c) Chairperson to close meeting.

5. Order of Debate

- (a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and her/his ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, above. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then, or afterwards, fix.
- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Chairperson to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision.

6. Voting

- (a) Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, at an annual general meeting, the election of office bearers may be held by secret ballot.
- (b) The Chairperson of a meeting of the COMMUNITY COUNCIL shall have a casting vote as well as a deliberative vote.

7. Obstructive and Offensive Conduct

In the event of any member of the COMMUNITY COUNCIL or member of public disregarding the authority of the Chairperson of the meeting, or conducting themselves in a disruptive, obstructive or offensive manner, a motion may be moved and seconded to remove the individual from the remainder of the meeting.

Such a motion will be put to the meeting without discussion and if supported by a majority of members of the COMMUNITY COUNCIL present and voting will be declared carried. The individual will be required by the Chairperson to leave the meeting immediately.

8. Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to Perth & Kinross Council to be altered or added to at any time by the COMMUNITY COUNCIL, provided that notice of motion to that effect is given at the meeting of the COMMUNITY COUNCIL previous to that at which the motion is discussed. Perth & Kinross Council shall have final discretion on any proposed change.

9. Committees

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

10. Suspension of Standing Orders

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL members are present and then only if the mover states the object of his/her motion and if two-thirds of the COMMUNITY COUNCIL members present consent to such suspension.

Appendix 3 – Code of Conduct

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for community councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all community councillors and those representing the community council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a community councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Council's Scheme of Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You have a duty to establish and reflect, through the community council, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a community councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the community council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the secretary of the community council.

Objectivity

In all your decisions and opinions as a community councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your community council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and community council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law.

Community councillors will individually and collectively ensure that the business of the community council is conducted according to the Council's Scheme of Establishment of Community Councils and this Code of Conduct.

Community councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the community council as set out in the Councils Scheme of Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of community council business and for no other purpose.

Minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the community council as soon as possible after each meeting.

Any breach of the Council's Scheme of Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the media, members of the public, or others not directly involved in your community council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the community council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your community council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the community council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the community council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the community council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the community council is aware of them.

Respect

You must respect fellow members of your community council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a community councillor.

Recognition should be given to the contribution of everyone participating in the work of the community council. You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

Appointments to Committees/Outside Bodies

(i) Lifelong Learning Committee

Councillor J Duff to replace Councillor C Purves as Vice-Convener of the Lifelong Learning Committee.

(ii) Joint Negotiating Committee for Teaching Staff

Councillor J Duff to replace Councillor K Baird on the Joint Negotiating Committee for Teaching Staff.

(iii) Tayside Area Support team for the Children's Hearings System

Councillor J Duff to replace Councillor K Baird on the Tayside Area Support Team for the Children's Hearings System.

(iv) Tay District Salmon Fisheries Board

Councillor A Parrott to replace Councillor B Band as an observer on the Tay District Salmon Fisheries Board.

