

PERTH AND KINROSS COUNCIL  
COUNCIL MEETING  
27 FEBRUARY 2019

## **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 27 February 2019 at 11.00am.

Present: Provost D Melloy, Councillors C Ahern, H Anderson, A Bailey, K Baird, B Band (up to and including Art. 111), M Barnacle (up to and including Art. 114), P Barrett, B Brawn, R Brock, A Coates, H Coates, S Donaldson, D Doogan, E Drysdale, J Duff, A Forbes, T Gray (up to and including Art. 114), D Illingworth, I James, A Jarvis, G Laing, M Lyle, R McCall, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, C Reid (up to and including Art. 114), W Robertson (up to and including Art. 114), F Sarwar (up to and including Art. 113), 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); J Pepper, Depute Director (Education and Children's Services); K McNamara, Depute Director (Housing and Environment); G Fogg, S Hendry, S MacKenzie, S Walker, C Flynn, L Fleming, K Donaldson, D Stokoe, R Fry, M Willis, A Seggie and F Robertson (all Corporate and Democratic Services); J Chiles (Education and Children's Services); D Fraser (Perth and Kinross Health and Social Care Partnership).

Provost D Melloy, Presiding.

The Convener led the discussion for Arts. 103-108, 112-113 and 115-118 and the Vice-Convener for Arts. 109-111 and 114.

### **103. WELCOME AND APOLOGIES**

Provost Melloy welcomed all those present to the meeting.

### **104. DECLARATIONS OF INTEREST**

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

### **105. MINUTE OF PREVIOUS MEETING**

The minute of the meeting of Perth and Kinross Council of 19 December 2018 (Arts. 731-746/18) was submitted, approved as a correct record and authorised for signature.

### **106. MINUTES OF MEETINGS OF COMMITTEES FROM 28 NOVEMBER 2018 to 6 FEBRUARY 2019**

The decisions recorded in Arts. 674-730/18 and 1-70, copies of which had been circulated to all members of the Council, were submitted and noted.

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**107. TREASURY ACTIVITY AND COMPLIANCE REPORT – 2018/19 QUARTER 3**

There was submitted a report by the Head of Finance (19/58) (1) providing a summary of Loans Fund transactions for the quarter ending 31 December 2018; and (2) reporting on compliance with the Council's Treasury Management Policy Statement, Treasury Management Practices and the Investment Strategy.

**Resolved:**

The contents of Report 19/58, submitted in accordance with the Council's approved Treasury Management Practices, be noted.

**108. TREASURY AND INVESTMENT STRATEGY AND PRUDENTIAL INDICATORS 2019/20 - 2028/29**

There was submitted a report by the Head of Finance (19/59) detailing the Council's proposed Treasury Strategy and activities for 2019/20 to 2028/29 and the Investment & Property Strategy for 2019/20.

**Resolved:**

- (i) The ten year Treasury Strategy for 2019/20 to 2028/29, as detailed in Report 19/59, submitted in accordance with the Council's approved Treasury Management Practices, be approved.
- (ii) The Permitted Investments and Investment Strategy for 2019/20, outlined in Sections 5 and 6 and detailed in Appendices III and IV of Report 19/59, be approved.
- (iii) The Prudential Indicators, including increasing the Authorised Limit to £900M, as outlined in Section 9 and detailed in Appendix V of Report 19/59, submitted in accordance with the CIPFA Prudential Code, be approved.

**109. AUDIT OF BEST VALUE AND COMMUNITY PLANNING - PERTH AND KINROSS COUNCIL SELF-EVALUATION**

There was submitted a report by the Chief Executive (19/60) providing 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.

**Resolved:**

- (i) The position with regard to the forthcoming Audit of Best Value and Community Planning by Audit Scotland, as set out in Report 19/60, be noted.
- (ii) The written self-evaluation, as contained in Appendix 1 to Report 19/60, be approved.
- (iii) The next steps, outlined in paragraph 3.3 of Report 19/60, be approved.
- (iv) The Chief Executive be remitted, 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.

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**110. INSPECTION OF COMMUNITY LEARNING DEVELOPMENT SERVICES IN PERTH CITY SOUTH AND COMMUNITY LEARNING AND DEVELOPMENT PLAN 2019-2022**

There was submitted a report by the Depute Chief Executive (19/61) (1) setting out findings and improvement actions arising from an inspection by Education Scotland of Community Learning and Development services in Perth City South, August-September 2018; and (2) seeking approval of a new Community Learning and Development Plan 2019-22.

**Resolved:**

- (i) The inspection findings, summarised in paragraph 2.2 of Report 19/61, be noted.
- (ii) The Community Learning and Development Plan 2019-22, attached as Appendix 1 of Report 19/61, be approved and the strengthened governance and monitoring arrangements for Community Learning and Development, set out in paragraphs 2.3 and 3.4 of Report 19/61, be noted.

**111. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK 2017/18**

There was submitted a report by the Depute Chief Executive (19/62) presenting 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.

**Resolved:**

- (i) The Local Government Benchmarking Framework results for 2017/18, as set out in Report 19/62, be noted.
- (ii) It be noted that the Local Government Benchmarking Framework results would be used to inform the development of the Council's Transformation Programme and the Council's wider performance management and planning framework.

COUNCILLOR B BAND LEFT THE MEETING AT THIS POINT.

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

**112. TAY CITIES DEAL GOVERNANCE ARRANGEMENTS - PROPOSED JOINT COMMITTEE GOVERNANCE AGREEMENT**

There was submitted a report by the Depute Chief Executive (19/63) (1) seeking 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 the Minute of Agreement approved by Council 16 August 2017; (2) noting the legal requirement for the Constituent Authorities to defray the operating costs of the Tay Cities Region Joint Committee; and (3) seeking agreement of the contribution sum as set out in the Governance Agreement.

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**Motion (Councillors M Lyle and P Barrett)**

- (i) **The terms of the proposed Governance Agreement setting out the governance arrangements for the Joint Committee, as attached at Appendix A to Report 19/63, be approved.**
- (ii) **Officers be delegated authority to negotiate and agree other minor amendments as appropriate.**
- (iii) **It be agreed 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 Section 58 of the Local Government (Scotland) Act 1973.**

**Amendment (Councillors C Stewart and C Purves)**

Council agrees the recommendations in 2.2(ii) and (iii) of report 19/63.

Council agrees the recommendation in 2.2(i) of report 19/63, except sections 1.1 and 7.1 of the draft Governance Agreement (Appendix A to the report); now that the detail of the Deal is known Council believes that Perth & Kinross Council would be best placed to take forward that Deal for the region as a whole and therefore asks that the other constituent authorities re-consider the role of Dundee as lead authority and consider whether Perth and Kinross Council would be a more appropriate Lead Authority.

Following a suggestion by Councillor G Laing, the mover and seconder of the amendment agreed to incorporate additional wording that there be appropriate scrutiny provision of the proposed arrangements.

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

19 members voted for the Motion as follows:

Councillors C Ahern, K Baird, P Barrett, B Brawn, A Coates, H Coates, D Doogan, E Drysdale, J Duff, A Forbes, T Gray, M Lyle, R McCall, A Parrott, W Robertson, C Shiers, L Simpson, and W Wilson ; and Provost D Melloy.

19 members voted for the Revised Amendment as follows:

Councillors H Anderson, A Bailey, M Barnacle, R Brock, S Donaldson, I James, A Jarvis, G Laing, S McCole, X McDade, T McEwan, B Pover, C Purves, J Rebbeck, C Reid, F Sarwar, C Stewart, R Watters and M Williamson.

1 member Abstained as follows:

Councillor D Illingworth

In terms of Standing Order 56, the Provost exercised a casting vote in favour of the Motion.

**Resolved:**

In accordance with the Motion.

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**113. EU EXIT UPDATE**

There was submitted a report by the Executive Director (Housing and Environment) (19/64) providing a brief update on the preparations underway to prepare the Council for the potential implications of the UK exist from the European Union.

Motion (Councillors M Lyle and P Barrett)

- (i) The contents of Report 19/64 be noted.
- (ii) It be agreed that any significant impact for the Council in relation to the EU Exit arrangements be reported back to the Council.

Following a suggestion by Councillor D Doogan, the mover and seconder of the Motion agreed to incorporate the additional wording to the motion:

- (iii) The Leader of the Council to request that the Secretary of State for Scotland convenes a meeting within the east of Scotland European consortium area, before Brexit, to discuss the concerns of our seven Councils, and to share the latest contingency planning of his UK government colleagues.

**Resolved:**

In accordance with the Revised Motion.

COUNCILLOR F SARWAR LEFT THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

**114. SCOTTISH GOVERNMENT CONSULTATION ON PRISONER VOTING**

There was submitted a report by the Chief Executive (19/65) setting 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.

Motion (Councillors M Lyle and P Barrett)

- (i) **The impending changes to the entitlements for some prisoners to vote in Scottish Parliament and Local Government Elections, as set out in Report 19/65, be noted.**
- (ii) **The proposed response to the Scottish Government Consultation, as set out in Appendix 2 of Report 19/65, be approved.**

1<sup>st</sup> Amendment (Councillors A Parrott and J Rebbeck)

That the proposed Perth and Kinross Council response to the Consultation on Prisoner Voting be amended as follows:

Question 3 – Delete 12 months or less. Insert Another Duration.

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Question 4 – Insert text as follows:-

Anyone sentenced to a term of imprisonment of up to 5 years should retain their voting rights throughout their sentence.

Anyone sentenced to a term of imprisonment of longer than 5 years should regain their voting rights at that point where it is expected that they will serve no more than 5 further years in prison.

2<sup>nd</sup> Amendment (Councillors C Purves and C Stewart)

That the Council does not approve the proposed response to the Scottish Government Consultation as set out in Appendix 2 of Papers 12 (reports 19/65) and believes that prisoners serving a custodial sentence should not be granted the right to vote in elections and referenda.

The Council believes that those who break the law and who are convicted of a crime severe enough to warrant a prison sentence should lose their right to influence how the laws of this country are determined for so long as they remain in prison, and that the disenfranchisement of prisoners for the duration of their custodial sentence is therefore a reasonable and proportionate response to those who have broken the social contract.

The Council notes the Scottish Government's plans to extend the presumption against custodial sentences to those less than twelve months and that those continuing to receive shorter prison sentences will be deemed not able to be rehabilitated in the community.

The Council agrees with the UK Government's approach to the issue, whereby some prisoners may vote in certain circumstances such as those on remand, those in contempt of court, those who have defaulted on paying fines and those released on temporary licence and notes that this approach has satisfied the Council of Europe.

The Council instructs officers to respond to the Scottish Government's consultation to the above effect.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 3.55PM.

**Note:** The Mover and Seconder of the 2<sup>nd</sup> Amendment agreed to adjust the fourth paragraph, removing the last line with the sentence now ending at the word "licence".

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

17 members voted for the 1<sup>st</sup> Amendment as follows:

Councillors H Anderson, A Bailey, P Barrett, S Donaldson, D Doogan, E Drysdale, A Forbes, T Gray, G Laing, S McCole, T McEwan, A Parrott, B Pover, J Rebbeck, R Watters, M Williamson and W Wilson.

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15 members voted for the Revised 2<sup>nd</sup> Amendment as follows:

Councillors K Baird, M Barnacle, B Brawn, R Brock, A Coates, H Coates, J Duff, D Illingworth, I James, A Jarvis, X McDade, C Purves, C Reid, C Shiers and C Stewart.

6 members Abstained as follows:

Councillor C Ahern, M Lyle, R McCall, W Robertson and L Simpson; and Provost D Melloy.

Thereafter, the 1<sup>st</sup> Amendment became the substantive Amendment.

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

18 members voted for the Motion as follows:

Councillors C Ahern, K Baird, P Barrett, A Coates, S Donaldson, J Duff, A Forbes, D Illingworth, I James, G Laing, M Lyle, R McCall, X McDade, C Reid, W Robertson, L Simpson and W Wilson; and Provost D Melloy.

12 members voted for the Amendment as follows:

Councillors H Anderson, A Bailey, D Doogan, E Drysdale, T Gray, S McCole, T McEwan, A Parrott, B Pover, J Rebbeck, R Watters and M Williamson.

8 members Abstained as follows:

Councillors M Barnacle, B Brawn, R Brock, H Coates, A Jarvis, C Purves, C Shiers and C Stewart.

**Resolved:**

In accordance with the Motion.

In terms of Standing Order 60, the following members asked for their dissent to be recorded at the decision: Councillors D Illingworth, A Jarvis, H Coates, C Stewart, C Purves, C Shiers, B Brawn and X McDade.

COUNCILLORS M BARNACLE, W ROBERTSON, C REID AND T GRAY LEFT THE MEETING AT THIS POINT.

**115. REVIEW OF PARLIAMENTARY CONSTITUENCY POLLING DISTRICTS AND POLLING PLACES**

There was submitted a report by the Depute Chief Executive (19/66) seeking 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.

**Resolved:**

- (i) It be agreed that Option 1, Railway Staff Club, Feus Road, Perth, be allocated as the temporary polling place for parliamentary polling districts PLI and PLJ.
- (ii) A review of the temporary polling place to take place as part of the full review of parliamentary constituency polling districts and polling places when it

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proceeds after Westminster boundary proposals have gone through Parliament.

**116. REVIEW OF SCHEME OF ESTABLISHMENT FOR COMMUNITY COUNCILS IN PERTH AND KIRNOSS - OUTCOME OF STATUTORY PUBLIC CONSULTATION EXERCISE**

There was submitted a report by the Head of Culture and Communities Service (19/67) (1) updating members on the statutory public consultation exercise on the proposed amendments to the Scheme of Establishment of Community Councils and other associated documents; (2) providing information on requests to change some community council boundaries for the Perth and Kinross area; (3) seeking approval of the amendments to the documentation; and (4) seeking conditional approval of the proposed boundary changes, subject to agreement from all other affected Community Councils.

**Resolved:**

- (i) The Scheme of Establishment for Community Councils for Perth and Kinross, as set out in Appendix 1 of Report 19/67, be adopted.
- (ii) The reduction in the maximum membership level of Crieff Community Council, as set out in Report 19/67, be agreed.
- (iii) The proposed boundary changes, set out in Report 19/67, and subject to agreement by all community councils affected, be agreed.
- (iv) The proposal by Killiecrankie and Fincastle Community Council to extend their boundary to include part of Rannoch and Tummel Community Council area, as set out in Report 19/67, be agreed.
- (v) The change of name of Milnathort Community Council to Milnathort and Orwell Community Council be agreed.

**117. APPOINTMENTS TO COMMITTEES/OUTSIDE BODIES**

**Resolved:**

- (i) It be noted that this item had been withdrawn from the agenda.
- (ii) Joint Negotiating Committee for Teaching Staff  
Councillor J Duff to replace Councillor K Baird on the Joint Negotiating Committee for Teaching Staff.
- (i) 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.
- (iii) Tay District Salmon Fisheries Board  
Councillor A Parrott to replace Councillor B Band as an observer on the Tay District Salmon Fisheries Board.



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**118. TIMETABLE OF MEETINGS OF 2019**

**Resolved:**

The Scrutiny Committee meeting of 11 September 2019 to now take place on 18 September 2019 commencing at 1.00pm.

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