

PERTH AND KINROSS COUNCIL

Minute of meeting of Perth and Kinross Council held virtually on Wednesday 9 March 2022 at 9.30am.

Present: Provost D Melloy, Councillors C Ahern, A Bailey, K Baird, M Barnacle, L Barrett, P Barrett, B Brawn, R Brock, A Coates, H Coates, S Donaldson, E Drysdale, J Duff, A Forbes, T Gray, D Illingworth, I James, A Jarvis, G Laing, M Lyle, I Massie, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, C Reid, W Robertson, C Shiers, L Simpson, F Smith, C Stewart, R Watters, M Williamson and W Wilson;

In Attendance: T Glen, Chief Executive, B Renton Executive Director (Communities); C Mailer, Depute Director (Communities); S Devlin, Executive Director (Education and Children's Services); J Pepper, Depute Director (Education and Children's Services)/Chief Social Worker; E Ritchie, F Robertson, D Littlejohn, G Fogg, S Hendry, S Mackenzie, S Walker, A Brown, M Pasternak, L McGuigan and B Parker (all Corporate and Democratic Services);

Apologies for Absence: Councillors R McCall and F Sarwar.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillors J Rebbeck, B Brawn and T McEwan all declared a non-financial interest in Item 5.

A1. REQUEST FOR DEPUTATION

In terms of Standing Orders, Council agreed to the deputation requests in relation to Item 5.

3. NOTICE OF MOTION IN TERMS OF STANDING ORDER 8.4(C)

In terms of Standing Order 8.4(c) the Provost confirmed that he had agreed to consider this motion as an urgent item of business at this meeting in order to avoid the need to call a further special meeting.

Motion (Councillors X McDade and G Laing)

That this Council agrees the following:

Given the decision by the Russian Federation to launch an unprovoked attack on its neighbour Ukraine, our government and governments around the world have rightly denounced these actions and called for severe economic and political sanctions against Russia and for military and humanitarian aid to the government and people of Ukraine. In addition, there has been moves to suspend Russia from sporting and cultural competitions around the world.

Perth City has been twinned with the Russian city of Pskov since 1991. Twinning offers an opportunity to build positive civic relations between two local governments in different countries with an aspiration of creating cultural links between their respective communities.

It is important to demonstrate to the Ukrainian citizens living in Perth & Kinross that we do not support the invasion of their homeland or Russia's attack on a free and democratic European nation. For sanctions to be effective they must isolate the aggressor economically and culturally to have the maximum impact and cause the Russian Government to change course. It would therefore be inappropriate to maintain civic ties with Russia whilst they are occupying a sovereign country and threatening European security.

The Council appreciates that many Russian citizens including many living in Perth & Kinross do not support the invasion and some brave Russians have risked their personal safety to protest the Russian Government's actions. We stand in solidarity with them. However, to support them in applying pressure to the Russian government we must apply all the economic and cultural sanctions available to encourage a change of direction.

Perth & Kinross Council has limited opportunities to support the Ukrainian people, but we are determined to do all within our power to assist them and as such the Council agrees the following:

- Council to suspend the twinning of Perth City with Pskov Russia until such time as Russia ends its unwarranted attack and withdraws from the Ukraine. The Provost is instructed to write to the Pskov administration and express the Councils position.***
- No formal invites to be issued to the Russian Ambassador or Consul General until such time as Russia ends its unwarranted attack and withdraws from the Ukraine. Instructs the Leader of the Council to write to the Ambassador and Consul General to inform them of the Councils decision and express our condemnation of the Russian Federations illegal actions.***
- To "adopt" a Ukrainian city to direct our local support efforts towards with a long-term aspiration to twin with them after the conflict is over.***
- Express that Perth & Kinross will welcome Ukrainian refugees and will work with the Scottish & UK Governments to make arrangements to support their arrival.***

- ***Following an end of hostilities to seek to deepen relations and cultural links with all our twin towns and cities, promoting the values of free speech, democracy, peace and cooperation.***
- ***To fly the Ukrainian flag from the Council Chambers as a visible demonstration of our solidarity.***

Amendment (Councillors P Barrett and L Barrett)

Addendum to Motion

Council Notes

- 1) ***the Council is not authorised to provide direct relief to charities abroad,***
- 2) ***the basis of S83(3) of the Local Government (Sc) Act 1973 which states “A local authority may, . . . incur expenditure on contributions to any of the following funds, that is to say—(a) the funds of any charitable body in furtherance of its work in the United Kingdom;...”***

Council further agrees that a donation of £10,000 is made to the Disasters Emergencies Committee (DEC) to fund its member charities’ UK-based activities in recognition of the considerable strain the crisis in Ukraine has placed on the resources of these charities.

The mover and seconder of the Motion agreed to incorporate the Amendment into the Motion.

The mover and seconder of the Revised Motion also agreed to incorporate the following suggestion from Councillor J Duff into the Revised Motion:

The end of paragraph 4 of the motion to be amended as follows: “..... a free and democratic European nation. The Council also recognises the courage and determination of the Ukrainian people in fighting this deplorable and unjustified attack on their country and wishes to express its strong support for Ukraine, its sovereignty, and its territorial integrity.

Resolved:

In accordance with the Revised Motion.

4. MINUTE OF MEETING OF PERTH AND KINROSS COUNCIL OF 15 DECEMBER 2021

The minute of the meeting of Perth and Kinross Council of 15 December 2021 be approved as a correct record, subject to including S Devlin, Executive Director (Education and Children’s Services) in the list of those present.

THE DEPUTE PROVOST LED ON THE FOLLOWING ITEMS

5. NOTICE OF MOTION IN TERMS OF STANDING ORDER 10.1

Motion (Councillors E Drysdale and R Watters)

This Council fully recognises the autonomy of the Trustees of Live Active Leisure (LAL) to operationally manage the provision of sports and leisure services to the communities of Perth & Kinross, crucially that this is in accordance with its Service Level Agreement with this local authority and in accordance with LAL's own business imperatives. Further, this Council is well aware of the challenges associated with so doing, which have been exacerbated both by the effects of the Covid pandemic and the limitations of financial support which the Council, Scottish Government and UK Government have been able to provide. The Council places significant emphasis on the importance of the services currently offered by LAL, especially right now as we begin to emerge from 2 years of a pandemic that has taken its toll on the physical and mental health of many of us.

However from information provided by officers as part of the recent budget process, it has come to my attention that the proposed termination of gym facilities at Rodney Centre, Perth, within my ward, in a few weeks' time – with the consequential removal of the highly regarded sprung floor in the coaching hall at Bell's Sports Centre (also within my ward) to accommodate transfer of these facilities – appears to directly contravene the terms of the Service Level Agreement between LAL and the Council, at Clause 2.3 which states:-

The Service Provider shall be under an obligation to supply the PSO Services from the Service Provider Properties, the Properties and the Outdoor Centres and the Service Provider shall not be entitled to terminate the supply of PSO Services from any such venues without the prior written consent of the Authority (such consent not to be unreasonably withheld or delayed).

Council is therefore asked to agree to instruct officers to remind LAL Trustees of this legal requirement. Council is further asked to instruct officers to obtain assurance from LAL that PSO services will continue to be provided at the Rodney Centre in accordance with the Service Level Agreement, unless and until agreed otherwise by this Council at a future meeting.

Mr Brown and Mr Munro, followed by Mr Cromwell and Mr Maclehose, on behalf of Live Active Leisure, addressed Council via audio conference and answered a number of questions from elected members.

Resolved:

In accordance with the Motion.

Note: Councillor T McEwan recorded his dissent at the decision.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 12.15PM

6. SCOTTISH GOVERNMENT CONSULTATION: DRAFT NATIONAL PLANNING FRAMEWORK 4

There was submitted a report by the Head of Planning & Development and Chief Planning Officer (22/46) (1) outlining the key elements of the Draft National Planning Framework 4 (NPF4) which sets out the Scottish Government's long-term plan for Scotland, identifying where development and infrastructure is needed and the policies required to deliver it; and (2) seeking approval for the proposed response to the consultation and for it to be submitted to Scottish Ministers thereafter.

Motion (Councillors M Lyle and J Duff)

- (i) The detailed responses to the consultation questions, as set out in Appendix 1 to Report 22/46, be approved.***
- (ii) Any formatting and presentational changes to the document be delegated to the Head of Planning & Development prior to its submission to Scottish Ministers.***

Amendment (Councillors C Stewart and M Barnacle)

To include in appropriate sections:

- 1. PKC suggests that the NPF is backed up by a delivery strategy which incorporates a clear commitment from key public sector and statutory stakeholders (including but not limited to Transport Scotland, Scottish Water, NHS territorial boards and electricity network operators) to fully engage at all stages of the planning process, including the development plan stage.***
- 2. PKC recognises that there is a need to improve public and developer confidence in the planning process. The Council recommends that the NPF should task LDPs to set out in greater detail what both the public and developers can expect to be delivered on any identified LDP site. Furthermore any exceptions from the design principles for a site (for example on flood risk, environmental or flooding matters, or density/capacity) need to be fully justified to the satisfaction of the planning authority during the application process, and where a development does not comply with the LDP then it must be treated as significantly contrary to the local development plan. Further clarity on this issue should be provided within the Draft Guidance on Local Development Planning, specifying the obligation on developers and landowners to work with the planning authority to provide sufficient site analysis to enable informed decisions to be made on the design guidance to be provided within the LDP.***

Taking these two points together, PKC believes that these additions to the NPF would provide greater certainty for developers, planners, communities and elected members through the whole planning process from the preparation of an LDP right through to the delivery stage of individual developments.

The mover and seconder of the Motion agreed to incorporate the Amendment into the Motion.

Resolved:

In accordance with the Revised Motion.

THE PROVOST LED ON THE FOLLOWING ITEM.

7. TREASURY & INVESTMENT STRATEGY AND PRUDENTIAL INDICATORS 2022/23 – 2027/28

There was submitted a report by the Head of Finance (22/47) detailing the Council's proposed Treasury Strategy for 2022/23 to 2027/28, the Investment & Property Strategy for 2022/23 and Prudential Indicators for 2022/23 to 2027/28.

Resolved:

- (i) The 6-year Treasury Strategy for 2022/23 to 2027/28, as detailed in Report 22/47, which is submitted in accordance with the Council's approved Treasury Management Practices (TMP), be approved
- (ii) The Permitted Investments and Investment Strategy for 2022/23, as outlined at Section 5 of Report 22/47 and detailed at Appendix III, be approved.
- (iii) The Property Investment Strategy for 2022/23, as outlined at Section 6 of Report 22/47 and detailed at Appendix IV, be approved
- (iv) The proposed Prudential Indicators for 2022/23 to 2027/28, including the proposed increase to the Authorised Limit for borrowing to £1.2 billion, as outlined at Section 9 of Report 22/47 and detailed at Appendix V, be approved.

THE DEPUTE PROVOST LED ON THE FOLLOWING ITEMS.

8. CORPORATE PARENTING UPDATE AND PLAN

There was submitted a report by the Executive Director (Education and Children's Services) (22/48) (1) giving an update of the progress made in relation to the Corporate Parenting Plan 2017-2020; and (2) setting out the Perth and Kinross Corporate Parenting Plan 2021-2024.

Resolved:

- (i) The progress made in the delivery of corporate parenting actions be noted.
- (ii) The Perth and Kinross Corporate Parenting Plan for 2021-2024 be agreed.
- (iii) It be agreed that training on the role of a corporate parent be part of the elected members induction.

9. PETITIONS PROCEDURE

There was submitted a report by the Head of Legal and Governance Services (21/248) presenting the petitions procedure for approval as an appendix to the Council's Standing Orders.

Motion (Councillors M Lyle and J Duff)

- (i) *The petitions procedure, as set out in Appendix 1 to Report 21/248, be approved.***
- (ii) *The petitions procedure be formally incorporated into the Council's approved Standing Orders.***

Amendment (Councillors A Bailey and X McDade)

Replace 3.2 with:

Council resolves to:

- i) *Approve the petitions procedure presented in Appendix 1 whilst incorporating the following amendments;***
 - a. *Section 3 "Issues that are not considered appropriate for the Petitions Procedure": delete "Matters which have been the subject of a decision taken by the Council, a committee or joint committee within the past 6 months." Standing Orders to be formally updated to reflect this position.***
 - b. *Section 2 "Issues that can be considered": final sentence to be amended to say that the final decision on whether a petition is to be considered will be taken by the relevant Committee Convener, in consultation with the Head of Legal and Governance Services (other than those matters that fall under the last point of Section 3).***
- ii) *formally incorporate the petitions procedure into the Council's approved Standing Orders***

The mover and seconder of the Motion agreed to incorporate the Amendment into the Motion.

Resolved:

In accordance with the Revised Motion.

10. UPDATES TO SCHEME OF ADMINISTRATION

Council agreed to the updates to the Scheme of Administration as set out on the agenda.