

SCRUTINY COMMITTEE

Minute of meeting of the Scrutiny Committee held virtually via Microsoft Teams on Monday 9 February 2022 at 9.30am.

Present: Councillors A Parrott, L Barrett, H Coates, D Illingworth, A Jarvis, G Laing (substituting for Councillor F Sarwar), X McDade, T McEwan (Substituting for Councillor S McCole), C Reid, F Smith, C Stewart and W Wilson.

Apologies: Councillors S McCole, I Massie and F Sarwar.

In Attendance: B Renton, Executive Director (Communities); S Devlin, Executive Director (Education and Children's Services); C Mailer, Depute Director (Communities); J Pepper, Depute Director (Education and Children's Services); F Robertson and K Johnston (communities); K Donaldson, L Simpson, D Williams, A Brown, A McMeekin, L McGuigan and M Pasternak (all Corporate and Democratic Services).

Councillor A Parrott, Vice-Convener, Presiding.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

Councillor Jarvis declared a non-financial interest in items 4(i) and (ii).
Councillor Parrott declared a non-financial interest in Item 4(i).
Councillor T McEwan declared a non-financial interest in Item 4(ii)

3. MINUTE OF MEETING OF THE SCRUTINY COMMITTEE OF 29 NOVEMBER 2021

The minute of meeting of the Scrutiny Committee of 29 November 2021 was submitted and approved as a correct record.

Whilst accepting the accuracy of the minute of the meeting, Councillor Stewart raised a number of queries regarding the minute.

- With regards to Scrutiny Reviews (under Item 3), Councillor Stewart raised matters regarding timeliness of reporting to Scrutiny Committee prior to the forthcoming pre-election regulated period and with regards to political balance within the Review Sub-Group.
- With regards to Business Gateway (Item 7), raised commitments given to members regarding the circulation of both Chief Executive correspondence and the Memorandum of Understanding to members of the Scrutiny Committee, and further that the replacement contract for the project management of Business Gateway would either come back to the Scrutiny

Committee or the Strategic Policy and Resources Committee before March 2022.

4. UPDATE BY ARMS LENGTH EXTERNAL ORGANISATIONS

(ii) Culture Perth and Kinross

There was a slide-based presentation delivered by H Smout, and J Findlay QC, Board Member, and H Revill, Finance Manager, Culture Perth and Kinross. During the presentation, the representatives of Live Active Leisure Ltd. made specific reference to health and wellbeing services, returning visitor numbers, performance in 2021-22, and continued development.

Members sought assurance on matters such as marketing to attract both new and returning visitors, Covid-relief funding, marketing and repeat visitors.

The Convener thanked H Smout and J Findlay QC, Culture Perth and Kinross, for their attendance.

(i) Update by Horsecross Arts Ltd.

There was a slide-based presentation delivered by Nick Williams, Chief Executive, Willie Anderson, Head of Finance and Administration, Horsecross Arts Ltd. During the presentation, the representatives of Horsecross Arts Ltd. made specific reference to ticket sales in terms of both new sales and rescheduled shows, Covid impact, Quarter 3 performance and future approaches with regards to financial reporting and marketing.

Members sought assurance on matters such as equipment and energy costs, accessibility of Perth Youth Theatre to all young people, and equipment.

The Convener thanked Nick Williams and Willie Anderson, Horsecross Arts Ltd for their attendance.

5. SCRUTINY REVIEWS UPDATE

The Vice-Convener delivered a verbal update in relation to the ongoing Scrutiny Review regarding the Judicial Review into the Abernethy School Closure, with the below forming an Agenda Note issued to Committee members prior to the meeting.

'With relation to the agreement of the Scrutiny Committee of 9 September 2020, the Committee are advised that meetings of the scrutiny Review Sub-Group regarding the Judicial Review into the Abernethy School Closure have begun to convene, and

the process is ongoing. It is asked that Committee note the following Terms of Reference for the Review, as agreed by the Sub-Group:

Scope:

To consider the process followed, consultations and decisions made from receipt of the call-in letter from Scottish Ministers to the decision to seek permission to proceed with a judicial review;

Timescale:

Primarily, the period 16 July 2019 (Receipt of letter from Scottish Ministers) to 7 August 2019 (Decision to proceed with a judicial review) but also considering such further information thereafter relating to the prospects for the case, up to the date of the commencement of the hearing.'

In addition to the Agenda Note, Councillor Parrott advised that the Review Sub-Group had begun to meet, with further meetings scheduled, after which the Review Sub-Group would consider a Report to be brought to a future meeting of the Scrutiny Committee.

Councillor McDade requested to bring before Committee an Emergency Motion under Standing Order 10, regarding procedures of the Review. Councillor Parrott advised that, as he was not aware of any matters raised with the Convener regarding this, he did not consider this to be a matter of urgency and declined the request.

Councillor Stewart raised a query with regards to the status of a further Scrutiny Review regarding funding for external bodies during the Emergency Powers period, Councillor Parrott advised that whilst further detail had not been brought forward, matters were being progressed in this regard.

With regards to a query raised by Councillor McDade regarding the membership of the Review Sub-Group, Councillor Parrott confirmed that he was Chairing the Review Sub-Group for the duration of the indefinite absence of the Convener. Members were also advised that the Sub-Group was comprised of present members of the Scrutiny Committee who were not part of the original decision of Lifelong Learning Committee who voted on the closure of Abernaye Primary School, with Councillor Parrott further clarifying that the Review was not on the matter of the closure of Abernaye Primary School, but to consider the process followed, consultations and decisions made from receipt of the call-in letter from Scottish Ministers to the decision to seek permission to proceed with a judicial review.

In response to queries and comments from members, K Donaldson advised that at the two meetings of the Review Sub-Group held to date, members of the Sub-Group had agreed upon a Terms of Reference and progression had been made on this matter. K Donaldson also advised that Scrutiny is a non-political body and that there was no requirement for political balance on the Review Sub-Group.

Councillor Wilson wished to have noted that he was dissatisfied with the Review process, in addition to what he considered to be a lack of debate held at this meeting.

Councillors Barrett, McDade and Wilson wished to record his dissent regarding the process and progress regarding the Review Sub-Group, and also the decision to not allow an Emergency Motion.