

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
26 JUNE 2013

COUNCIL MEETING

Minute of meeting of Perth and Kinross Council held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 26 June 2013 at 2.00pm.

Present: Provost E Grant, Councillors H Anderson, R Band, R Brock , I Campbell, J Coburn, A Cowan, D Cuthbert, D Doogan, B Ellis, J Flynn, A Gaunt, J Giacomazzi, C Gillies, A Grant, T Gray, K Howie, A Jack, J Kellas, G Laing, M Lyle, E Maclachlan, A MacLellan, D Melloy, I Miller, A Munro, D Pover, M Roberts, W Robertson, C Shiers, L Simpson, A Stewart, H Stewart, B Vaughan, G Walker, M Williamson, W Wilson, and A Younger.

Also Attending: B Malone (Chief Executive); G Taylor, J Symon, I Innes, C Flynn, R Fry, L Simpson and S Hendry (all Chief Executive's Service); J Walker, Depute Director (Housing and Community Care); A Taylor, K Fraser and P Graham (all Housing and Community Care); J Fyffe, Depute Chief Executive and Executive Director (Education and Children's Services); F Robertson, R Goldsmith and M Cochlan (all Education and Children's Services); J Valentine, Executive Director (Environment); B Renton, Depute Director (Environment); N Brian, P Marshall and M Barr (all The Environment Service).

Apologies for Absence: Councillors M Barnacle, P Barrett and A Livingstone.

Also in Attendance: N Gardiner, TACTRAN.

Provost E Grant, Presiding.

410. DECLARATIONS OF INTEREST

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

411. MINUTE

The Minute of the Meeting of Perth and Kinross Council of 1 May 2013 (Arts. 279-294) was submitted, approved as a correct record and authorised for signature.

412. MINUTES OF COMMITTEES

Minutes of Committees from 24 April 2013 to 12 June 2013

The decisions recorded in Arts. 228-278 and 295-382, copies of which had been circulated to all members of the Council, were submitted and noted/approved as necessary.

With reference to the minute of the Scrutiny Committee of 12 June 2013, Art. 382, the following text was added as an additional resolution:

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In response to questions from members, J Mayglothing confirmed that a report on the revised Housing and Community Care Complaints Procedure would be submitted to the Housing and Health Committee in August 2013.

413. SINGLE OUTCOME AGREEMENT ANNUAL PERFORMANCE REPORT 2012/13

There was submitted a report by the Chief Executive (13/332) providing an overview of how the Perth and Kinross Community Planning Partnership had performed against the Single Outcome Agreement 2009-2011 for the period 1 April 2012 to 31 March 2013.

Resolved:

- (i) The Single Outcome Agreement annual performance report 2012/13, as appended to Report 13/332, be approved.
- (ii) The Chief Executive be instructed to submit the report to the Community Planning Partnership meeting on 6 September 2013, and to the Scrutiny Committee meeting on 18 September 2013.

414. PERTH AND KINROSS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT 2013-2023

There was submitted a report by the Chief Executive (13/333) seeking endorsement of the Perth and Kinross Community Plan/Single Outcome Agreement 2013-23 following the approval of the draft plan at the meeting of Council on 27 February 2013 (Article 136 refers). The report summarised the key amendments to the plan following public consultation since February 2013, further engagement with Community Planning partners, and feedback from the Scottish Government.

Resolved:

- (i) The Perth and Kinross Community Plan/SOA, as detailed in Appendix 1 to Report 13/333, be endorsed.
- (ii) The Depute Chief Executive (Education and Children's Services) be authorised to establish four new Outcome Delivery Groups as set out in section 5.4 of report 13/333 to replace the current themed Partnerships by September 2013.
- (iii) It be noted that the Chairs of the Outcome Delivery Groups will become members of the Community Planning Partnership Board.
- (iv) The following elected members be appointed to the Outcome Delivery Groups as follows:

Children and Young People Strategic Group

Councillors B Band, E Maclachlan and B Vaughan

Community Safety and Environment Group

Councillors A Grant, M Lyle and D Pover

Economy and Lifelong Learning Group

Councillors J Kellas, A Livingstone and G Walker

Health and Social Care Integration Pathfinder Board

Councillor P Barrett (as an additional elected member to those previously appointed by Council in February 2013) (Article 141 refers).

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- (v) The establishment of a Community Empowerment Board as set out in sections 5.7 and 5.8 of Report 12/333 by September 2013 be approved, with a further report to be submitted to the next Council meeting on 2 October 2013 providing more detail on the remit and membership of the Board.
- (vi) The Chief Executive, in consultation with the Chair of the Community Planning Partnership Board, be authorised to appoint the Chair of the Community Empowerment Board, subject to endorsement at the next Council meeting on 2 October 2013.
- (vii) The Chair of the Community Empowerment Board become a member of the Community Planning Partnership Board.
- (viii) A review of the effectiveness of the new governance arrangements be carried out in September 2014.
- (ix) The Head of Democratic Services be instructed to include an item on each of the Council's relevant themed committee agendas requiring the executive leads for each of the Outcome Delivery Groups to provide reports to the relevant committee on the work of the Group with effect from August 2013.

**415. SECURING THE FUTURE FOR CULTURE AND LEISURE SERVICES –
PROGRESS UPDATE**

There was submitted a report by the Executive Director (Education and Children's Services) (13/334) updating Council on the final steps to achieving sole member status for Horsecross Arts and Live Active Leisure.

Resolved:

- (i) It be noted that the new arm's length delivery model for culture and leisure services, as agreed by Council on 28 September 2011, had been implemented.
- (ii) The Executive Director (Education and Children's Services) be remitted to continue to develop the new working relationship with Horsecross Arts and Live Active Leisure.

416. PERTH CITY DEVELOPMENT BOARD

There was submitted a report by the Executive Director (Environment) (13/335) setting out the remit, governance and membership of the Perth City Development Board to be established to support the delivery of the Perth City Plan, approved by Council at its meeting on 1 May 2013. (Article 282 refers).

Motion (Councillors I Miller and A Grant)

- (i) The contents of Report 13/335 be approved, with the process of Board Member appointment being delegated to the Chief Executive in consultation with political group leaders and the Convener of the Enterprise and Infrastructure Committee.
- (ii) An annual progress report be presented to the Council for its consideration.
- (iii) The minutes of the meetings of the Board be submitted to the Enterprise and Infrastructure Committee for information.

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First Amendment (Councillors A MacLellan and M Roberts)

- (i) The contents of Report 13/335 be approved, with the process of Board Member appointment being delegated to the Chief Executive in consultation with political group leaders and the Convener of the Enterprise and Infrastructure Committee, with Council membership to also include two out of the four elected members from Ward 12 (Perth City Centre).
- (ii) An annual progress report be presented to the Council for its consideration.
- (iii) The minutes of the meetings of the Board be submitted to the Enterprise and Infrastructure Committee for information.

Second Amendment (Councillors B Band and L Simpson)

- (i) The contents of Report 13/335 be approved, with the process of Board Member appointment being delegated to the Chief Executive in consultation with political group leaders and the Convener of the Enterprise and Infrastructure Committee, with Council membership to also include one elected member from each of Ward 10 (Perth City South), Ward 11 (Perth City North) and Ward 12 (Perth City Centre).**
- (ii) An annual progress report be presented to the Council for its consideration.**
- (iii) The minutes of the meetings of the Board be submitted to the Enterprise and Infrastructure Committee for information.**

17 Members voted for the First Amendment as follows:
Councillors Brock, Campbell, Coburn, Cowan, Cuthbert, Flynn, Gillies, Jack, Lyle, MacLellan, Melloy, Munro, Roberts, Shiers, A Stewart, H Stewart and Vaughan.

20 Members voted for the Second Amendment as follows:
Councillors Anderson, Band, Doogan, Ellis, Gaunt, Giacobazzi, A Grant, Provost Grant, Gray, Howie, Laing, Maclachlan, Miller, Pover, Robertson, Simpson, Walker, Williamson, Wilson and Younger.

There was one abstention by Councillor Kellas.

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

The Mover and Seconder of the Motion agreed to withdraw the Motion.

Resolved:

In accordance with the Second Amendment.

417. PERTH TRANSPORT FUTURES PROJECT

There was submitted a report by the Executive Director (Environment) (13/336) detailing successive decisions by the Council to address the issues of congestion and air quality in, and around, Perth. As a result of the work undertaken in addressing these issues, the opportunity to examine sustainable economic growth opportunities for Perth, with benefits to the area as a whole, had also been identified.

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The report also outlined the key phases of the Perth Transport Futures project, with a particular focus on the A9/A85 junction and the link road to Berthapark, providing details in relation to the resource implications to fund Phase 1 of the Perth Transport Futures Project, and outlining an approach to involve elected members in informing the project as it moves forward.

Resolved:

- (i) The requirement for the Perth Transport Futures project be endorsed.
- (ii) A commitment be made to funding Phase 1 of the project, taking into account the position outlined in Section 4 of Report 13/336.
- (iii) The Head of Finance be instructed to determine whether consent is required from Scottish Ministers for borrowing and to request such consent, if necessary.
- (iv) A series of workshops be undertaken to allow further elected member input into the development of Phase 1.
- (v) The Executive Director (Environment) be authorised to progress the Compulsory Purchase Order (CPO), if required, and report back to members in due course.
- (vi) The Executive Director (Environment) be instructed to continue discussions with Transport Scotland and Scottish Government officials regarding the Perth Transport Futures project.
- (vii) The Executive Director (Environment) provide further reports in due course on the implementation of Phase 1 of the Perth Transport Futures project.
- (viii) The Executive Director (Environment) provide further reports in due course on the implementation and funding arrangements for the future phases.

418. RESPONSE TO CONSULTATION REQUEST BY DEVELOPMENT QUALITY MANAGER – INSTALLATION OF 400kv EAST COAST REINFORCEMENT PROJECT, TOWER 241 NORTH WEST OF HAUGHEND FARM, MEIGLE TO TOWER 34 AT BLAIRINGONE

There was submitted a response to consultation request by the Development Quality Manager (13/337) seeking approval to grant consent to Scottish Hydro Electric Transmission plc (SHE Transmission) to reinforce the existing overhead electricity transmission line from Blackhillock substation, near Keith, to the SHE Transmission licence boundary with Scottish Power Transmission Limited (SPT) on the border of Clackmannanshire and Perth and Kinross.

Resolved:

The Development Quality Manager be instructed to respond to the consultation request with no objection, recommending certain conditions to Scottish Ministers as detailed in Section 119 of Report 13/337.

419. EMPTY PROPERTIES – COUNCIL TAX CHANGES

There was submitted a report by the Executive Director (Housing and Community Care) (13/338) providing information on and proposing the level(s) of Council Tax discounts and/or variations to be set for unoccupied dwellings, in line with the powers available under the terms of the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013.

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Resolved:

- (i) The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013, as set out in Report 13/338, be implemented in order to encourage empty dwellings to be returned to use and, by doing so, to improve the provision of affordable housing with the Perth and Kinross Council area.
- (ii) The changes to all applicable dwellings with no modifications for different classes or cases or areas, be applied.
- (iii) The change, as detailed in Appendix B to Report 13/338, be applied from 1 April 2014 to enable those affected to plan for the changes and/or take steps to have the properties occupied prior to the changes taking place.
- (iv) The charges for empty dwellings be increased on a phased basis over a three year period, from 1 April 2015 to 1 April 2017.
- (v) A maximum of £60,000 of the income generated from the above proposals is used to support the Local Taxes team in implementing and administering the changes, with all other income generated used to improve the provision of affordable housing.

420. AMENDMENTS TO SCHEME OF ADMINISTRATION

(i) Audit Committee Membership

At its meeting on 1 May 2013, the Council considered Report 13/224 by the Chief Internal Auditor (Article 290 refers) on the role and remit of the Audit Committee. The Council approved the role and remit of the Audit Committee, and that the Modernising Governance Member/Officer Working Group be remitted to consider whether the Audit Committee should have the flexibility to invite additional representation as is required to support its work.

Resolved:

- (i) The Scheme of Administration be amended to allow the Audit Committee to call before it specialist advisers to support its work as deemed necessary by the Convener and Vice-Convener of the Committee, in consultation with the Head of Finance.
- (ii) The Head of Finance be remitted to consider a pool of specialist advisers.
- (iii) The position be reviewed in 12 months time.

(ii) Development Management Scheme of Delegation

There was submitted a report by the Head of Planning and Regeneration (13/339) setting out legislative changes introduced by the Scottish Government in relation to how planning applications which have a council interest should be dealt with. The report also sought approval for the Council's Scheme of Delegation to be amended to accord with the legislative changes.

Resolved:

- (i) The proposed change to the Scheme of Delegation in respect of the requirement to refer all council interest applications to the

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Development Management Committee, as contained in Appendix 2 of Report 13/339, be approved.

- (ii) The amended Scheme of Delegation be referred to Scottish Ministers for approval.
- (iii) The Head of Democratic Services be instructed to amend the Council Committee timetable to reflect that Development Management Committee meetings will begin at 10.00am.

(iii) Part 3 – Delegation to Officials

Resolved:

The following change to the Scheme of Administration be agreed:

23 Executive Director (Environment)

Paragraph 23.1 – The Executive Director (Environment) is authorised: -

Financial Assistance

- 31. In conjunction with the Financial Assistance Panel to determine requests between £2,001 and £50,000 under the Financial Assistance to the Voluntary Sector Revenue Budget heading and the Community Environment Challenge Fund.

421. CHANGES TO COMMITTEE MEMBERSHIP

(i) Strategic Policy and Resources Committee

Resolved:

Councillor I Campbell be appointed to the Strategic Policy and Resources Committee to replace Councillor A Livingstone.

(ii) Environment Committee

Resolved:

Councillor E Maclachlan be appointed to the Environment Committee to replace Councillor T Gray.

(iii) Community Safety Committee

Resolved:

Councillor E Maclachlan be appointed to the Community Safety Committee to replace Councillor A Grant.

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422. APPOINTMENTS TO OUTSIDE BODIES

(i) Horsecross Perth Theatre and Concert Hall – Executive Committee

Resolved:

Councillor A Gaunt be appointed to the Horsecross Perth Theatre and Concert Hall – Executive Committee to replace Councillor W Wilson.

(ii) Perth Theatre Redevelopment Project Board

At a meeting held on 4 June 2013, the Executive Sub-Committee of the Strategic Policy and Resources Committee considered a document (13/284) prepared by Burness Paull and Williamsons setting out the legal framework for the delivery of the redevelopment of Perth Theatre by Perth and Kinross Council and Horsecross Arts Limited. Having noted that at a meeting held on 29 May 2013, Horsecross Arts Limited had approved the legal framework for its interests in the project, the Sub-Committee approved the framework for the Council's interests in the redevelopment of Perth Theatre.

Resolved:

- (i) Councillors I Miller, R Band, A Livingstone and W Wilson be appointed to the Perth Theatre Redevelopment Project Board.
- (ii) The commitment given by Councillor Miller on behalf of the Council at the first meeting of the Board held on 5 June 2013, that the Council would be willing to underwrite the costs associated with the architects proceeding with a revised planning application and progressing works to Stage E, be endorsed.

(iii) The Tay Foundation Board

Resolved:

Councillor G Laing be appointed to the Tay Foundation Board to replace Provost L Grant.

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