

PERTH AND KINROSS COUNCIL  
COUNCIL MEETING  
2 OCTOBER 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 2 October 2013 at 2.00pm.

Present: Provost E Grant, Councillors H Anderson (up to and including Art. 602), R Band, M Barnacle (up to and including Art. 594), P Barrett, R Brock, I Campbell, J Coburn, A Cowan, D Cuthbert, D Doogan, B Ellis, J Flynn, J Giacobazzi, A Grant, T Gray, K Howie, A Jack (up to and including Art. 594), G Laing, A Livingstone, M Lyle, E Maclachlan, A MacLellan, D Melloy, I Miller, A Munro, D Pover, M Roberts (up to and including Art. 602), W Robertson (up to and including Art. 602), C Shiers, L Simpson, A Stewart, H Stewart, B Vaughan, M Williamson, W Wilson, and A Younger

Also in Attendance: B Malone (Chief Executive); D Burke (Depute Chief Executive); G Taylor, J Symon, I Innes, S Walker, S Hendry, C Flynn, R Fry, J Aitken and M Whittet (all Chief Executive's Service); J Fyffe, Depute Chief Executive and Executive Director (Education and Children's Services); B Atkinson, Depute Director (Education and Children's Services); F Robertson and S Younie (both Education and Children's Services); J Valentine, Executive Director (Environment); K McNamara and C Haggart (both the Environment Service); and J Walker, Executive Director (Housing and Community Care).

Also Attending: N O'Connor (Audit Scotland).

Apologies for Absence: Councillors A Gaunt, C Gillies, J Kellas and G Walker.

Provost E Grant, Presiding.

### 583. WELCOME AND APOLOGIES

Provost Grant welcomed all those present to the meeting, and apologies were submitted and noted as above.

Prior to the commencement of business:

#### (i) Tribute to former Councillor Dave Scott

Provost Grant paid tribute to former Councillor Dave Scott who had served as a Councillor with both Perth and Kinross District Council and Perth and Kinross Council and who had died last week.

#### (ii) Emergency Motion

In terms of Standing Order 28, the following motion was submitted:

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Councillor Alan Jack – Motion by Councillors I Miller and A Grant

Following his conviction for illegal practice in relation to his election expenses, this Council resolves to:-

1. Remove Councillor Alan Jack from all Committees of Perth and Kinross Council.
2. Remove Councillor Alan Jack from all appointments to external bodies.
3. Appoint replacements today on the Development Management and Enterprise and Infrastructure Committee and TAYplan.

**Resolved:**

- (i) In accordance with the Motion.
- (ii) Councillor D Cuthbert be appointed to the Development Management Committee to replace Councillor A Jack.
- (iii) Councillor M Barnacle be appointed to the Enterprise and Infrastructure Committee to replace Councillor A Jack.
- (iv) Councillor A Livingstone be appointed to the Strategic Development Plan Authority Joint Committee (TAYplan) to replace Councillor A Jack.
- (v) The Leader of the Council notify the Commissioner for Ethical Standards in Public Life in Scotland of Councillor Alan Jack's conviction and breach of key principles of the Standards Commission for Scotland Guidance on the Councillors' Code of Conduct, and the anomaly between Scots Law and that of the rest of the UK which would have required the resignation of Councillor Alan Jack from the Council.

**584. DECLARATIONS OF INTEREST**

In terms of the Councillors' Code of Conduct, Councillors H Anderson and M Roberts declared a non-financial interest in Article 603.

**585. MINUTE**

The Minute of the Meeting of Perth and Kinross Council of 26 June 2013 (Arts. 410-422) was submitted, approved as a correct record and authorised for signature.

**586. NOTICE OF MOTION**

Expanding the Democratic Process – Motion by Councillors W Robertson and W Wilson

*The Scottish Liberal Democratic group would like to see the democratic process within the Council be made more accessible to the citizens of Perth and Kinross.*

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*We see the potential introduction of webcam technology as being a major advance in opening up the Councils' decision making process. It would allow residents in all areas of Perth and Kinross to follow meetings of the Council via the internet and see how decisions which will affect them are reached.*

*With that in mind we ask that officers be tasked with exploring the use of webcam technology.*

*We ask that a report be brought forward on how this technology can be best used to broadcast and record important decision making meetings of the Council.*

**Resolved:**

In accordance with the Motion.

**587. MINUTES OF COMMITTEES**

**Minutes of Committees from 19 June 2013 to 18 September 2013**

The decisions recorded in Arts. 383-409 and 423-533, copies of which had been circulated to all members of the Council, were submitted and noted/approved as necessary.

**588. MINUTE OF MEETING OF THE COMMUNITY PLANNING PARTNERSHIP OF 20 JUNE 2013**

The minute of meeting of the Community Planning Partnership of 20 June 2013 was submitted and noted.

**589. AUDITED STATEMENT OF ACCOUNTS 2012/13**

There was submitted a report by the Head of Finance (13/474) presenting the Council's Audited Statement of Accounts for the financial year 2012/13.

**Resolved:**

- (i) The contents of Report 13/474 be noted.
- (ii) The Head of Finance be instructed to submit the Audited Statement of Accounts to a future meeting of the Audit Committee for detailed consideration.
- (iii) The External Auditor's Report to Members and the Controller of Audit be considered at the Council meeting on 18 December 2013.

**590. UPDATE OF MEDIUM TERM FINANCIAL PLAN**

There was submitted a report by the Head of Finance (13/475) updating the Medium Term Financial Plan approved by Council on 19 December 2012 (Report No. 12/585 refers) and summarising the implications of the latest projections on future Council funding over the short to medium term.

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**Resolved:**

- (i) Executive Directors be instructed to prepare Revenue Budget submissions on the basis of a corporate savings target of £5million for financial year 2015/16 as detailed in paragraph 3.3.9 of Report 13/475.
- (ii) The setting of a two year revenue budget by updating the previously approved Provisional Revenue Budget for 2014/15 and setting a Provisional Revenue Budget for 2015/16, as detailed in paragraph 3.3.12 of Report 13/475, be endorsed.
- (iii) The proposal to consider the Composite Capital Programme for 2014/15 to 2020/21 in February 2014, as detailed in paragraph 5.4 of Report 13/475, be endorsed.
- (iv) The proposal to consider the Reserves Strategy in February 2014, as detailed in paragraph 6.6 of Report 13/475, be endorsed.
- (v) The proposals to determine the Housing Revenue Account (HRA) Budget and rent levels for 2014/15 and a five year Housing Investment Programme at the meeting of the Housing and Health Committee in January / February 2014, as detailed in paragraph 7.4 of Report 13/475, be endorsed.

**591. TREASURY ACTIVITY AND COMPLIANCE REPORT – 2013 / 2014  
QUARTER 1**

There was submitted a report by the Head of Finance (13/476) providing a summary of Loans Fund transactions for the quarter ending 30 June 2013 and reporting on compliance with the Council's Treasury Management Policy Statement (TMPS), Treasury Management Practices (TMP's) and the Investment Strategy for the same period.

**Resolved:**

The contents of Report 13/476, submitted in accordance with the Council's approved Treasury Management Practices, be noted.

**592. ANNUAL TREASURY REPORT 2012/13**

There was submitted a report by the Head of Finance (13/477) summarising the Council's treasury activities for the 2012/13 financial year and comparing actual performance with the approved Treasury and Investment Strategy for 2012/13.

**Resolved:**

The contents of Report 13/477, submitted in accordance with the Council's approved Treasury Management Practices, be noted.

**593. TAYSIDE FIRE AND RESCUE BOARD – AUDITED STATEMENT OF  
ACCOUNTS 2012/13**

There was submitted a report by the Head of Finance (13/478) presenting the Audited Statement of Accounts for 2012/13, Audit Scotland's Annual Report on the 2012/13 Audit for Tayside Fire and Rescue Board and the Annual Public Performance Report for 2012/13.

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It was noted that following the meeting of the Audit Committee on 25 September 2013, the Head of Finance was now in receipt of the signed Audited Statement of Accounts 2012/13, and that the draft Annual Report on the 2012/13 Audit had now been approved.

**Resolved:**

- (i) The Tayside Fire and Rescue Board's Audited Statement of Accounts for 2012/13, as detailed in Report 13/478, be noted.
- (ii) The Audit Scotland's Annual Report on the 2012/13 Audit of Tayside Fire and Rescue Board, as detailed in Report 13/478, be noted
- (iii) The Tayside Fire and Rescue Board's Annual Public Performance Report for 2012/13, as detailed in Report 13/478, be noted.

**594. ORGANISED TO DELIVER: IMPLEMENTING THE COMMUNITY PLAN / SINGLE OUTCOME AGREEMENT 2013/23**

There was submitted a joint report by the Depute Chief Executives (13/479) seeking approval from the Council on next steps to implement the new Community Plan/Single Outcome Agreement 2013/23 following endorsement by the Community Planning Partnership (CPP) and Council in June 2013. The report also set out proposals for a renewed Council and CPP approach to working with communities which was recommended to support successful delivery of the Plan.

**Resolved:**

- (i) It be noted that the implementation of the new Community Planning Partnership governance framework was currently underway.
- (ii) The renewed approach to locality working, outlined in Report 13/479, be approved.
- (iii) The establishment of a development programme for elected members, including facilitated discussion, to continue the dialogue about strengthening community engagement at local levels, be agreed.
- (iv) J Fyffe, Depute Chief Executive, be instructed to bring forward a report in October 2014 outlining progress in locality working to support successful implementation of the Community Plan.

**595. PREPARING FOR THE 2014 RYDER CUP, AND OTHER 2014 CELEBRATIONS**

There was submitted a report by the Chief Executive (13/480) (1) providing Council with an update on activities carried out in preparation for the 2014 Ryder Cup at The Gleneagles Hotel; (2) highlighting the links to other significant events taking place in Scotland during 2014; and (3) recommending further actions to maximise the positive impact on the area, both from hosting such a prestigious international event in Perth and Kinross, and also from the other Scotland-wide celebrations during 2014.

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**Resolved:**

- (i) The proposals relating to legacy, operational delivery, celebrating the events, business opportunities and staffing resources, as detailed in Section 2 of Report 13/480, be approved.
- (ii) The proposed Legacy Plan, as outlined in Appendix 5 of Report 13/480, be approved, with the target relating to supporting the Perth and Strathgry Hatters to develop disability athletics be removed, and replaced with the following wording:-  
*'Increase access for disabled athletes and maintain support for their development'*.
- (iii) The establishment of a 2014 Community Challenge Fund, to support legacy events and celebrations, be approved.

**596. CHILD PROTECTION COMMITTEE STANDARDS AND QUALITY REPORT 2012/13**

There was submitted a joint report by the Chief Executive and the Executive Director (Education and Children's Services) (13/481) presenting an overview of the findings from the Perth and Kinross Child Protection Committee inter-agency self-evaluation activities; identifying key strengths; areas for further development and/or improvement; providing a *high level summary* of the capacity for improvement; and describing the very ambitious continuous improvement programme for 2013 and beyond.

**Resolved:**

- (i) The contents of Report 13/481 and the Child Protection Committee Standards and Quality Report 2012/2013 (Appendix 1) be endorsed.
- (ii) It be noted that the report would be submitted to the Scrutiny Committee on 27 November 2013 for scrutiny and comment as appropriate.

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

There was submitted a report by the Head of Democratic Services (13/482) (1) requesting the Council's endorsement for public consultation on a review of UK Parliamentary Constituency polling districts and polling places within the area of Perth and Kinross; (2) summarising the changes to the polling districts and polling places and (3) seeking agreement for the designation of the polling place for polling district SMA (Almondbank) and the temporary allocation of Live Active Letham, and Auchterarder Church Community Centre for the 2014 European Parliamentary Election only.

**Resolved:**

- (i) The proposals for the designation of polling districts and polling places, as set out in Appendix 2 of Report 13/482 for public consultation, be endorsed.
- (ii) The designation of Pitcairngreen Village Hall as the polling place for parliamentary polling district SMA (Almondbank) be agreed.

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- (iii) The allocation of Auchterarder Church Community Centre, and Live Active Letham as polling places on a temporary basis for the 2014 European Parliamentary Election, be agreed.

**598. LOCAL REVIEW BODY – STANDING ORDERS AND NOTE ON GUIDANCE PROCEDURES**

There was submitted a report by the Head of Democratic Services (13/483) setting out proposals to amend the Standing Orders and Guidance Note on Procedures for the Perth and Kinross Local Review Body.

**Resolved:**

- (i) The amended Standing Orders and Guidance Note on Procedures for the Perth and Kinross Local Review Body contained at Appendix 1 and Appendix 2 of Report 13/483 be approved
- (ii) It be remitted to the Head of Democratic Services as Clerk to the Local Review Body, in consultation with stakeholders, to examine arrangements for site inspections.

**599. APPROVING THE PROCESS FOR THE SELECTION OF TENANT REPRESENTATIVES TO ATTEND FUTURE HOUSING AND HEALTH COMMITTEES**

There was submitted a report by the Executive Director (Housing and Community Care) (13/484) seeking approval on the way tenant representatives are selected to attend the Housing and Health Committee.

**Resolved:**

The selection process for tenants' and residents' association representatives to attend future Housing and Health Committees, as detailed in Report 13/484, be approved.

**600. NON-COUNCIL REPRESENTATION ON LIFELONG LEARNING COMMITTEE AND SCRUTINY COMMITTEE**

There was submitted a report by the Head of Democratic Services (13/485) setting out proposals with regard to non-Council representation on both the Lifelong Learning Committee and the Scrutiny Committee.

**Resolved:**

The proposals set out in paragraphs 2.7, 2.8 and 2.10 of Report 13/485 be approved, with amendments to be made to the Scheme of Administration accordingly.

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**601. TIMETABLE OF MEETINGS – 2014 AND INDICATIVE TIMETABLES 2015-2017**

There was submitted a report by the Head of Democratic Services (13/486) providing an update on the operation of the 2013 Committee cycle and seeking approval of a timetable for meetings for 2014 and indicative timetables for 2015, 2016 and 2017.

**Resolved:**

- (i) The change to the date and time for the remaining Community Safety Committee in 2013 to 4 December at 2.00pm, be approved.
- (ii) The timetable for meetings for 2014, as set out in Appendix 1 to Report 13/486, be approved.
- (iii) The indicative timetables for 2015, 2016 and 2017 (up to the local government elections), as set out in Appendices 2, 3 and 4 to Report 13/486, be approved.

**602. PERTH CITY DEVELOPMENT BOARD**

It was noted that at the previous meeting of the Council on 26 June 2013 (Article 416 refers), it had been agreed that in addition to the Leader of the Council and the Convener of the Enterprise and Infrastructure Committee, three elected members comprising one from each of Wards 10, 11 and 12 be appointed to the Perth City Development Board, with nominations to be submitted to the Head of Democratic Services.

**Resolved:**

Councillors A Stewart, D Doogan and A MacLellan be appointed to the Perth City Development Board.

**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**

**603. SECURING THE FUTURE FOR CULTURE AND LEISURE SERVICES – HORSECROSS ARTS LTD**

There was submitted a joint report by the Executive Director (Education and Children's Services), Head of Finance and Head of Legal Services (13/498) informing members of current issues in relation to Horsecross Arts Ltd, and recommending how the Council should exercise its sole member powers in respect of the company.

**Resolved:**

- (i) The Chief Executive, whom failing D Burke, Depute Chief Executive, be given authority to act as the representative of the Council at general meetings of the Horsecross Arts Ltd ('the company') on the basis that the Chief Executive or Depute Chief Executive will be entitled to exercise the same powers on behalf of the Council (in the Council's capacity as sole member) as the Council



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would exercise if it were an individual member of the Company and on the understanding that the Chief Executive or Depute Chief Executive may exercise all powers of the Council, as sole member, in such manner as he/she thinks fit.

- (ii) The authority agreed at (i) above should be taken to include authority for the Chief Executive or Depute Chief Executive to sign any document relating to the Company on behalf of the Council in its capacity as sole member of the Company.
- (iii) In taking appropriate action to address the issues set out in Report 13/498, including the exercise of the sole member powers delegated to her, the Chief Executive (or Depute Chief Executive, as applicable) takes into account the views of the Council expressed in response to this Report.
- (iv) If the Chief Executive wishes to obtain any further guidance before the exercise of any sole member power then she be authorised to call a meeting of the Executive Sub-Committee of the Strategic Policy and Resources Committee for that purpose.

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