

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
8 OCTOBER 2014

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 8 October 2014 at 2.00pm.

Present: Provost E Grant, Councillors H Anderson, R Band, M Barnacle (up to and including Art. 688), P Barrett, I Campbell, J Coburn, A Cowan (left during consideration of Art. 688), D Cuthbert, D Doogan, B Ellis, J Flynn, J Giacobazzi, C Gillies, A Gaunt, A Grant, T Gray, K Howie, A Jack (up to and including Art. 686), J Kellas, G Laing, A Livingstone (up to and including Art. 688), M Lyle, E Maclachlan, A MacLellan, D Melloy, I Miller, A Munro, D Pover, M Roberts, W Robertson (up to and including Art. 688), C Shiers, L Simpson, A Stewart, H Stewart, B Vaughan, G Walker, M Williamson and A Younger.

Also in Attendance: B Malone, Chief Executive; J Fyffe, Depute Chief Executive and Executive Director (Education and Children's Services); G Taylor, J Symon, I Innes, K Donaldson and S Hendry (all Chief Executive's Service); J Valentine, Executive Director (Environment); B Renton, Depute Director (Environment), J Robinson and S Crawford (both The Environment Service); J Walker, Executive Director (Housing and Community Care); B Atkinson, Depute Director (Education and Children's Services), F Robertson, R Drummond, J Pepper and L Dott (all Education and Children's Services).

Also Attending: N O'Connor, Audit Scotland; and P Jardine, Jura Consultants.

Apologies for Absence: Councillors R Brock and W Wilson.

Provost E Grant, Presiding.

674. 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) Ryder Cup and Junior Ryder Cup

Provost Grant took the opportunity to reflect on the success of both the 2014 Ryder Cup at Gleneagles, and the Junior Ryder Cup at Blairgowrie. The Provost paid tribute to the vast amount of hard work that had gone on behind the scenes, over several years, by Ryder Cup Europe, partner organisations, and all Council staff and elected members.

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675. DECLARATIONS OF INTEREST

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

676. MINUTE

The minute of the meeting of Perth and Kinross Council of 25 June 2014 (Arts. 485-497) was submitted, approved as a correct record and authorised for signature, subject to an amendment that in relation to Article 473, the reference to the drawing in Appendix 2 of the report should read Rev C instead of Rev B.

677. MINUTES OF COMMITTEES

Minutes of Committees from 18 June 2014 – 17 September 2014

The decisions recorded in Arts. 438-484 and 498-623 copies of which had been circulated to all members of the Council, were submitted and noted/approved as necessary.

678. PERTH AND KINROSS COMMUNITY PLANNING PARTNERSHIP BOARD

Resolved:

- (i) The minute of meeting of the Perth and Kinross Community Planning Partnership Board of 23 May 2014 was submitted and noted.
- (ii) The briefing note by the Executive Lead Officer (14/430) providing an update on key areas of the Board's work for May – September 2014 was submitted and noted.

679. TREASURY ACTIVITY AND COMPLIANCE REPORT – 2014/15 QUARTER 1

There was submitted a report by the Head of Finance (14/431) providing a summary of Loans Fund transactions for the quarter ending 30 June 2014 and reporting on compliance with the Council's Treasury Management Policy Statement, Treasury Management Practices and the Investment Strategy for the same period

Resolved:

- (i) The contents of Report 14/431, submitted in accordance with the Council's approved Treasury Management Practices, be noted.
- (ii) The Treasury Management Daily Limitations to Authority for the Accounting Technician be transferred from the previous post holder to their successor.

680. BIENNIAL REVIEW OF FINANCIAL REGULATIONS 2014

There was submitted a report by the Head of Finance (14/432) summarising the background and the process undertaken to review the Council's Financial Regulations and recommending approval of the revised Financial Regulations as appended to the report.

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Resolved:

The Council's Financial Regulations, as detailed in Appendix 1 to Report 14/432, be approved.

681. UPDATE OF MEDIUM TERM FINANCIAL PLAN

There was submitted a report by the Head of Finance (14/433) (1) updating the Medium Term Financial Plan approved by Council on 2 October 2013 (Article 590/13 refers), (2) summarising the implications of the latest projections on future Council funding over the short to medium term, how the Council intends to update the 2015/16 Provisional Revenue Budget, and how the Council intends develop the revenue budget beyond 2015/16, and (3) providing an update on the Council's Capital Budget, Housing Revenue Account and Reserves position.

Resolved:

- (i) The Head of Finance be instructed to maintain the Medium Term Financial Plan and further refine the assumptions that underpin it as detailed in paragraph 3.16 of Report 14/433.
- (ii) A Final Revenue Budget for 2015/16 be set in February 2015 by updating the previously approved Provisional Revenue Budget for 2015/16 that was set in February 2014, as detailed in paragraph 4.9 of Report 14/433.
- (iii) It be agreed that no detailed provisional revenue budgets be set for the period beyond 2015/16 given the significant levels of uncertainty over the financial environment over the medium term, as detailed in paragraph 4.9 of Report 14/433.
- (iv) The proposal to consider the updated Composite Capital Programme for 2015/16 to 2021/22 in February 2015, as detailed in paragraph 5.6 of Report 14/433, be endorsed.
- (v) The proposal to present the updated Reserves Strategy to the Executive Officer Team in December 2014 and Council in February 2015, as detailed in paragraph 6.8 of Report 14/433, be endorsed.
- (vi) The proposals to determine the Housing Revenue Account Budget and rent levels for 2015/16 and five year Housing Investment Programme, at the meeting of the Housing and Health Committee on 29 January 2015, as detailed in paragraph 7.4 of Report 14/433, be endorsed.
- (vii) The proposals in relation to workforce planning as set out in section 8 of Report 14/433, be endorsed.

682. AUDITED STATEMENT OF ACCOUNTS 2013/14

There was submitted a report by the Head of Finance (14/434) presenting the Council's Audited Statement of Accounts for the financial year 2013/14.

Resolved:

- (i) The contents of Report 14/434 be noted.
- (ii) The External Auditors' Report to Members and the Controller of Audit be submitted to the Council Meeting on 17 December 2014.

683. PERTH AND KINROSS ANNUAL PERFORMANCE REPORT 2013/14

There was submitted a report by the Chief Executive (14/435) providing an overview of how the Council and the Community Planning Partnership has performed during 2013/14 against the strategic objectives contained within the Council's Corporate Plan 2013-18 and the Community Plan/ Single Outcome Agreement (SOA) 2013-2023.

Resolved:

- (i) The Annual Performance Report for 2013/14, as detailed in Report 14/435, be approved.
- (ii) The report be submitted to the Community Planning Partnership Board meeting on 28 November 2014.

684. CHILD PROTECTION COMMITTEE STANDARDS AND QUALITY REPORT 2013-2014

There was submitted a joint report by the Chief Executive and Executive Director (Education and Children's Services) (14/436) presenting the findings from a wide range of single agency and multi-agency joint self-evaluation activities of the Perth and Kinross Child Protection Committee during 2013/14, and identifying key strengths and areas for further development.

Resolved:

- (i) The wide range of work carried out by Perth and Kinross Council and partners through the Child Protection Committee to provide high quality services to protect children and young people, in particular the high level of commitment to joint self-evaluation, be noted.
- (ii) The contents of Report 14/436 and the Child Protection Committee Standards and Quality Report 2013/2014, as detailed at Appendix 1, be endorsed.
- (iii) It be noted that Report 14/436 would be submitted to the Scrutiny Committee on 3 December 2014.

685. PERTH TRANSPORT FUTURES PROJECT – PHASE 1 A9/A85 TO BERTHA PARK COMPULSORY PURCHASE ORDER (REPORT 2)

There was submitted a report by the Executive Director (Environment) (14/437) seeking authority to acquire additional land and rights either by negotiation or by Compulsory Purchase to facilitate the construction of Phase 1 of the Perth Transport Futures Project. The additions were in response to further consultation with affected landowners, discussions with statutory environmental agencies and design development.

Resolved:

- (i) The purchase of land and rights required for the scheme, as detailed in Report 14/437, and by negotiation with affected land owners, be approved.
- (ii) The Head of Legal Services be instructed to initiate the statutory procedures to acquire the land and rights by compulsory purchase in parallel with the negotiated process.

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- (iii) The areas of land which are no longer required for the scheme be noted.
- (iv) The promotion of the A9/A85 Crieff Road Junction and Link Road to Bertha Park Compulsory Purchase Order 2014 to acquire the land and rights shown on the drawing 203078-AD-X-014 annexed to Report 14/437, in addition to the lands and rights the Council gave authorisation to acquire on 25 June 2014, be approved.

686. MEMBERSHIP

(i) Live Active Leisure

Resolved:

Councillor M Williamson be appointed to the Board of Directors for Live Active Leisure to replace Councillor J Coburn.

(ii) Perth and Kinross Countryside Trust

Resolved:

Councillor M Barnacle be appointed to the Perth and Kinross Countryside Trust to replace Councillor C Shiers.

(iii) Tay and Earn Trust

Resolved:

Councillor H Anderson be appointed to the Tay and Earn Trust.

687. AMENDMENTS TO SCHEME OF ADMINISTRATION

Resolved:

The following changes to the Scheme of Administration be agreed:

Part 2 – General Provision Relating to Committees

4 Community Safety Committee

Paragraph 4.2.2 - Additional Paragraph:

Adult Support and Protection

To oversee the work of the Adult Protection Committee in relation to the Adult Support and Protection (Scotland) Act 2007 and all related subordinate legislation.

8 Housing and Health Committee

Paragraph 8.2.2 – Amend to include:

Social Care (Self Directed Support) (Scotland) Act 2013

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10 Lifelong Learning Committee

Paragraph 10.2.4 – Amend to include:

Children and Young People (Scotland) Act 2014

Paragraph 10.4 – Amend to read as follows:

Education Appeal Committee

In terms of Section 28D of the Education (Scotland) Act 1980 and in accordance with Schedule A1 to that Act, the Committee shall appoint an Education Appeal Committee comprising elected members who are members of the Lifelong Learning Committee, parents of children currently of school age nominated by either Parent Councils or Parent Forums, and persons from the Perth and Kinross area who have experience in education or are acquainted with the educational conditions in the area.

Any sitting of an Appeal Committee shall consist of 3 persons, no more than 2 of whom may be elected members. An elected member shall not be Convener.

Part 3 – Delegation to Officials

22 Executive Director (Education and Children's Services)

Paragraph 22.1.1 – Amend to include:

Children and Young People (Scotland) Act 2014

24 Executive Director (Housing and Community Care)

Paragraph 24.1.1 – Amend to include:

Social Care (Self Directed Support) (Scotland) Act 2013

IT WAS AGREED THAT THE PUBLIC AND PRESS BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH WAS CONFIDENTIAL IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT, 1973

688. SECURING THE FUTURE FOR CULTURE AND LEISURE: STRATEGIC COMMISSIONING OF CULTURE AND LEISURE SERVICES

There was submitted a report by the Executive Director (Education and Children's Services) (14/438) setting out a new level of ambition for developing Perth and Kinross as a major cultural destination over the next 10 years to support sustainable economic growth, in line with the City Plan and the Corporate and

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Community Plan. The report sought Council approval to investigate options to establish new commissioning and delivery arrangements for culture and leisure to achieve this level of ambition, and to ensure Best Value.

Prior to consideration of the report, members were provided with a presentation by P Jardine from Jura Consultants. Following answering a number of questions from members, P Jardine left the meeting.

Resolved:

- (i) The findings of feasibility work summarised in paragraph 1.7 of Report 14/438, on options to develop Perth as a major cultural city destination and support wider sustainable economic growth, be noted.
- (ii) The Executive Director (Education and Children's Services) and the Executive Director (Environment) be instructed to progress an implementation plan to take forward recommendations from the feasibility work for further consideration and approval by Council in May 2015.
- (iii) The background and key issues set out in paragraphs 1.9 and 2.8-2.11 of Report 14/438, for new strategic commissioning arrangements for culture and leisure services to support this level of ambition and achieve agreed savings of £542,000 from 2016/17 onwards, be noted.
- (iv) The initial options appraisal completed for new strategic commissioning arrangements for culture and leisure be noted.
- (v) The Executive Director (Education and Children's Services) be remitted to consult further with the boards of Horsecross Arts, Live Active Leisure and key stakeholders on further investigation of these options.
- (vi) The Executive Director (Education and Children's Services) be remitted to continue staff and trade union engagement during this next phase of work.
- (vii) The Executive Director (Education and Children's Services) be instructed to prepare a detailed business case for the recommended option, or options, for consideration by the Council in May 2015.
- (viii) It be noted that a key assumption is that new commissioning arrangements would be in place by May 2016 or shortly thereafter, if approved by the Council.
- (ix) It be noted that of the £542,000 total savings agreed by the Council in February 2014, £228,000 could be achieved through non-domestic rate savings at the point new Trust arrangements are established, with the balance from changes to current services and potential efficiencies through increased economies of scale from 2016/17 onwards.

689. PERTH OFFICE PROGRAMME

There was submitted a report by the Executive Director (Environment) (14/439) providing an update on progress with the Perth Office Programme previously approved by Council in December 2012, and seeking approval for a revised scheme of works for 2 High Street, Perth.

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Motion (Councillors I Miller and A Grant)

- (i) The contents of Report 14/439, be noted.
- (ii) Option 4 set out in Report 14/439, as set out in Appendices 1-3 to and section 3 of Report 14/439, be approved.
- (iii) Additional prudential borrowing of £6.598 million be approved.
- (iv) The increase in the overall Perth Office Programme Budget from £7.318 million to £13.916 million be approved.
- (v) Expenditure estimated at £143,000 for the re-configuration of the Atrium, Glover Street, Perth as part of the decant arrangements for 2 High Street, be approved.
- (vi) The Executive Director (Environment) be remitted to report back on proposals for Floor 4 of 2 High Street, including the Council Chambers, and 1-5 High Street in 6 months time.

Amendment (Councillors P Barrett and L Simpson)

- (i) The contents of Report 14/439, be noted.
- (ii) Option 4 of Report 14/439 as set out in Appendices 1-3 and section 3 of Report 14/439 be approved.
- (iii) Additional prudential borrowing of £6.598 million be approved.
- (iv) The increase in the overall Perth Office Programme Budget from £7.318 million to £13.916 million be approved.
- (v) Expenditure estimated at £143,000 for the re-configuration of the Atrium office, Glover Street, Perth as part of the decant arrangements for 2 High Street, be approved.
- (vi) The Executive Director (Environment) be remitted to report back on proposals for Floor 4 of 2 High Street and 1-5 High Street in 6 months time, including the potential relocation of the Council Chambers to the Banking Hall area.

In accordance with Standing Order 44, a roll call vote was taken.

3 members voted for the Amendment as follows:

Councillors P Barrett, A Gaunt and L Simpson.

31 members voted for the Motion as follows:

Provost E Grant, Councillors H Anderson, B Band, I Campbell, J Coburn, D Cuthbert, D Doogan, B Ellis, J Flynn, J Giacomazzi, C Gillies, A Grant, T Gray, K Howie, J Kellas, G Laing, M Lyle, E Maclachlan, A MacLellan, D Melloy, I Miller, A Munro, D Pover, M Roberts, C Shiers, A Stewart, H Stewart, B Vaughan, G Walker, M Williamson and A Younger.

Resolved:

In accordance with the Motion.

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