

PERTH AND KINROSS COUNCIL
COUNCIL MEETING
25 FEBRUARY 2015

COUNCIL MEETING

Minute of meeting of Perth and Kinross Council held in the Gannochy Suite, Dewars Centre, Glover Street, Perth on Wednesday 25 February 2015 at 2.00pm.

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

Also in Attendance: B Malone, Chief Executive; J Fyffe, Depute Chief Executive and Executive Director (Education and Children's Services); I Innes (Head of Legal Services), J Valentine, Executive Director (Environment), D Littlejohn, N Brian (up to and including Art. 141, P Marshall, K McNamara, R Fletcher, M Cochlan (up to and including Art. 146, C Horne and M Morgan (all the Environment Service); B Atkinson, Depute Director and R Drummond (both Education and Children's Services); J Walker, Executive Director and C Crawford (both Housing and Community Care); J Symon, C Flynn, Y Oliver and H Rheinallt (all Chief Executive's Service).

Apologies for Absence: Councillors M Barnacle, A Cowan, J Flynn, A MacLellan and M Roberts.

Provost E Grant, Presiding.

134. PRE-DETERMINATION COMMITTEE

Provost Grant advised elected members that with reference to Article 142, this application was for Renewal of Permission of a national planning application for which, under Paragraph 27.1(a) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, a pre-determination hearing may be required to be held prior to the application being presented to the Council for determination. As there had been no requests for deputations to be heard there had been no requirement to hold a meeting of the Pre-Determination Committee.

135. WELCOME AND APOLOGIES

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

136. DECLARATIONS OF INTEREST

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

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137. MINUTE OF MEETING OF 17 DECEMBER 2014 FOR APPROVAL AND SIGNATURE

The minute of the meeting of Perth and Kinross Council of 17 December 2014 (Arts. 825-839) was submitted, approved as a correct record and authorised for signature.

138. REQUEST FOR DEPUTATION

Provost Grant advised that a request for a deputation had been received in respect of Article (Item 150), Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park – Appropriation of Open Space (Perth Crematorium), as follows:

- Mr A Pennycook, James McEwen Funeral Directors

In terms of Standing Order 59, the Council agreed to hear the deputation from Mr Pennycook.

139. MINUTES OF COMMITTEES

Minutes of Committees from 9 December 2014 – 4 February 2015

The decisions recorded in Arts. 798-839/14 and 1-80 copies of which had been circulated to all members of the Council were submitted and noted/approved as necessary.

140. PERTH AND KINROSS COMMUNITY PLANNING PARTNERSHIP

Resolved:

- (i) The minute of meeting of the Perth and Kinross Community Planning Partnership Board of 28 November 2014 was submitted and noted.
- (ii) The briefing note by the Executive Lead Officer (15/89) providing an update on key areas of the Board's work for January – February 2015 was submitted and noted.

141. RENEWAL OF PERMISSION 12/00948/FLM – ERECTION OF A NEW 400/275KV ELECTRICITY SUBSTATION AND ASSOCIATED WORKS INCLUDING LANDSCAPING AND ACCESS TRACKS ON LAND 450 METRES NORTH WEST OF HAUGHEND FARM BY MEIGLE

There was submitted a report by the Development Quality Manager (15/90) assessing the renewal of application (12/00948/FLM) for the erection of a new 400/275/KV electricity substation and associated works including landscaping and access tracks.

Resolved:

The conditions contained in planning permission notice ref. 12/00948/FLM dated 19 December 2012 in respect of erection of a new 400/275KV electricity substation and associated works including landscaping and access tracks on Land 450 Metres North West of Haughend Farm by Meigle remain in full force and effect, unless discharged or purified to the satisfaction of the Planning Authority.

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Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended), the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. The development will require the 'Display of Notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997 (as amended), and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for guidance. According to Regulation 38 the Notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
4. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council, as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

142. THE LOCAL AUTHORITY ACCOUNTS (SCOTLAND) REGULATIONS 2014

There was submitted a report by the Head of Finance (15/91) advising the Council of changes introduced by the new Local Authority Accounts (Scotland) Regulations 2014 which impact on financial matters and on the statutory annual accounts process from 2014/15 and beyond.

Resolved:

- (i) The contents of Report 15/91 be noted.
- (ii) The proposed timetable for the submission of the Unaudited Annual Accounts and approval of the Audited Annual Accounts, ISA 260 and Annual Report on the 2014/15 Audit as detailed at Appendix 2 of Report 15/91 be approved.
- (iii) An equivalent approach and timetable be adopted in future years.

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143. TREASURY AND INVESTMENT STRATEGY AND PRUDENTIAL INDICATORS 2015/16 – 2020/21

There was submitted a report by the Head of Finance (15/92) detailing (1) the Council's proposed Treasury Strategy and activities; (2) the Prudential Indicators for the six financial years 2015/16 to 2020/21; and (3) the annual Investment and Property Strategy for 2015/16.

Resolved:

- (i) The six year Treasury Strategy for 2015/16 to 2020/21, as detailed in Report 15/92, which is submitted in accordance with the Council's approved Treasury Management Practices (TMP), be approved.
- (ii) The Permitted Investments and Investment Strategy for 2015/16, including the proposed increased counterparty limits, outlined at Sections 5 and 6 and detailed at Appendices III and IV of Report 15/92, be approved.
- (iii) The Prudential Indicators for 2015/16 to 2020/21 outlined at Section 9 and detailed at Appendix V of Report 15/92, including increasing the Authorised Limit for Gross External Debt to £429,000,000, be approved.

144. TREASURY ACTIVITY AND COMPLIANCE REPORT – 2014/15 QUARTER 3

There was submitted a report by the Head of Finance (15/93) (1) providing a summary of Loans Fund transactions for the quarter ending 31 December 2014; and (2) reporting on compliance with the Council's Treasury Management Policy Statement, Treasury Management Practices and the Investment Strategy for the same period.

Resolved:

The contents of Report 15/93, submitted in accordance with the Council's approved Treasury Management Practices, be noted.

145. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK VARIANCE AND COMPARISON REPORT 2013/14

There was submitted a joint report by the Head of Environmental & Consumer Services and Head of Finance (15/94) presenting a summary of Perth and Kinross Council's performance during 2013/14 against the Local Government Benchmarking Framework indicators published by the Improvement Service on 30 January 2015.

Councillor B Vaughan, whilst agreeing with the recommendations contained in Report 15/94, requested that additional recommendations (v) and (vi), as undernoted, be added.

Resolved:

- (i) The Local Government Benchmarking Framework results for 2013/14 and explanations of performance, as detailed in Report 15/94, be noted.
- (ii) It be noted that Service Local Government Benchmarking Framework/Business Management Improvement Plans sessions be held with elected members in March 2015.

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- (iii) It be noted that training on the Local Government Benchmarking Framework toolkit was delivered to staff and elected members in 2014 and will be repeated in March 2015.
- (iv) The use of the Local Government Benchmarking Framework results being used to inform the development of the Council's Transformation Programme 2015 and the Council's wider performance management and planning framework, be noted.
- (v) Training sessions be planned for elected members to focus on the way that the Local Government Benchmarking Framework toolkit can support and improve their scrutiny of service delivery and outcomes.
- (vi) Wherever applicable, reports to Council and committees refer to the relevant information contained in the Local Government Benchmarking Framework.

146. FINAL REPORT OF THE FIFTH SCRUTINY REVIEW OF CHARGING FOR SERVICES

There was submitted a report by Councillor A Stewart, Convener of the Scrutiny Committee (15/65) setting out the findings of the Scrutiny Committee Review of Charging for Services.

Resolved:

- (i) It be noted that the terms of Report 15/65 had been approved by the Scrutiny Committee on 11 February 2015.
- (ii) It be agreed that reports be submitted to the relevant themed committees as necessary to consider the recommendations of the review as detailed in Section 5.1 of Report 15/65.
- (iii) It be noted that a full progress report on the implementation of the recommendations of the review would be submitted to the Scrutiny Committee in February 2016.

147. CHILD SEXUAL EXPLOITATION

There was submitted a report by the Executive Director (Education and Children's Services) (15/95) (1) providing a summary of the background to and current context surrounding child sexual exploitation (CSE) at UK and Scotland level; (2) setting out the key findings arising from the recent inquiry into CSE in Rotherham and describing how the Scottish Government intends to tackle CSE in Scotland; (3) proposing a proactive approach to tackling CSE in Perth and Kinross and the implementation of a comprehensive action plan locally; and (4) emphasising the importance of establishing a hostile environment for this form of child sexual abuse and a major role for the Council and its partners in exercising robust scrutiny and challenge to ensure that the systematic failures in Rotherham cannot be repeated.

Resolved:

The contents of Report 15/95 and the work being taken forward to tackle Child Sexual Exploitation within Perth and Kinross be noted.

- (i) Regular reports on progress from the Child Protection Committee and the CSE Working Group, be requested.

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- (ii) Data and information in the Child Protection Committee Standards and Quality Report for 2014/15 in relation to the quality of the immediate response to children and young people at risk of abuse and exploitation, be requested.

148. DUNDEE, PERTH, ANGUS AND NORTH FIFE STRATEGIC DEVELOPMENT PLANNING AUTHORITY (SDPA) TAYPLAN PROPOSED STRATEGIC DEVELOPMENT PLAN AND ACTION PROGRAMME 2016-2036

There was submitted a report by the Executive Director (Environment) (15/101) seeking the ratification of the decision of the Joint Committee of the Dundee, Perth, Angus and North Fife Strategic Development Planning Authority to approve the Proposed TAYplan Strategic Development Plan 2016 – 2036 and its associated documents as a basis for a period of public representation.

Resolved:

- (i) The TAYplan Joint Committee decisions, as set out in Section 3.4 of Report 15/101, be ratified.
- (ii) Subject to ratification of the Proposed Plan in its current format by the other three Constituent Authorities, that Perth and Kinross Council will not submit an Alternative Plan to the Scottish Ministers; and
- (iii) An update to the TAYplan Environmental Report SEA is not required.

149. PUBLIC REALM ENHANCEMENTS – MILL STREET, PERTH AND ASSOCIATED VENNELS COMPULSORY PURCHASE ORDER

There was submitted a report by the Executive Director (Environment) (15/96) seeking authority to acquire land and rights either by negotiation or Compulsory Purchase to facilitate the construction of Phases 1 and 2 of the project to undertake public realm enhancement works in Mill Street, and the associated Vennels, in Perth City Centre.

Resolved:

- (i) The purchase of land and rights required for the Scheme referred to in Report 15/96, by negotiation with affected land owners, be approved.
- (ii) The Head of Legal Services be instructed to initiate and, if necessary, complete the statutory procedures to acquire the land and rights by compulsory purchase in parallel with the negotiated process.
- (iii) The promotion of the Mill Street, Perth Compulsory Purchase Order 2014 to acquire the land shown on the Drawing RI/MILL/LAND/001 annexed to Report 15/96, be approved.

Provost Grant advised elected members that a Petition had been received on 18 February 2015 in connection with the following item – Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park – Appropriation of Open Space (Perth Crematorium). The Petition was from The Congregation of Balbeggie and Collace United Free Church and other Friends and consisted of 123 signatures.

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Elected members were also advised that, as stated in Paragraphs 2.7 and 2.8 of Report 15/97, a written petition against the 'masterplan' for the Scheme had been submitted to the Council on 28 November 2014 and there were also two live online petitions opposing the proposals.

150. PERTH TRANSPORT FUTURES PROJECT PHASE 1 A9/A85 TO BERTHA PARK APPROPRIATION OF OPEN SPACE (PERTH CREMATORIUM)

Provost Grant advised elected members that a Petition had been received on 18 February 2015 in connection with the following item – Perth Transport Futures Project – Phase 1 A9/A85 to Bertha Park – Appropriation of Open Space (Perth Crematorium). The Petition was from The Congregation of Balbeggie and Collace United Free Church and other Friends and consisted of 123 signatures.

Elected members were also advised that, as stated in Paragraphs 2.7 and 2.8 of Report 15/97, a written petition against the 'masterplan' for the Scheme had been submitted to the Council on 28 November 2014 and there were also two live online petitions opposing the proposals.

There was submitted a report by the Executive Director (Environment) (15/97) (1) detailing the objections to the proposal to appropriate areas of open space in the grounds of Perth Crematorium for the purpose of a new link road and overspill parking area associated with Phase 1 of the Perth Transport Futures Project; and (2) recommending that the Council considers the objections received and grants approval to appropriate these areas of open space in terms of Section 24(2A) of The Town and Country Planning (Scotland) Act 1959.

Mr A Pennycook, James McEwan Funeral Directors, addressed the Council, and, following his representation, and after answering questions from members, withdrew to the public benches.

Councillor A Stewart, whilst agreeing with the recommendations contained in Report 15/97, requested that additional recommendations (iii) and (iv), as undernoted, be added.

Resolved:

- (i) It be noted that consideration had been given to all representations received.
- (ii) Appropriation of the areas of open space within the Crematorium grounds of Perth under Section 24(2A) of The Town and Country Planning (Scotland) Act 1959 for the purpose of constructing a new road, and an overflow car parking area, in implementation of The Perth Transport Futures Project Phase 1 A9/A85 to Bertha Park, be approved for the reasons set out in paragraph 3.4 of Report 15/97.
- (iii) The Executive Director (Environment) be instructed to investigate whether alternative sites could be explored for relocating the proposed overflow car park.
- (iv) The landscaping works mentioned in Paragraph 3.2 of Report 15/97 – i.e. "including noise mitigation measures will minimise the effect on the Crematorium and Garden of Remembrance", be the subject of further public consultation before commencement of said works with particular emphasis on the boundary wall issue.

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Note: In terms of standing order 46 Councillors C Gillies and A Munro requested that their dissent be recorded in respect of the decision on the basis that they felt that more appropriate route options should have been presented to Councillors for consideration.

151. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR SCOTLAND – ADMINISTRATIVE AREA REVIEW OF LOCAL GOVERNMENT AREA BOUNDARY BETWEEN FIFE COUNCIL AREA AND PERTH AND KINROSS COUNCIL AREA

There was submitted a letter dated 14 January 2015 (15/98) from the Local Government Boundary Commission for Scotland of advising the Council of the proposals for an administrative area review of the local government area boundary between Fife Council and Perth & Kinross Council areas at Keltlybridge and at Fife Environmental Energy Park, Westfield on 15 January 2015, for a consultation period of 12 weeks, lasting until 9 April 2015, during which comments on the proposals are invited.

Resolved:

The contents of the letter and the proposals be noted.

152. REVIEW OF PARLIAMENTARY CONSTITUENCY POLLING DISTRICTS AND POLLING PLACES

There was submitted a report by the Head of Democratic Services (15/99) seeking the Council's views on the proposed temporary change to the parliamentary constituency polling place for parliamentary polling district PCP following a review of the facilities at Caputh Village Hall.

Resolved:

- (i) Session House, Caputh Church, be allocated as the temporary polling place for parliamentary polling district PCP until such time as Caputh Village Hall is brought up to standard.
- (ii) A review of Caputh Village Hall be undertaken in November 2015 to determine the progress made in respect of the re-wiring and other remedial works required.

153. CHANGES TO MEMBERSHIP

(i) Enterprise and Infrastructure Committee

Resolved:

Councillor H Anderson be appointed to the Enterprise and Infrastructure Committee to replace Councillor A Younger.

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154. APPOINTMENTS TO EXTERNAL BODIES

(i) Perth Prison Visiting Committee

Resolved:

Mrs Virginia Ann Cardwell Moore and Mr Alan Henry Wylie be appointed as non-Council members of the Perth Prison Visiting Committee.

(ii) Tayside Pension Fund – Establishment of Local Pension Board

Resolved:

Councillor J Kellas be appointed as an employer representative on the Local Pension Board of the Tayside Pension Fund.

155. SCHEME OF ADMINISTRATION

Resolved:

It be noted that the revised Scheme of Administration is available to view on the Council website.

156. CHANGES TO TIMETABLE OF MEETINGS 2015

Resolved:

- (i) A special meeting of the Council be held on Wednesday 25 March 2015 at 10.00am to consider approval of the final Health and Social Care Integration Scheme.
- (ii) The meeting of the Environment Committee, originally scheduled to be held on Wednesday 25 March 2015 at 10.00am, take place after the Enterprise and Infrastructure Committee scheduled for 2.00pm that day.
- (iii) The meetings of the Council and the Common Good Fund Committees, originally scheduled to take place on Wednesday 29 April 2015, be postponed until Wednesday 13 May 2015.
- (iv) The meeting of the Development Management Committee, originally scheduled to be held on Wednesday 13 May 2015, take place on Tuesday 12 May 2015 at 10.00am.

157. VALEDICTORY – RETIRAL OF MRS BRENDA LACKIE, TEAM LEADER, ELECTIONS, REGISTRATION AND COMMUNITY COUNCILS

Provost Grant referred to the retiral of Mrs Brenda Lackie, Team Leader, Elections, Registration and Community Councils and paid tribute to the dedicated service she had given to Perth and Kinross Council during her years of service. Brenda thanked Provost Grant and elected members for their good wishes and expressed her thanks to all members of staff in her team for their support. Councillors wished Brenda all the very best for the future and an enjoyable retirement.

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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

158. PERTH HARBOUR – EXPRESSIONS OF INTEREST (Article 72/14)

There was submitted a report by the Executive Director (Environment) (15/100) advising members of the outcome of the Stage 1 marketing campaign for the Council's operational and land interests at Perth Harbour and seeking authority (1) to proceed to Stage 2 negotiations with the interested party and (2) to include in negotiations the Harbour Master's Office, the Fair Maid Tug and other sites.

Motion (Councillors I Miller and A Grant)

- (i) The Council proceed to Stage 2 and enter into further negotiations with the interested party as detailed in Report 15/100, on terms contained within Report 15/100 and otherwise on terms and conditions to be agreed with the Heads of Planning and Development and Legal Services.
- (ii) The Head of Planning and Development be authorised to include the Harbour Master's Office and The Fair Maid Tug in these negotiations.
- (iii) The Head of Planning and Development be authorised to include in the negotiations the potential purchase of other ground lease sites held by the interested party out with the core harbour area as detailed in Report 15/100.
- (iv) The Executive Director (Environment) be instructed to report back to a future meeting of the Council and the Perth Common Good Committee for their consideration, the detail of the Stage 2 negotiation and the Heads of Terms of any proposed sale to the interested party.

First Amendment (Councillors D Doogan and H Anderson)

- (i) The details of Report 15/100 be noted, in particular the projected level of receipt likely to accrue to this Council following sale and it be considered that the market has been tested and found to present no financially attractive or strategically prudent proposition to the Council or wider economy.**
- (ii) It be agreed that the marketing process be concluded at this stage and the Executive Director (Environment) be instructed to develop proposals for an enterprise transformation programme for the Perth Harbour business within Council ownership.**
- (iii) It be considered that transformation of the business within Council ownership represents the best approach to safeguard this strategic asset for the future, achieve best long term value for this Council and maximise fairness to existing harbour businesses and their employees.**

Second amendment (Councillors P Barrett and W Wilson)

- (i) The details of Report 15/100 be noted, in particular the projected level of receipt likely to accrue to this Council following sale and it be considered that

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- the market has been tested and found to present no financially attractive or strategically prudent proposition to the Council or wider economy.
- (ii) It be agreed to conclude the marketing process at this stage and the Executive Director (Environment) be instructed to develop proposals for an enterprise transformation programme for the Perth Harbour business within council ownership.
 - (iii) It be agreed that the Council should develop a vision and masterplan for the future regeneration and development of the Perth Harbour area in consultation with Harbour landowners and businesses.

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

4 members voted for the Second Amendment as follows:

Councillors P Barrett, A Gaunt, L Simpson and W Wilson.

24 members voted for the First Amendment as follows:

Councillors H Anderson, B Band, R Brock, I Campbell, J Coburn, D Cuthbert, D Doogan, B Ellis, J Giacobazzi, C Gillies, T Gray, K Howie, A Jack, G Laing, M Lyle, D Melloy, A Munro, D Pover, C Shiers, A Stewart, H Stewart, G Walker, M Williamson and A Younger.

8 members abstained as follows:

Provost E Grant, Councillors A Grant, J Kellas, A Livingstone, E Maclachlan, I Miller, W Robertson and B Vaughan.

The First Amendment being successful, it was set against the Motion.

25 members voted for the First Amendment as follows:

Councillors H Anderson, B Band, R Brock, I Campbell, J Coburn, D Cuthbert, D Doogan, B Ellis, A Gaunt, C Gillies, T Gray, K Howie, A Jack, G Laing, M Lyle, D Melloy, A Munro, D Pover, C Shiers, L Simpson, A Stewart, H Stewart, G Walker, M Williamson and A Younger.

9 members voted for the Motion as follows:

Provost E Grant, Councillors J Giacobazzi, A Grant, J Kellas, A Livingstone, E Maclachlan, I Miller, W Robertson and B Vaughan.

Resolved:

In accordance with the First Amendment.

159. RETIRAL OF COUNCILLOR J COBURN

At the close of business, Councillor J Coburn advised of his intention to resign as an elected member of the Council. He paid tribute to his fellow Councillors and conveyed his feelings of privilege, pleasure and honour to have served as an elected member for twelve years. He also paid tribute to the staff of the Council for their

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assistance during his period of office and wished the elected members and all at the Council every success for the future.

The Provost paid tribute to the dedication and commitment Councillor Coburn had shown to both the Council and to the Children's Panel during his period of office and wished him and his wife, Penny, very best wishes for the future.

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