

PERTH AND KINROSS COUNCIL  
COUNCIL MEETING  
24 FEBRUARY 2016

## **COUNCIL MEETING**

Minute of meeting of Perth and Kinross Council held in the Gannochy Suite, Dewars Centre, Glover Street, Perth on Wednesday 24 February 2016 at 2.00pm.

Provost E Grant, Councillors H Anderson, R Band, M Barnacle, P Barrett, R Brock, I Campbell, D Doogan, B Ellis, J Flynn, A Gaunt, J Giacobazzi, C Gillies, A Grant, T Gray, K Howie, G Laing, A Livingstone, M Lyle, E Maclachlan, A MacLellan, D Melloy, I Miller, A Munro, A Parrott, 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.

In Attendance: B Malone, Chief Executive; J Fyffe, Senior Depute Chief Executive, ECS (Equality, Community Planning & Public Service Reform); J Walker, Depute Chief Executive, HCC (Corporate & Community Development Services and Chief Operating Officer); J Valentine, Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development); G Taylor, C Flynn, G Fogg, R Fry, C Irons, L Potter, S Rodger and J Symon (all Corporate and Democratic Services); B Atkinson, S Devlin and F Robertson (all Education and Children Services); B Renton, G Dawson, D Littlejohn, J McCrone and K McNamara (all Environment Service) and J Gilruth, G Reeves, N Sutherland and A Taylor (all Housing and Community Care)

Apologies for Absence: Councillors A Cowan, D Cuthbert and J Kellas.

Provost E Grant, Presiding.

### **187. WELCOME AND APOLOGIES**

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

### **188. DECLARATIONS OF INTEREST**

- (i) Councillors H Anderson, B Band, I Campbell, A Gaunt, G Laing, A Parrott, M Roberts, H Stewart and M Williamson declared a non-financial interest in Art. 198;
- (ii) Councillors P Barrett and I Campbell declared a non-financial interest in Art. 201
- (iii) Councillors I Campbell and A Parrott declared a non-financial interest in Art. 205.

### **189. MINUTE OF MEETING FOR APPROVAL AND SIGNATURE**

The minute of the meeting of Perth and Kinross Council of 16 December 2015 (Arts. 829-843) was submitted, approved as a correct record and authorised for signature.

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**190. NOTICE OF MOTION**

Motion by Councillors A Parrott and A MacLellan.

*Recent Extreme Weather and Flooding Events*

*Council recognises the dedication and hard work of Perth and Kinross Council staff and the staff of all other agencies involved in preparing for, monitoring and alleviating the effects of the extreme weather and flooding experienced in recent weeks and thanks all involved for their very great efforts on behalf of the local community.*

*Council understands the effectiveness of the Perth City flood defences in sparing the city from possibly repeated and large scale inundation in recent weeks and pays tribute to all those in the past who contributed to the planning, funding and construction of the city's present flood defences.*

*Council expresses sympathy for all those in Perth and Kinross whose homes and businesses have suffered flood damage in recent weeks and will offer as much support as possible for both recovery measures and further measures to help prevent future flooding.*

*Council recognises the possible impact of climate change on the weather patterns now being experienced and will continue to ensure that proper regard is given to climate change issues in all matters coming before Council.*

**Resolved:**

In accordance with the Motion.

**191. MINUTES OF COMMITTEES**

**Minutes of Committees from 2 December 2015 to 10 February 2016**

The decisions recorded in Arts. 763-828 and 1-97, copies of which had been circulated to all members of the Council, were submitted and noted/approved as necessary.

**192. PERTH AND KINROSS COMMUNITY PLANNING PARTNERSHIP**

The briefing by the Senior Depute Chief Executive, ECS (Equality, Community Planning and Public Service Reform) (16/66) providing an update on key areas of the Perth and Kinross Community Planning Partnership's work from December 2015 was submitted and noted.

It was noted that paragraph 2.1 in the paper should have read "This work is closely linked with the Open Data Transformation Project which aims to make published data more transparent, more accessible and easier to use, both for services and members of the community."

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**193. TREASURY ACTIVITY AND COMPLIANCE REPORT – 2015/16 QUARTER 3**

There was submitted a report by the Head of Finance (16/67) (1) providing a summary of Loans Fund transactions for the quarter ending 31 December 2015; and (2) reporting on compliance with the Council's Treasury Management Policy Statement, Treasury Management Practices, the Investment Strategy and the Prudential Indicators for the same period.

**Resolved:**

- (i) The contents of Report 16/67, submitted in accordance with the Council's approved Treasury Management Practices, be noted.
- (ii) The Approved Lending and Investment Policy be amended as detailed in Report 16/67.

**194. TREASURY AND INVESTMENT STRATEGY AND PRUDENTIAL INDICATORS 2016/17 – 2020/21**

There was submitted a report by the Head of Finance (16/68) on (1) the Treasury Strategy and activities; (2) the Investment and Property Strategy for 2016/17 and (3) an update on the Prudential Indicators for the six financial years 2016/17 to 2021/22.

**Resolved:**

- (i) The six year Treasury Strategy for 2016/17 to 2021/22 set out in Report 16/68, submitted in accordance with the Council's approved Treasury Management Practices, be approved.
- (ii) The Permitted Investments and Investment Strategy for 2016/17 as outlined in Sections 5 and 6 of and detailed in Appendices III and IV to Report 16/68, be approved.
- (iii) The Prudential Indicators for 2015/16 to 2020/21 continue to apply until the new Composite Capital Budget is considered and determined by the Council in June 2016.

**195. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK – VARIANCE AND COMPARISON REPORT 2014/15**

There was submitted a report by the Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) (16/69) on the Council's performance during 2014/15 against the Local Government Benchmarking Framework indicators published by the Improvement Service on 29 January 2016.

**Resolved:**

- (i) The Local Government Benchmarking Framework results for 2014/15 and the explanations of performance be noted.
- (ii) That Services would be holding Local Government Benchmarking Framework/Business Management and Improvement Plan sessions with Elected Members in March 2016 be noted.
- (iii) That Local Government Benchmarking Framework results would be used to inform the development of the Council's wider performance management and planning framework be noted.
- (iv) The report be referred to the Scrutiny Committee for further consideration.

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**196. EMPLOYEE ENGAGEMENT SURVEY 2015**

There was submitted a report by the Depute Chief Executive, HCC (Corporate and Community Development Services) and Chief Operating Officer (16/70) on the Employee Engagement Survey 2015 results.

**Resolved:**

- (i) The results of the 2015 Employee Engagement Survey and the measures being undertaken to learn from these results, be noted.
- (ii) That a report on wider aspects of employee engagement and workforce development would be submitted to the Council meeting on 18 May 2016, be noted.

COUNCILLOR M LYLE LEFT THE MEETING AT THIS POINT.

**197. PERTH CITY PLAN (ART. 473/15)**

There was submitted a report by the Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) (16/71) providing a summary of the consultation responses to the draft Perth City Plan.

**Resolved:**

- (i) Amendments to the Perth City Plan arising from consultation and supported by the Perth City Development Board as set out in Report 16/71 be approved.
- (ii) Actions championed via agreed theme lead representatives of the Perth City Development Board, and the development of projects associated with the identified Big Moves in the Perth City Plan which had initially been led by the Council, be approved.
- (iii) The Perth City Plan be used to inform and support funding for key activities, infrastructure and projects.
- (iv) The Perth City Plan be promoted through ongoing communication of activity, actions and opportunities via Invest in Perth and other media portals and channels.

**198. SECURING THE FUTURE FOR CULTURE AND SPORT:  
IMPLEMENTATION UPDATE (ART. 477/15)**

There was submitted a report by the Senior Depute Chief Executive, ECS (Equality, Community Planning and Public Service Reform) (16/72) providing an update on the implementation of new strategic commissioning arrangements for culture and sport approved by Council in July 2015.

**Resolved:**

- (i) The progress with implementing new commissioning and delivery arrangements for culture and sport as instructed by the Council on 1 July 2015, be noted.
- (ii) The Head of Finance be instructed to sign the pension admission agreement for TUPE employees and new employees of Culture Perth and Kinross and to underwrite the associated pension liabilities as set out in Report 16/72.

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- (iii) The implementation of an Assurance Framework for the 3 Trusts – Culture Perth and Kinross, Live Active Leisure and Horsecross Arts – as set out in Report 16/72, be approved.
- (iv) The Senior Depute Chief Executive, ECS (Equality, Community Planning and Public Service Reform) be instructed to prepare the scope of a further review of Option 5, expanded remit for Live Active Leisure, plus a new single Culture Trust considered by the Council meeting on 1 July 2015 (Report 15/295) by Spring 2017.

**199. COMMUNITY JUSTICE PARTNERSHIP PROPOSALS**

There was submitted a report by the Director (Housing and Community Care) (16/73) on work to develop a Community Justice Partnership and on the proposed functions and membership of that Partnership, all in accordance with the requirements of the Community Justice (Scotland) Bill – expected to become law in late Spring 2016.

**Resolved:**

- (i) The Transition Plan as set out in Appendix 1 to Report 16/73 be endorsed and submitted to the Scottish Government.
- (ii) Councillors A MacLellan and D Pover be appointed to the Community Justice Partnership to act as Chair and Vice Chair respectively in its shadow year until 1 April 2017.
- (iii) The Depute Chief Executive, HCC (Corporate and Community Development Services) be instructed to bring back a report in six months on progress with the establishment of the shadow Community Justice Partnership and a Community Safety Partnership, and on engagement work to support a local Community Justice Strategy.

**200. WORKING IN LOCALITIES TO TACKLE INEQUALITY (ART. 646/15)**

There was submitted a joint report by the Senior Depute Chief Executive, ECS (Equality, Community Planning and Public Services Reform) and the Depute Chief Executive, HCC (Corporate and Community Development) and Chief Operating Officer (16/74) on proposals to build upon existing activity aimed at making Perth and Kinross a more fair and equitable place to live.

**Resolved:**

- (i) The establishment of a Fairness Commission as outlined in Report 16/74, be approved, to ultimately provide a report to the Community Planning Partnership and the Council on proposals for change that will address poverty and inequalities.
- (ii) The approach and timetable outlined in Report 16/74, be approved.
- (iii) Examples of evidence-based practice as the basis for further engagement within localities, be noted.
- (iv) The Council sign up to the Poverty Alliance's "Stick your Labels" campaign.
- (v) That Fuel Poverty be included as an area on which the Commission would take evidence.

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**201. PERTH AND KINROSS INTEGRATED JOINT BOARD – SCRUTINY AND ACCOUNTABILITY FRAMEWORK**

There was submitted a report by the Head of Legal and Governance Services (16/75) providing an update on progress of implementation of the Public Bodies (Joint Working) (Scotland) Act 2015 and setting out the proposed scrutiny and accountability arrangements governing the relationship between the Perth and Kinross Integration Joint Board and the Council as a constituent party to the Integration Scheme.

**Resolved:**

- (i) The progress made by the Perth and Kinross Integration Joint Board to date in terms of preparation for full delegation in accordance with the legislative timescale as set out in Report 16/75, be noted.
- (ii) The scrutiny and assurance framework outlined in Report 16/75, be approved.
- (iii) The required changes to the Council's Scheme of Administration be approved.

**202. APPOINTMENTS TO COMMITTEES/OUTSIDE BODIES**

**(i) Scrutiny Committee**

Councillor J Flynn be appointed to the Scrutiny Committee to replace Councillor R Brock.

**(ii) Culture and Sport Advisory Group**

Provost E Grant be appointed to the Culture and Sport Advisory Group.

**(iii) Planning Policy and Practice Member/Officer Working Group**

Councillor I Campbell be appointed to the Planning Policy and Practice Member/Officer Working Group to replace Councillor A Livingstone.

**203. REQUEST TO CONSIDER ITEM IN PUBLIC**

Motion (Councillors W Wilson and A Stewart)

The public and press are not excluded from the meeting during consideration of Item P3 - Perth City Hall – Report by Depute Chief Executive, Environment, (Sustainability, Strategic and Entrepreneurial Development).

Amendment (Councillors I Miller and A Grant)

The public and press are excluded from the meeting during consideration of Item P3 – Perth City Hall – Report by Depute Chief Executive, Environment, (Sustainability, Strategic and Entrepreneurial Development).

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

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Twenty-seven members voted for the Amendment as follows:  
Councillors H Anderson, B Band, I Campbell, D Doogan, B Ellis, J Flynn,  
J Giacomazzi, C Gillies, A Grant, Provost E Grant, Councillors T Gray,  
K Howie, G Laing, A Livingstone, E Maclachlan, A MacLellan, D Melloy,  
I Miller, A Munro, A Parrott, D Pover, M Roberts, C Shiers, B Vaughan,  
G Walker, M Williamson and A Younger.

Nine members voted for the Motion as follows:  
Councillors M Barnacle, P Barrett, R Brock, A Gaunt, W Robertson,  
L Simpson, A Stewart, H Stewart and W Wilson.

**Resolved:**

In accordance with the Amendment.

Thereafter, the meeting was adjourned for five minutes, recommencing at 4.30pm.

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

F Robertson, Head of Public Service Reform, Culture and Community Services and  
P Jardine, Jura Consultants gave a presentation to members on the UK City of  
Culture 2021 and Developing the Cultural Offer in Perth and Kinross.

**204. UK CITY OF CULTURE 2021 – UPDATE AND NEXT STEPS**

There was submitted a joint report by the Senior Depute Chief Executive,  
ECS (Equality, Community Planning and Public Service Reform) and Depute Chief  
Executive, Environment (Sustainability, Strategic and Entrepreneurial Development)  
(16/76) (1) providing an update on work to date to develop key themes for the Perth  
bid to secure the title of UK City of Culture 2021 and (2) seeking approval for next  
steps to deliver a successful bid.

**Resolved:**

- (i) The work to date on preparing the Perth bid for UK City of Culture 2021, be noted.
- (ii) The next steps to launch the bid as detailed in Report 16/76, be approved.
- (iii) The governance arrangements as detailed in Report 16/76, be approved.

**205. DEVELOPING THE CULTURAL OFFER IN PERTH AND KINROSS:  
UPDATE AND NEXT STEPS**

There was submitted a joint report by the Senior Depute Chief Executive,  
ECS (Equality, Community Planning and Public Service Reform) and Depute Chief  
Executive, Environment (Sustainability, Strategic and Entrepreneurial Development)  
(16/77) updating Council on further feasibility work to invest in the cultural offer of  
Perth and Kinross and deliver on 'Big Move 7' (Cultural Attractions) in the Perth City  
Plan.

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**Resolved:**

- (i) The conclusions of the refreshed visitor market appraisal and outline business cases for new cultural attractions proposed to respond to the visitor market opportunity for Perth, be noted.
- (ii) The Senior Depute Chief Executive, ECS (Equality, Community Planning and Public Service Reform) and Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) be instructed to:
  - (a) progress site options appraisal for the new visual arts attraction either through development of an existing building or on a new site.
  - (b) prepare the funding strategy and outline project timelines to support further stakeholder dialogue.
  - (c) provide a further update to Council in June 2016, when the wider capital programme for 2016/17 onwards would be considered.
- (iii) Jura Consultants be requested to provide further information on the estimated visitor numbers for new cultural attractions in Perth.

COUNCILLOR W ROBERTSON AND P JARDINE LEFT THE MEETING AT THIS POINT

**206. PERTH CITY HALL**

There was submitted a report by the Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) (16/78) providing an update on actions agreed following consideration of a report by the Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) to the Council at its meeting on 7 October 2015 and seeking instruction from Council as to the next steps.

Prior to consideration of the report Councillor P Barrett apologised to Council for disclosing to the media information contained in the report.

**Motion (Councillors I Miller and A Grant):**

**The Council resolves to:-**

- (i) Note the contents of Report 16/78;**
- (ii) Suspend negotiations with Perth Market Place Ltd.**
- (iii) Instruct the Depute Chief Executive, Environment, (Sustainability, Strategic and Entrepreneurial Development) to explore all options available to Council in respect of our use of this site and to bring forward a report to the next Council meeting.**

First Amendment (Councillors W Wilson and M Barnacle)

The Council resolves to:-

- (i) Note the contents of Report 16/78;
- (ii) Continue negotiations with Perth Market Place Ltd;
- (iii) Instructs the Depute Chief Executive, Environment, (Sustainability, Strategic and Entrepreneurial Development) to submit a final report to Council on 18 May 2016.



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Second Amendment (Councillors A MacLellan and B Vaughan)

The Council resolves to:-

- (i) Note the contents of Report 16/78.
- (ii) Abandon negotiations with Perth Market Place Ltd.
- (iii) Instructs the Depute Chief Executive, Environment, (Sustainability, Strategic and Entrepreneurial Development) to bring forward a report to the next Council meeting on 18 May 2016.

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

Eight members voted for the Second Amendment as follows:

Councillors B Band, I Campbell, J Flynn, C Gillies, A MacLellan, D Melloy, A Munro and B Vaughan.

Five members voted for the First Amendment as follows:

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

Twenty-two members abstained as follows:

Councillors H Anderson, R Brock, D Doogan, B Ellis, J Giacobazzi, A Grant, Provost E Grant, Councillors T Gray, K Howie, G Laing, A Livingstone, E Maclachlan, I Miller, A Parrott, D Pover, M Roberts, C Shiers, A Stewart, H Stewart, G Walker, M Williamson and A Younger.

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

Six members voted for the Amendment as follows:

Councillors B Band, J Flynn, C Gillies, A MacLellan, A Munro and B Vaughan.

Twenty-eight members voted for the Motion as follows:

Councillors H Anderson, P Barrett, R Brock, I Campbell, D Doogan, B Ellis, A Gaunt, J Giacobazzi, A Grant, Provost E Grant, Councillors T Gray, K Howie, G Laing, A Livingstone, E Maclachlan, D Melloy, I Miller, A Parrott, D Pover, M Roberts, C Shiers, L Simpson, A Stewart, H Stewart, G Walker, M Williamson, W Wilson and A Younger.

One member abstained as follows:

Councillor M Barnacle.

**Resolved:**

In accordance with the Motion.

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