

Thursday 7 December 2023 - 10.00 a.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

In terms of Section 5 of the Code of Conduct, members are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **CIVIC BUSINESS BULLETIN** 4 - 5
4. **MINUTE** – Minute of the meeting of Fife Council of 21 September 2023. 6 - 28
5. **MINUTES OF COMMITTEES AND SUB-COMMITTEES**

Minutes of meetings of the Council's committees and sub-committees, as contained in the volume of minutes uploaded to the intranet and Fife Council website, are submitted for accuracy.
6. **LEADERS REPORT** 29 - 32
7. **QUESTION TIME** 33 - 34
8. **CHANGE TO LIST OF COMMITTEE POWERS** – Report by the Head of Legal & Democratic Services. 35 - 36
9. **FREEDOM OF THE CITY FOR THE PEACOCKS OF DUNFERMLINE** – Report by the Executive Director Finance & Corporate Services. 37 - 38
10. **APPOINTMENT TO EXTERNAL ORGANISATIONS - ST ANDREWS LINKS TRUST AND ST ANDREWS LINKS MANAGEMENT COMMITTEE** – Report by the Head of Legal & Democratic Services. 39 - 41
11. **NOTICE OF MOTIONS** – Report by the Executive Director Finance & Corporate Services. 42 - 43
12. **BUSINESS BROUGHT FORWARD BY THE PROVOST AS A MATTER OF URGENCY**

Members are reminded that should they have queries on the detail of a report they should, where possible, contact the report authors in advance of the meeting to seek clarification.

Fife House
North Street
Glenrothes
Fife, KY7 5LT

30 November, 2023

If telephoning, please ask for:

Emma Whyte, Committee Officer, Fife House 06 (Main Building)

Telephone: 03451 555555, ext. 442303; email: Emma.Whyte@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on
www.fife.gov.uk/committees

BLENDED MEETING NOTICE

This is a formal meeting of the Committee and the required standards of behaviour and discussion are the same as in a face to face meeting. Unless otherwise agreed, Standing Orders will apply to the proceedings and the terms of the Councillors' Code of Conduct will apply in the normal way

For those members who have joined the meeting remotely, if they need to leave the meeting for any reason, they should use the Meeting Chat to advise of this. If a member loses their connection during the meeting, they should make every effort to rejoin the meeting but, if this is not possible, the Committee Officer will note their absence for the remainder of the meeting. If a member must leave the meeting due to a declaration of interest, they should remain out of the meeting until invited back in by the Committee Officer.

If a member wishes to ask a question, speak on any item or move a motion or amendment, they should indicate this by raising their hand at the appropriate time and will then be invited to speak. Those joining remotely should use the "Raise hand" function in Teams.

All decisions taken during this meeting, will be done so by means of a Roll Call vote.

Where items are for noting or where there has been no dissent or contrary view expressed during any debate, either verbally or by the member indicating they wish to speak, the Convener will assume the matter has been agreed.

There will be a short break in proceedings after approximately 90 minutes.

Members joining remotely are reminded to have cameras switched on during meetings and mute microphones when not speaking. During any breaks or adjournments please switch cameras off.

Fife Council
7 December 2023

Civic Business Bulletin

Former Councillor David Arnott

Former councillor David Arnott sadly passed away recently at the age of 81. David moved to Fife to work for Dunfermline District Council where he was Deputy Director of Sports & Leisure Services before later taking up the role of Director.

He retired around 1996 and was elected as Labour councillor for the Dalgety Bay and Hillend ward in 1999 and again in 2003. His particular interest was anything that came under leisure and recreation and one of his key contributions in Dunfermline was the half marathon. He retired as a councillor in 2007.

Chartered Institute of Housing Team of the Year

At the Scottish Housing Awards (2023) run by Chartered Institute of Housing at the Radison Blu hotel in Glasgow, the Housing Team of the Year title went to Fife Council's 'Housing Access Team'.

The team were recognised for their contribution to organising and coordinating the Normalisation project, in collaboration with partners from other services within Fife Council and Fife Housing Register Partners. The Project was created following a Sheriff Court Judgement which meant that 636 statutory temporary tenancies were legally secure tenancies leaving the local authority with no temporary accommodation and at risk of significantly breaching statutory duty. The team created and implemented a 12 month people-led plan, to 'normalise' tenancies and rebuild temporary accommodation, completing this in August 2023.

Equally Safe at Work Accreditation

Fife Council has successfully achieved bronze accreditation on the Equally Safe at Work employer programme.

Close the Gap have recognised the Council's commitment to women's labour market equality as a sector leader on gender equality in local government.

Close the Gap, Scotland's expert policy advocacy organisation working on women's labour market participation, developed Equally Safe at Work as an innovative employer accreditation programme designed to support employers in the public and third sector to prevent violence against women (VAW) and advance gender equality at work.

Swimming Provider of the Year

Fife Sports and Leisure Trust won Swimming Provider of the Year for Learn to Swim scheme at the recent Scottish Swimming Awards Ceremony.

COSLA Excellence Awards

Building Skills Together, which is a new Scots Refugee Integration Delivery project led by Dundee City Council in conjunction with Fife and Clackmannanshire Councils and WEA Scotland, won a COSLA Excellence Award at the recent ceremony as part of the COSLA conference.

Paths for All Volunteer Awards - Bums Off Seats

Claire Henderson won the Health Walk Volunteer of the Year Award 2023 at these recent awards for her volunteering in supporting physical activity through walking.

Communities and Neighbourhoods

Communities and Neighbourhoods Service volunteering provision awarded the 'CLD Standards Council (Scotland) Standard Mark' in relation to volunteering provision.

Showmen's Guild

Fife Council has been awarded a certificate of appreciation by the Showmen's Guild of Great Britain, Scottish Section. The award was presented at the Guild's annual luncheon in Glasgow in recognition of the Council's outstanding service to the members and their families.

In expressing his appreciation, the Chairman stated that the support given by Fife Council over a period of many years is a leading example of the kind of relationship that they hope to build with other Scottish local authorities.

Civic Events

On 23rd November we held a small ceremony to award the British Empire Medal to Dick Campbell for services to football and his community. The medal was presented by Robert Balfour, Lord-Lieutenant of Fife, with Deputy Lieutenant Jim Leggatt, the Provost and members of Dick's family in attendance.

On 1st December we hosted a concert at the Carnegie Hall as part of the Poppyscotland Band Tour. The Band of the Royal Regiment of Scotland is working together with Poppyscotland to perform in venues across Scotland to raise funds and awareness of the work they do to support our Armed Forces communities. We provided a civic reception prior to the concert.

Dunfermline has been selected to host the Scottish Carol Concert this year which is linked to the annual carol concert hosted by HRH Princess of Wales at Westminster Abbey. It is very much about the community of Fife and it is fitting that our City was selected at this time. The concert will be held on Friday 8th December in Dunfermline Abbey and is a ticketed event.

On 14 December, the Provost's Christmas reception will be held at Kirkcaldy Town House. This year there is a sporting theme with representatives from various achievers from across Fife being recognised for their outstanding success.

THE FIFE COUNCIL - FIFE COUNCIL – BLENDED MEETING

Council Chamber, 6th Floor, Fife House, North Street, Glenrothes

21 September 2023

10.00 am – 1.10 pm

PRESENT: Councillors Jim Leishman (Convener), Tom Adams, David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Aude Boubaker-Calder, Patrick Browne, John Caffrey, James Calder, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Rod Cavanagh, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis, Linda Erskine, Derek Glen, Brian Goodall, Peter Gulline, Jean Hall-Muir, Judy Hamilton, Alycia Hayes, Cara Hilton, Stefan Hoggan-Radu, Gary Holt, Andy Jackson, Louise Kennedy-Dalby, Allan Knox, Robin Lawson, James Leslie, Kathleen Leslie, Rosemary Liewald, Carol Lindsay, Jane Ann Liston, Mary Lockhart, Donald Lothian, David MacDiarmid, Julie MacDougall, Lea McLelland, Lynn Mowatt, Sarah Neal, Derek Noble, John O'Brien, Nicola Patrick, Gordon Pryde, Bailey-Lee Robb, David Ross, Sam Steele, Alistair Suttie, Jonny Tepp, Ann Verner, Ross Vettraino, Craig Walker, Darren Watt, Daniel Wilson, Jan Wincott and Conner Young.

APOLOGIES FOR ABSENCE: Councillors David Graham, Margaret Kennedy and Andrew Verrecchia.

87. DECLARATIONS OF INTEREST

Councillor Eugene Clarke made a transparency statement relating to Para 97 – Notice of Motions (Motion 2) - as he had a long term interest in the Levenmouth rail project.

88. CIVIC BUSINESS BULLETIN

Decision

The council noted the Civic Business Bulletin.

89. MINUTE

The Provost, seconded by Councillor Cavanagh, moved that the minute of the meeting of 22 June 2023 be approved.

Decision

The council approved the minute.

90. MINUTES OF COMMITTEES AND SUB-COMMITTEES

Minutes of the undernoted committees and sub-committee, as contained in the volume of minutes were submitted for accuracy:-

2023 FC 99

- (1) West & Central Planning Committee of 16 August 2023.
- (2) North East Planning Committee of 23 August 2023.
- (3) Fife Planning Review Body of 14 August 2023.
- (4) Regulation and Licensing Committee of 13 June and 8 August 2023.
- (5) Cabinet Committee of 29 June and 10 August 2023.
- (6) Standards, Audit & Risk Committee of 30 June and 17 August 2023.
- (7) Pensions Committee of 23 June and 30 June 2023.
- (8) Glenrothes Area Committee of 30 August 2023.
- (9) Levenmouth Area Committee of 21 June and 30 August 2023.
- (10) City of Dunfermline Area Committee of 15 August 2023.
- (11) Kirkcaldy Area Committee of 29 August 2023.
- (12) North East Area Committee of 21 June and 16 August 2023.
- (13) Education Scrutiny Committee of 22 August 2023.
- (14) Finance, Economy and Corporate Services Scrutiny Committee of 15 June and 24 August 2023.
- (15) People and Communities Scrutiny Committee of 8 June and 31 August 2023.
- (16) Environment, Transportation and Climate Change Scrutiny Committee of 20 June 2023.
- (17) Fife Health & Social Care Integration Joint Board of 31 March, 2023.

Decision

The council noted the minutes.

The Provost advised that in terms of Standing Order 9.1, Item 7 (Para 92) be considered before Item 6 (Para 91) to allow the Leader to be available to present the report.

91. LEADER'S REPORT

The council considered a report by the Leader of the Council on a number of strategic issues. The Leader provided updates on a number of issues in response to questions from members.

Councillor Beare, seconded by Councillor Robb, moved to suspend Standing Order 9.2 to extend the time allowed for Question Time to allow all members to have their questions answered.

There voted as follows:-

For the Motion to suspend Standing Orders – 33 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Ken Caldwell, Rod Cavanagh, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, Carol Lindsay, David MacDiarmid, Lea McLelland, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner, Ross Vettraino, Craig Walker and Daniel Wilson.

Against the Motion – 38 votes

Councillors Tom Adams, Mary Bain-Lockhart, Aude Boubaker-Calder, Patrick Browne, John Caffrey, James Calder, Alistair Cameron, Ian Cameron, Alex Campbell, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis,

2023 FC 100

Linda Erskine, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Allan Knox, Robin Lawson, Jim Leishman, James Leslie, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Julie MacDougall, Derek Noble, Gordon Pryde, David Ross, Jonny Tepp, Darren Watt, Jan Wincott and Conner Young.

Accordingly, in terms of Standing Order No. 41.0, the motion to suspend Standing Orders was not carried as the required two thirds majority of members present and entitled to vote was not achieved.

Decision

The council:-

- (1) noted the report; and
- (2) agreed that members who did not have their question considered due to time constraints, would submit their question directly to the Leader by email.

The meeting adjourned at 11.40 am and reconvened at 12.20 pm.

92. QUESTION TIME

In terms of Standing Order 9.3, the questions put by members to the meeting, the written answers and supplementary questions are contained in Appendix 1 to the minute.

Councillor Wincott, Spokesperson for Environment and Climate Change answered questions 1 and 3.

Councillor Craik, Spokesperson for Finance, Economy and Strategic Planning answered questions 2 and 4 to 11.

Councillor Hamilton, Spokesperson for Housing and Building Services answered questions 12, 13 and 14.

93. STANDARDS COMMISSION DECISION

The council considered a report by the Executive Director, Finance and Corporate Services requiring the council to consider the findings of the Standards Commission for Scotland decision concerning former Councillor Linda Holt.

Decision

The council considered and noted the report.

94. TAY CITIES JOINT COMMITTEE - CHANGE OF MEMBERSHIP

The council considered a report by the Head of Business and Employability Services seeking approval to change the membership of the Tay Cities Joint Committee to allocate a vacant voting membership to Tactran.

Decision

2023 FC 101

The council approved the change of membership of the Tay Cities Joint Committee.

95. 2023 REVIEW OF UK PARLIAMENTARY CONSTITUENCIES

The council considered a report by the Head of Legal and Democratic Services providing a summary of the changes to the new UK Parliament constituencies affecting the Fife Council local government area.

Decision

The council:-

- (1) noted the final recommendations for the new UK Parliament constituencies as approved by Ministers;
- (2) approved the amendments to Fife Council polling districts arising from the new boundaries;
- (3) noted that a statutory review of all polling districts and polling places would commence on 1 October 2023; and
- (4) noted that the electoral register due to be published on 1 December 2023 would reflect the changes outlined in the report.

96. FIFE COUNCIL APPOINTMENTS

The council considered a report by the Head of Legal and Democratic Services to appoint elected members to the St Andrews Links Trust, the position of Spokesperson for Health and Social Care and Fife Alcohol and Drug Partnership.

St Andrews Links Trust

Councillor Ross, seconded by Councillor Lawson, moved that Councillor Davidson be appointed to the St Andrews Links Trust.

There being no other nominations, Councillor Davidson was duly appointed to the St Andrews Links Trust for the remainder of the three year term to 31 December 2024.

Nominations for Spokesperson for Health and Social Care

Councillor Ross, seconded by Councillor Craik, moved that Councillor Downie be appointed as Spokesperson for Health and Social Care.

Councillor Alexander, seconded by Councillor Walker, moved that Councillor Liewald be appointed as Spokesperson for Health and Social Care.

Roll Call

For Councillor Downie – 38 votes

Councillors Tom Adams, Mary Bain-Lockhart, Aude Boubaker-Calder, Patrick Browne, John Caffrey, James Calder, Alistair Cameron, Ian Cameron, Alex Campbell, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis,

2023 FC 102

Linda Erskine, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Allan Knox, Robin Lawson, Jim Leishman, James Leslie, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Julie MacDougall, Derek Noble, Gordon Pryde, David Ross, Jonny Tepp, Darren Watt, Jan Wincott and Conner Young.

For Councillor Liewald – 32 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Ken Caldwell, Rod Cavanagh, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, Carol Lindsay, David MacDiarmid, Lea McLelland, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Ann Verner, Ross Vettraino, Craig Walker and Daniel Wilson.

Accordingly, the council agreed that Councillor Downie be appointed as the Spokesperson for Health and Social Care.

Fife Alcohol and Drug Partnership

Councillor Ross, seconded by Councillor Craik, moved that Councillor Downie be appointed to the Fife Alcohol and Drug Partnership.

Councillor Alexander, seconded by Councillor Walker, moved that Councillor Liewald be appointed to the Fife Alcohol and Drug Partnership.

Roll Call

For Councillor Downie – 38 votes

Councillors Tom Adams, Mary Bain-Lockhart, Aude Boubaker-Calder, Patrick Browne, John Caffrey, James Calder, Alistair Cameron, Ian Cameron, Alex Campbell, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis, Linda Erskine, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Allan Knox, Robin Lawson, Jim Leishman, James Leslie, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Julie MacDougall, Derek Noble, Gordon Pryde, David Ross, Jonny Tepp, Darren Watt, Jan Wincott and Conner Young.

For Councillor Liewald – 33 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Ken Caldwell, Rod Cavanagh, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, Carol Lindsay, David MacDiarmid, Lea McLelland, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner, Ross Vettraino, Craig Walker and Daniel Wilson.

Accordingly, the council agreed that Councillor Downie be appointed to the Fife Alcohol and Drug Partnership.

Decision

The council:-

- (1) noted the resignation of the Provost from the St Andrews Links Trust and agreed to appoint Councillor Colin Davidson for the remainder of the three year term to 31 December 2024;
- (2) agreed to appoint Councillor Graeme Downie as Spokesperson for Health and Social Care (and subsequent appointments connected to this position); and
- (3) agreed to appoint Councillor Graeme Downie to the Fife Alcohol and Drug Partnership.

97. NOTICE OF MOTIONS

The Council considered a report by the Head of Legal and Democratic Services requiring the Council to consider motions submitted in terms of Standing Order No. 10.

Motion 1

Councillor Boubaker-Calder, seconded by Councillor Calder, moved as follows:-

School Crossing Patrol Officers

“Council notes:

- (1) The importance of school crossing patrol officers (Lollipop people) in ensuring the safety of school pupils walking to school.
- (2) Council further notes the health and environmental benefits of active travel to schools and that school crossing patrol guards can help with encouraging this.
- (3) The number of school crossing patrol guards in Fife has reduced from 76 in the 2015-16 session to 56 in 2022-23.

Council requests:

A member-led task and finish group be set up by the appropriate scrutiny committee to investigate the reasons for the long-term reduction in school crossing patrol guards, what work is being done to recruit them and what is being done to mitigate the effect of the reduction, in particular with ensuring the safety of pupils using active travel to travel to schools and to seek best practice from elsewhere.”

Decision

The Council agreed the motion unanimously.

Motion 2

2023 FC 104

Councillor Vettraino, seconded by Councillor Wilson, moved as follows:-

“Council notes:

- that Network Rail, while redeveloping the Thornton to Leven rail-link, and with insufficient consultation with local communities, has already closed or intends to close the crossing routes known as Doubledykes, Waulksmill and Tullybreck;
- the Right of Way at Doubledykes was extinguished by the British Railways Order Confirmation Act of 1984, although the public has subsequently enjoyed free and unrestricted access along its route since then and the local community believes that the Right of Way has consequently been re-established. This is a view that is shared by Scotways, the independent charity that upholds and promotes public access rights in Scotland;
- that the Leven Railway Act of 1852 requires public crossings to be maintained across the railway, but that it isn't clear to which crossings that Act refers;
- that ScotWays has confirmed that all three routes over the level crossings at Doubledykes, Wauksmill and Tullybreck are recorded in the National Catalogue of Rights of Way as Rights of Way and has expressed the view that the Council should have promoted Stopping Up Orders prior to Network Rail closing these Rights of Way and
- that Scotways has also said that formally closed Rights of Way could be re-gained by positive prescription and, in the case of Doubledykes, is of the view that there has been sufficient public use over the necessary prescription period for a public right to have been re-acquired and that it remains recorded as a Right of Way. In support of this position affidavits have been submitted to Network Rail and made available to the Council, which affirm that the crossing at Doubledykes has been used with free and unrestricted access since it was extinguished as a Right of Way by the British Railways Order Confirmation Act of 1984.

Council therefore agrees:

Based on the importance of the issue to the local community, that Counsel's Opinion be sought as to whether the Right of Way has been re-established and, if not, if there is a legal process by which it can be so; and

that Officers investigate if the crossings at Waulksmill and Tullybreck, which have been closed by Network Rail, are Rights of Way and, in particular, if they constitute “roads in the Parish of Markinch”, to which reference is made in Section XXVII of the Leven Railway Act 1852 and, if not, which are the roads to which reference is made therein.”

Amendment

Councillor Craik, seconded by Councillor Noble, moved as follows:-

“That Council agrees that there has been insufficient consultation, by Network Rail and Transport Scotland, with local communities in the delivery of the Levenmouth Rail link.

Notes that the 1852 Act relates to public crossings which were in place 170 years ago. Notes that attempts to map these crossings would indicate that obligations

2023 FC 105

in the 1852 Act have been, and are being, fully complied with. Notes that any pre-existing access rights at Doubledykes were extinguished 130 years after the 1852 Act by the 1984 Act.

Agrees that the Council has an important role in relation to rights of way but that the Council's clear internal legal advice is that there is no right of way along the Doubledykes route.

Agrees that the much welcomed Levenmouth investment will develop the opportunity for increased economic and social benefit for the local community.

Encourages the Council to continue to actively work with partners to meet the aspirations for Doubledykes and active travel around the rail link with the further meetings are planned."

Roll Call

For the Motion – 33 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Ken Caldwell, Rod Cavanagh, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, Carol Lindsay, David MacDiarmid, Lea McLelland, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner, Ross Vettraino, Craig Walker and Daniel Wilson.

For the Amendment – 38 votes

Councillors Tom Adams, Mary Bain-Lockhart, Aude Boubaker-Calder, Patrick Browne, John Caffrey, James Calder, Alistair Cameron, Ian Cameron, Alex Campbell, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis, Linda Erskine, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Allan Knox, Robin Lawson, Jim Leishman, James Leslie, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Julie MacDougall, Derek Noble, Gordon Pryde, David Ross, Jonny Tepp, Darren Watt, Jan Wincott and Conner Young.

Decision

The council agreed in terms of the amendment.

98. BUSINESS BROUGHT FORWARD BY THE PROVOST AS A MATTER OF URGENCY

It was noted that there was no business to be brought forward under this item.

FIFE COUNCIL
21 SEPTEMBER 2023

QUESTION TIME

Question 1 from Councillor Jonny Tepp

How is glyphosate used by the council in Fife given its perceived dangers to humans and biodiversity?

Answer

Scottish Government information shows that nearly every Council uses Glyphosate as a herbicide to control weeds and protect infrastructure. The public sector has a limited choice of active substances which are approved in amenity settings. Unlike many other herbicides, glyphosate is systemic and broad-spectrum, effectively controlling both grasses and broadleaved weeds, making it one of the most widely used, cost-effective tools for weed management. Glyphosate has been approved for use in both agricultural and amenity environments for over 40 years.

Whilst there has been some controversy about glyphosate use, this active substance is currently approved for use in both the European Union and Great Britain. Assessments by the European Food Safety Authority (EFSA) and the European Chemicals Agency (ECHA) concluded that glyphosate met approval conditions for use and did not pose an unacceptable risk to human or environmental health. The current Great Britain glyphosate approval expires in December 2025 and the Health and Safety Executive (HSE), will be robustly assessing all regulatory evidence.

The Council recognises the environmental harm that glyphosate can cause to biodiversity and ecosystems. To minimise this damage, the Grounds Maintenance Service has developed an integrated weed management programme that reduces the need for herbicide use. Two annual herbicide applications are made to hard surfaces and all soft surface treatments have stopped. The hard surface treatments are applied to road channels, pavements, kerbs, footpaths, playgrounds and car parks.

There are no other non-chemical alternatives as effective as Glyphosate herbicide, which has a longer lasting effect and is significantly cheaper than other weedkilling applications. The Council will continue to consult with other Councils on industry developments and trial alternative products. The ultimate objective is not to use glyphosate herbicide but without an effective alternative, there is a significant risk of weed growth damaging hard surfacing and drainage systems.

Supplementary Question

Can we consider excluding playgrounds from the list of areas treated with glyphosate?

Answer

Yes, I am happy to discuss this with the service.

FIFE COUNCIL
21 SEPTEMBER 2023

QUESTION TIME

Question 2 from Councillor Sean Dillon

What progress has the administration made towards introducing Short Term Let Control Areas, specifically in the East Neuk & St Andrews?

Answer

This question specifically addresses planning controls over short-term let premises. The Head of Housing Services, Head of Legal and Democratic Services, and Head of Protective Services were remitted by Cabinet Committee at its meeting on 9 March 2023 to report back to that Committee with an update on licensing following implementation of the licensing arrangements. Cabinet Committee also asked for a detailed timeline with regard to short-term let control areas, particularly within the East Neuk area, as soon as practicably available. A report is scheduled for Cabinet Committee in November.

The Planning (Scotland) Act 2019 includes provision for the establishment of short-term let control areas (STLCAs). This is distinct from the licensing requirements introduced by the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 which came into effect on 1 March 2022 and requires Local Authorities to develop a licensing scheme for short-term lets.

The purpose of a STLCA may be to meet one or more of the following policy objectives:

- to help manage high concentrations of secondary letting (where it affects the availability of residential housing or the character of a neighbourhood);
- to restrict or prevent short-term lets in places or types of building where it is not appropriate; or
- to help ensure that homes are used to best effect in their areas.

Within a STLCA, a change of use to a short-term let will always require planning permission. It is not a ban on short-term lets but will allow planning policies to be used by local planning authorities to assess applications for such a change of use and allow communities and individuals the right to make representations through the planning application process.

A Short Term Let Working Group has been established involving representatives from Housing Services, Protective Services, Planning Services, Business & Employability

Services, and Democratic and Legal Services. The Working Group focuses on monitoring the implementation and operation of the new licensing scheme and assessing the evidence to inform whether there is a case for one or more STLCA in Fife. To date, an information audit has been carried out to assess the case for one or more STLCA in Fife. The question refers to East Neuk & St Andrews; no one area in Fife is being given more attention than another although the officer group is aware that St Andrews has the largest percentage of STL applications by far – approximately 35% to date – and the East Neuk residential stock is affected by second homes.

Work is ongoing to identify information gaps and to carry out an assessment, including business impact and the effect on resident communities. The licensing scheme will provide evidence of the scale and distribution of STLs across Fife. The biggest and most critical information gap to date is understanding the total number of applications the Council may receive. The rate of applications has been accelerating in recent weeks and it is anticipated that this trend will continue until the licence application deadline (30 September 2023), but most operators may still have to apply before the deadline.

Fife Planning and Housing officers invited representatives of the Association of Scottish Self Caterers to discuss their views on potential STLCAs and held that meeting in September.

A legal challenge has been raised against City of Edinburgh Council on its planning policy on STLs which will be heard at a hearing scheduled for November. In addition the Association of Scotland's Self-Caterers has written to Perth & Kinross Council to seek a delay to the consultation on the designation of a Short-Term Let Control Area on the grounds that the data and evidence-base presented by Perth and Kinross Council is not fit for purpose. Highland Council has also had to suspend the designation of its Planning Control Area in Badenoch & Strathspey on the basis that the policy may be unlawful. To avoid similar challenges, officers are conscious of the need to use robust and credible data when preparing our own evidence base. The outcome of the Edinburgh legal challenge will provide clarity on how the control scheme will be interpreted by the courts and allow us to mitigate litigation risk.

Notwithstanding the need to consider the legal issues before the courts, Planning Services will report on the available evidence and whether there is a case for one or more STLCA in Fife as part of the Local Development Plan Evidence Report currently being prepared. A detailed timeline would not be available until it is determined that there is a case for a STLCA. The Evidence Report will be reported to Cabinet Committee early in 2024 and is programmed for submission to the Fife Council meeting on 21 March 2024.

Supplementary Question

Can the administration guarantee there won't be another 7 year delay in implementing?

Answer

Given the recent legal challenge we need to ensure the correct process is followed. A timeline for this will be submitted to Cabinet Committee.

FIFE COUNCIL
21 SEPTEMBER 2023

QUESTION TIME

Question 3 from Councillor Nicola Patrick

It was noted in the minutes of the Environment and Protective Services Scrutiny Committee in February 2022 that works would be undertaken to provide pedestrian/cyclist access to recycling centres in Kirkcaldy, Dalgety Bay and Lochgelly.

At this time assurances were given that works would begin in summer 2022. This hasn't happened despite Councillor David Barratt asking a similar question in December 2022 and being assured works were to be progressed in early 2023. Given we are now in summer of 2023, when should we expect works to commence?

Answer

Officers are currently preparing a paper to be presented at Cabinet Committee that will provide an update to elected members on Pedestrian/Cycling access at Recycling Centres, this is scheduled to happen no later than November.

FIFE COUNCIL
21 SEPTEMBER 2023

QUESTION TIME

Question 4 from Councillor John Beare

Do any buildings/structures that the Council owns, manages, leases, or currently leases to third parties contain Reinforced Autoclaved Aerated Concrete (RAAC)?

Question 5 from Councillor John Beare

When were any buildings/structures that the Council owns, manages, leases, or currently leases to third parties which contain Reinforced Autoclaved Aerated Concrete (RAAC) last inspected by an appropriately qualified structural engineer or civil engineer?

Question 6 from Councillor John Beare

When will any buildings/structures that the Council owns, manages, leases, or currently leases to third parties which contain Reinforced Autoclaved Aerated Concrete (RAAC) be next inspected by an appropriately qualified structural engineer or civil engineer?

Question 7 from Councillor John Beare

Following inspection, how many buildings/structures that the Council owns, manages, leases, or currently leases to third parties which were found to contain Reinforced Autoclaved Aerated Concrete (RAAC) were considered as being at: critical risk, high risk, medium risk, and low risk?

Question 8 from Councillor John Beare

What urgent remedial works have been or are being undertaken, where critical risks have been identified in buildings/structures that the Council owns, manages, leases, or currently leases to third parties which contain Reinforced Autoclaved Aerated Concrete (RAAC)?

Question 9 from Councillor John Beare

What urgent remedial actions have been or are being undertaken where high risks have been identified in buildings/structures that the Council owns, manages, leases, or currently leases to third parties which contain Reinforced Autoclaved Aerated Concrete (RAAC)?

Question 10 from Councillor John Beare

What is the inspection and assessment regime for any buildings/structures that the Council owns, manages, leases, or currently leases to third parties which contain Reinforced Autoclaved Aerated Concrete (RAAC) where medium and low risks have been attributed?

Question 11 from Councillor Craig Walker

What correspondence has the Council had with the building occupiers in all buildings the Council owns, manages, leases, or currently leases to third parties that contain or may contain Reinforced Autoclaved Aerated Concrete (RAAC) including the families of schoolchildren if there are school buildings with RAAC?

Answers

Q4 - In February 2020, the School Estate was specifically reviewed for RAAC and it was not identified. Likewise, it has not been identified in the wider estate. In light of recent media interest, we have initiated further precautionary reviews across all our buildings. This includes double-checking the School Estate as well as the remainder of the Council's public buildings including those used by the Trusts and Cireco. These checks extend to all buildings that the Council owns, manages, leases or leases to third parties. A precautionary review of council houses has also been initiated. Although at an early stage, it is not anticipated that the review will identify any significant challenges with RAAC in the Council's housing stock.

Q5 - As RAAC has not been identified in the Council's estate, no inspections have been carried out. However, the reviews of the estate are carried out by an appropriately qualified chartered civil/structural engineer.

Q6 - As RAAC has not been identified in the Council's estate, there is no planned inspection regime. In the event that RAAC were identified, inspections would be carried out at a frequency dictated by the identified level of risk.

Q7 - RAAC has not been identified in the Council's estate.

Q8 - RAAC has not been identified in the Council's estate.

Q9 - RAAC has not been identified in the Council's estate.

Q10 - RAAC has not been identified in the Council's estate.

Q11 - RAAC has not been identified in the Council's estate.

Supplementary Question

Given the concerns in the community about the use of this building material product which ceased to be used in 1982 I think it is important that it is on record that there is no known RAAC in any of our buildings.

Note the review of all Fife Council buildings and houses and would seek assurances that members will review briefings on the outcome of both review?

Answer

Yes.

FIFE COUNCIL
21 SEPTEMBER 2023

QUESTION TIME

Question 12 from Councillor Lesley Backhouse

How many properties have been brought back into Council ownership through the Buy Back Scheme in each of the last 5 years?

Answer

18/19 - 6
19/20 - 26
20/21 - 83
21/22 - 50
22/23 - 118

The number of properties acquired so far in 2023/24 is 37 (30 completed and 7 in the pipeline).

The Council is looking to match its 2022/23 performance in 2023/24.

Supplementary Question

Given we have over 2000 open homelessness cases with over 1000 in temporary accommodation don't you think that buybacks of less than 300 in 5 years is insufficient to meet the growing demand we have for homelessness and the given we only have 61 new 1 bed properties in fife in last 4 years, given that most of homeless as single males that we should be increasing the number of buybacks at speed?

Answer

We buy back properties to meet specific needs and are accelerating this programme.

FIFE COUNCIL
21 SEPTEMBER 2023

QUESTION TIME

Question 13 from Councillor Lesley Backhouse

How many homes have been provided by our partner organisations in the Fife Housing Partnership to Care experienced young people?

Answer

In the last financial year (April 22 to end of March 23), 55 Care Experienced Young People were housed by Social Landlords in that year - 45 of those young people were housed by Fife Council, and 10 were housed by Kingdom Housing Association.

FIFE COUNCIL
21 SEPTEMBER 2023

QUESTION TIME

Question 14 from Councillor Lesley Backhouse

The former Communities and Housing sub-Committee on 3.2.22 considered a 'Garden Fencing Policy' and approved draft policy principles with the intention to develop a Housing Services Garden Fencing Policy by late 2022. When will the draft policy be brought to Committee for consideration?

Answer

A report with recommendations for a housing garden fence policy will be submitted for the consideration of Cabinet in November.

FIFE COUNCIL
21 SEPTEMBER 2023

ITEM 7 – QUESTION TIME

Question 1 from Councillor Jonny Tepp

How is glyphosate used by the council in Fife given its perceived dangers to humans and biodiversity?

Question 2 from Councillor Sean Dillon

What progress has the administration made towards introducing Short Term Let Control Areas, specifically in the East Neuk & St Andrews?

Question 3 from Councillor Nicola Patrick

It was noted in the minutes of the Environment and Protective Services Scrutiny Committee in February 2022 that works would be undertaken to provide pedestrian/cyclist access to recycling centres in Kirkcaldy, Dalgety Bay and Lochgelly.

At this time assurances were given that works would begin in summer 2022. This hasn't happened despite Councillor David Barratt asking a similar question in December 2022 and being assured works were to be progressed in early 2023. Given we are now in summer of 2023, when should we expect works to commence?

Question 4 from Councillor John Beare

Do any buildings/structures that the Council owns, manages, leases, or currently leases to third parties contain Reinforced Autoclaved Aerated Concrete (RAAC)?

Question 5 from Councillor John Beare

When were any buildings/structures that the Council owns, manages, leases, or currently leases to third parties which contain Reinforced Autoclaved Aerated Concrete (RAAC) last inspected by an appropriately qualified structural engineer or civil engineer?

Question 6 from Councillor John Beare

When will any buildings/structures that the Council owns, manages, leases, or currently leases to third parties which contain Reinforced Autoclaved Aerated Concrete (RAAC) be next inspected by an appropriately qualified structural engineer or civil engineer?

Question 7 from Councillor John Beare

Following inspection, how many buildings/structures that the Council owns, manages, leases, or currently leases to third parties which were found to contain Reinforced Autoclaved Aerated Concrete (RAAC) were considered as being at: critical risk, high risk, medium risk, and low risk?

Question 8 from Councillor John Beare

What urgent remedial works have been or are being undertaken, where critical risks have been identified in buildings/structures that the Council owns, manages, leases, or currently leases to third parties which contain Reinforced Autoclaved Aerated Concrete (RAAC)?

Question 9 from Councillor John Beare

What urgent remedial actions have been or are being undertaken where high risks have been identified in buildings/structures that the Council owns, manages, leases, or currently leases to third parties which contain Reinforced Autoclaved Aerated Concrete (RAAC)?

Question 10 from Councillor John Beare

What is the inspection and assessment regime for any buildings/structures that the Council owns, manages, leases, or currently leases to third parties which contain Reinforced Autoclaved Aerated Concrete (RAAC) where medium and low risks have been attributed?

Question 11 from Councillor Craig Walker

What correspondence has the Council had with the building occupiers in all buildings the Council owns, manages, leases, or currently leases to third parties that contain or may contain Reinforced Autoclaved Aerated Concrete (RAAC) including the families of schoolchildren if there are school buildings with RAAC?

Question 12 from Councillor Lesley Backhouse

How many properties have been brought back into Council ownership through the Buy Back Scheme in each of the last 5 years?

Question 13 from Councillor Lesley Backhouse

How many homes have been provided by our partner organisations in the Fife Housing Partnership to Care experienced young people?

Question 14 from Councillor Lesley Backhouse

The former Communities and Housing sub-Committee on 3.2.22 considered a 'Garden Fencing Policy' and approved draft policy principles with the intention to develop a Housing Services Garden Fencing Policy by late 2022. When will the draft policy be brought to Committee for consideration?

Fife Council Leader's Report

Thursday 7th December 2023

1. Pay

Following a revised pay offer from COSLA, fully backdated to April, Unison recommended acceptance of the offer and this was agreed by its members through a ballot. The offer had therefore been accepted by all three SJC trade unions. This will avoid further industrial action on this pay claim.

The Council is making arrangements to pay this backdated pay offer and the uprating of the living wage before Christmas.

2. ScotRail Timetable for Levenmouth Rail Link

ScotRail undertook consultation on proposed timetable changes including an interim timetable to operate on the opening of the new Levenmouth Rail Link. This would see either two trains an hour routed round the Fife Circle to Edinburgh via Dunfermline or one train an hour to Edinburgh via Kirkcaldy, rather than the promised two trains an hour with one via Dunfermline and one via Kirkcaldy.

I met with ScotRail to express concerns that these proposals would not meet the desired level of service in terms of frequency or journey times between Leven and Edinburgh and would negatively impact on travel to and from destinations within Fife, all of which would diminish the attractiveness of the new line at the point of opening which is important to its success.

The need for this reduced interim timetable is due to a lack of rolling stock within Fife. I have asked ScotRail to re-examine their proposals with a view to introducing the originally intended timetable and have suggested they seek to source additional rolling stock from elsewhere for the opening of the new link as I believe was done for the opening of the Borders line. I have also communicated these concerns to the Cabinet Secretary for Transport, Net Zero and Just Transition.

3. The Verity House Agreement and the Proposed Council Tax Freeze

The First Minister announced a proposal to freeze council tax for the coming year. This announcement was made without discussion with COSLA as was the expectation under the recently signed Verity House Agreement between Scottish and Local Governments.

An urgent meeting was held between the First Minister, the COSLA Presidential Team and COSLA political group leaders at which COSLA expressed its disappointment that this announcement had been made without prior discussion and contrary to the Verity House Agreement, and stressed local government's long held principle that it should be for individual local authorities to determine their own level of council tax dependent on local circumstances and in response to local consultation.

The First Minister regretted the way the announcement had been made with no prior discussion but maintained that he felt the decision was the right one. He gave the assurance that this council tax freeze would be for one year only and that it would be 'fully funded'.

Discussions have been taking place between Scottish Government and COSLA prior to the Scottish Budget announcement on 19th December but as yet there is no clarity on the what 'fully funded' means in practice.

4. Education Regional Improvement Collaboratives

The Cabinet Secretary for Education and Skills announced recently that she planned to taper down the funding for Regional Improvement Collaboratives and to redirect funding to establish a Centre for Teaching Excellence.

Again this was done without prior discussion with local government as should have happened under the Verity House Agreement.

This was raised directly with the Cabinet Secretary by COSLA, and Council Leaders subsequently agreed to ask for the full publication of the current review of RICs before any decisions on the tapering off of funding are taken, that current levels of funding for RICs are maintained for the coming year to allow evidence based consideration of their future role, and that full details of costs and remit of the proposed CTE should be made available so that an evidence based decision can be made on the need for and role of the CTE. Further, Leaders wanted to re-emphasize that should the decision be made to establish this body then its scope should be broadened to include support not only for teachers but the broader staff cohorts supporting Learning including early years officers and pupil support assistants.

5. Common School Week and Learning Hours

Raising attainment and achievement is one of the key aims of the Education Improvement Plan. As part of assisting with this, discussions have been taking place in Education with head teachers regarding moving to a consistent 27.5 hour secondary school week and the possibility of adopting a common asymmetric week across secondary schools. This mirrors discussion at a national level through the Scottish Government.

The adoption of a common week could benefit pupils, allowing them a greater choice of opportunities across schools, and could also facilitate the scheduling of collaborative professional learning and development for staff.

A number of secondary schools currently operate a 27.5 hour week and others are already planning to move to this. It is recognised that not all secondary school would be able or would wish to move to this immediately so such a move is likely to be phased over at least 3 years. This would also allow lessons to be learned from the experience of those schools operating or moving to these arrangements.

Schools and the Education Service have a degree of autonomy over such arrangements, but any necessary reports would be brought to Committee in due course.

6. Behaviour in Schools

The Education Service continues to work with schools to address the issue of behaviour in schools impacting on both pupils and staff.

I met with the National Official (Scotland) from the NAS/UWT to discuss the results of a national survey of the union's members they had carried out on this subject. There had been a much higher completion rate from staff from Fife than for other areas,

partly because of the attention the Council has been giving to the issue and the efforts we have been making to facilitate the reporting of incidents by staff.

Whilst we are taking this issue very seriously in Fife, it is recognised that it is a Scotland and UK wide issue, not something that only affects Fife. I was heartened to hear from the Union that Fife is already taking most of the actions the Union is recommending and is seen in some respects as a model of good practice.

Across our schools a huge amount of work is underway to tackle violence and bullying affecting both pupils and staff. Working with partners including Police, NHS Fife and the Health and Social Care Partnership, the Council is putting a number of different programmes, practices and actions in place.

Some of our schools are facing specific challenges and the Education Service is giving targeted support to schools where and when it's needed.

The Council is piloting a model of having a social worker based in four of our secondary schools to work with young people where attendance at school is low. Our staff across our schools are also engaging in professional development around trauma informed practice and de-escalation intervention.

It is recognised that this work will take time to have the full desired impact but the safety and wellbeing of all children and staff in every Fife school is a priority and the Council will continue to work with all our school communities to make sure our staff and young people have a positive experience at school.

7. Climate Change

I hosted a roundtable discussion on future climate change strategy with local environmental groups from across Fife in October. Cllr Jan Wincott, Spokesperson for Environment and Climate Change also attended the Fife COP 2023 event organised by the Fife Environmental Partnership in November.

The Cabinet Committee will consider the Council's Local Heat and Energy Efficiency Strategy at its meeting on 30th December. The LHEES is a fundamental part of the Council's Climate Change Strategy. The overarching Climate Change Delivery Plan is currently being finalised setting out key actions for the coming 4 years and this will be submitted to the Cabinet Committee in January.

8. 'No Wrong Door' and Senior Management Appointments

The Cabinet Committee will consider on 30th December, reports on the 'No Wrong Door' approach, which sets out proposals for the next phase of the Council's change programme and proposals to appoint a new Executive Director of Education and a new Chief Social Worker, and moving Children and Families and Criminal Justice to the Communities Directorate.

The 'No Wrong Door' approach is designed to build on some of the test of change work already underway within the Council and with partners, moving further towards a preventative, people centred model rather than the current transactional model which tends to deal with the presenting symptoms rather than root causes and too often at the point of crisis. All Members are encouraged to read the papers contained within the Cabinet Committee agenda.

9. Adam Smith Theatre Re-Opening

The Grand Re-Opening of the Adam Smith Theatre in Kirkcaldy was held on 23rd September following the major refurbishment of the building. The event showcased a wide range of Fife's performing arts groups and was a great success.

The re-opening of the theatre will allow the Fife Cultural Trust to better estimate its operational costs and income following the refurbishment and the recovery from the pandemic. Discussions will be taking place with all the trusts regarding business planning and management fees in the run up to setting the Council's budget in February.

10. Fife Gingerbread

I recently visited Fife Gingerbread to hear about their involvement in the Intensive Family Support project funded through the employability strand of the Edinburgh and South East Scotland City Region Deal and the contribution they are making to the Fair Work pillar of Community Wealth Building.

11. Meals on Wheels

As part of the Council's efforts to support National Meals on Wheels Week I visited the kitchen at Ostlers House and joined one of the delivery drivers on his round, allowing me the opportunity to meet users of the service. The value of this service is obvious and it is well appreciated by those who receive it.

Arising from discussion about the operation of the service I have asked officers to give some initial consideration to how we might make better use of the Council's internal capacity for food production and preparation.

Councillor David Ross
Leader of Fife Council
Fife House, North Street, Glenrothes
29th November 2023

FIFE COUNCIL

7 DECEMBER 2023

ITEM 7 QUESTION TIME

Question 1 from Councillor Ian Cameron

What discussions has the Spokesperson for Health & Social Care had with NHS Fife, about the rising cardiology waiting times across the Kingdom?

Question 2 from Councillor Al Clark

Given the recent storm damage, what can be done to support St Andrews Harbour following the destruction and the £1.5m bill to fix the harbour. What options of funding can Fife Council support with to get the repairs at least started and show commitment to repairing the historic Grade A listed site, that is also a tourist attraction as well as a working harbour providing employment?

Question 3 from Councillor Jonny Tepp

What is the current IJB budget overspend and the projected year-end deficit? What steps are being taken to close this gap and will services or council budgets be impacted?

Question 4 from Councillor David Alexander

How many void or empty properties does the housing service currently have by area committee?

Question 5 from Councillor Nicola Patrick

Can the coalition leader advise why there is a backlog of some 150 disabled parking bays awaiting installation.

Question 6 from Councillor Derek Glen

With reference to support for Low Carbon Heating Schemes and Local Community Climate Projects, is Fife Council planning to support further district energy distribution schemes such as the one from Lochhead Recycling Centre to the Linen Quarter in Dunfermline and the one supplying Fife House from the RWE plant; and if so are these centred on landfill waste, or do they also include other renewable sources such as solar and geothermal and if so when will we have a report to Full Council to consider the options available to us?

Question 7 from Councillor Daniel Wilson

Can the Transportation spokesperson provide an update on the discussions with external partners in relation to a safe crossing at Double Dykes?

Question 8 from Councillor Daniel Wilson

What records are being kept of meetings and discussions with Fife Council (officers and spokespersons) and external agencies including and but not limited to Network Rail, Transport Scotland and Sustrans in relation to the closure and potential reopening of the crossing at Double Dykes.

Question 9 from Councillor Carol Lindsay

How has inflation impacted on the original costing for scrapping Bulky Uplifts and what impact will the recently issued SEPA Guidance about measures that will have to be taken when collecting and disposing of items of furniture that contain Persistent Organic Pollutants, have on service, the recycling rates and costs ?"

7 December, 2023

Agenda Item No. 8

Change to List of Committee Powers - Determination of National Planning Applications or Major Applications Significantly Contrary to the Development Plan

Report by: Lindsay Thomson, Head of Legal & Democratic Services

Wards Affected: All

Purpose

This report proposes a minor amendment to the List of Committee Powers to remove the determination of national planning applications or major applications significantly contrary to the Development Plan from the functions reserved to Fife Council and to delegate this function to the Cabinet Committee.

Recommendation(s)

Council is invited to:

- (1) agree that Committee Powers be amended as set out at section 3.1.7 to remove the determination of national planning applications or major applications significantly contrary to the Development Plan from the functions reserved to Fife Council and delegate this power to the Cabinet Committee; and
- (2) delegate authority for any consequential amendment to Fife Council's governance documentation required by recommendation one to the Head of Legal & Democratic Services.

Resource Implications

No direct implications

Legal & Risk Implications

Section 27 of the Planning (Scotland) Act 2019 removed the requirement for certain prescribed classes of development (national planning applications or major applications significantly contrary to the development plan) which are subject to the pre-determination hearing procedures, to be ultimately determined by full Council in terms of section 56(6A) of the Local Government (Scotland) Act 1973 as amended, which provision is also repealed.

Impact Assessment

None

Consultation

This proposal reflects a change to the statutory framework and therefore no formal consultation has been undertaken.

1.0 Background

- 1.1 Section 3.1 7 of The List of Committee Powers sets out Fife Council's reserved powers to determine national planning applications or major applications significantly contrary to the Development Plan.
- 1.2 Section 27 of the Planning (Scotland) Act 2019 removed the requirement for certain prescribed classes of development (national planning applications or major applications significantly contrary to the development plan) which are subject to the pre-determination hearing procedures, to be ultimately determined by full Council in terms of section 56(6A) of the Local Government (Scotland) Act 1973 as amended, which provision is also repealed.
- 1.3 There is an application currently progressing through the planning process and in consideration of the governance route for this application a change to Committee Powers is sought at this point, in advance of a full review of Committee Powers in the new year.
- 1.4 The current pre-determination process for these applications will continue, with a pre-determination hearing followed by relevant planning committee consideration before any recommendations are made for final approval. Delegating final approval for these applications to Cabinet Committee will allow efficient decision making, given the more frequent meetings of the Cabinet Committee. The Cabinet Committee also has responsibility for developing and approving new policies consistent with the overall strategic approach of the Council so this delegation would align well to the existing remit.

2.0 Conclusion

- 2.1 It is for the Council to consider how it wishes to deal with the decision-making process following on the pre-determination hearing which hearing remains a statutory requirement in relation to the classes of development as detailed at section 1.2 of the report. Given the change introduced by the 2019 Act it is recommended that the Cabinet Committee is a more appropriate forum to consider these applications.

List of Appendices

None

Background Papers

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:-

None

Report Contact Helena Couperwhite

Author Name Helena Couperwhite

Author's Job Title Democratic Services Manager (Committees & Members)

Email: helena.couperwhite@fife.gov.uk

7 December 2023

Agenda Item No. 9

Freedom Of The City for the Peacocks of Dunfermline

Report by: Executive Director, Finance & Corporate Services

Wards Affected: All

Purpose

The purpose of the report is to request ratification of the decision of the City of Dunfermline Area Committee to award the peacocks of Dunfermline the Freedom of the City of Dunfermline.

Recommendation(s)

It is recommended that the Council ratify the decision of the City of Dunfermline Area Committee to award the peacocks of Dunfermline the Freedom of the City of Dunfermline.

Resource Implications

There are no resource implications arising from this report.

Legal & Risk Implications

The award of the Freedom of the City is a civic honour and it does not bestow any additional access or other rights of freedoms on any recipients of the award. There have been some concerns expressed about the interface of the Freedom of the City award with other statutory provisions, including, for example, environmental health requirements. The requirements of all specific statutory provisions will take precedence over any civic freedom honour which is bestowed.

Impact Assessment

An EqIA is not required as this report does not propose a change or revision to existing policies and practices.

Consultation

The Leaders of all political groups have been consulted on the content of this paper. The City of Dunfermline Area Committee has also made a recommendation to full Council to ratify the award.

1.0 Background

- 1.1 At its meeting of 24 October 2023, the City of Dunfermline Area Committee agreed to award the Freedom of the City of Dunfermline to the peacocks of Dunfermline subject to ratification by two thirds of Fife Council in accordance with the protocol which has been approved by Council for the award of this civic honour.
- 1.2 The committee recognised that the much-loved peacocks have a symbolic importance to the community and wished to recognise and welcome their continued presence in and around the City of Dunfermline.

2.0 Conclusions

- 2.1 Any award of the Freedom of the City of Dunfermline requires to be ratified by two thirds of Fife Council.

List of Appendices

None.

Report Author

Lindsay Thomson

Head of Legal & Democratic Services and Monitoring Officer

Email- lindsay.thomson@fife.gov.uk

7 December 2023

Agenda Item No. 10

Appointment to External Organisations – St Andrews Links Management Committee and St Andrew Links Trust

Report by: Head of Legal & Democratic Services

Wards Affected: All wards

Purpose

To appoint a non-elected member representative to both the St Andrews Links Trust Management Committee and the St Andrews Links Trust.

Recommendation(s)

The Council is asked to:-

- (1) approve the reappointment of Tom Gallacher, a nominee from the local golf clubs, to the St. Andrews Links Management Committee, for a second term, for the period 1 January 2024 to 31 December 2027; and
- (2) approve the reappointment of Sandra Tuddenham, a nominee from the local golf clubs, to the St Andrews Links Trust, for a second term, for the period 1 January 2023 to 31 December 2026.

Resource Implications

None

Legal & Risk Implications

The proposed nominations are in accordance with Protocol Agreement and the St. Andrews Links Order 1974.

Impact Assessment

An EqIA is not required because the report does not propose a change or revision to existing policies and practices.

Consultation

St Andrews Links Trust and Inter-Club Liaison Committee, St Andrews.

1.0 Background

St Andrews Links Trust Management Committee – Non-Elected Member Representation

- 1.1 The St. Andrews Links Trust Management Committee consists of eight members, four of which are appointed by Fife Council and appointments are made for a four year period.
- 1.2. In accordance with the Protocol Agreement which exists between the Council and the St. Andrews Links Trust, the local golf clubs are invited to take up two of the Council places on the Management Committee. The St. Andrews Links Order 1974 also states that persons appointed to the Management Committee shall have close connections with the town of St. Andrews and its golfing community.
- 1.3 The term of appointment of Tom Gallacher, a representative of the local golf clubs (nominated by the Inter-Club Liaison Committee (ICLC)), is due to expire on 31 December 2023. Members nominated by the ICLC to the Links Management Committee are restricted to two terms of appointment.
- 1.4 The Council's other representatives on the Management Committee are Councillors Lesley Backhouse and Allan Knox and Jim Lindsay, a representative from the local golf clubs.
- 1.5 The ICLC have recommended that Tom Gallacher be appointed for a second term.

St Andrews Links Trust – Non-Elected Member Representation

- 1.6 The St. Andrews Links Trust consists of eight members who are Trustees of the Links Trust, three of whom are appointed by Fife Council and appointments to the Links Trust are for a 3 year period.
- 1.7 In accordance with the Protocol Agreement which exists between the Council and the St. Andrews Links Trust, the local golf clubs are invited to take up one of the Council places on the Trust and nominations were sought.
- 1.8 The term of appointment of Sandra Tuddenham, a representative of the local golf clubs (nominated by the Inter-Club Liaison Committee (ICLC)), is due to expire on 31 December 2023. Members nominated by the ICLC to the Links Trust are restricted to two terms of appointment.
- 1.9 The Council's other representatives are Councillors Colin Davidson and Ann Verner.
- 1.10 The ICLC have recommended that Sandra Tuddenham be appointed for a second term.

1.11 It should be noted that members cannot be appointed to the St. Andrews Links Trust if they are already members of the St. Andrews Links Management Committee (or vice versa).

Report Contact

Emma Whyte
Committee Officer
Legal & Democratic Services
Fife House
Glenrothes

Telephone: 03451 55555 ext. 442303; e-mail – emma.whyte@fife.gov.uk

7 December 2023

Agenda Item No. 11

NOTICE OF MOTIONS

Report by: Head of Legal and Democratic Services

Wards Affected: All

Purpose

In terms of Standing Order 10, the attached notice of motions have been submitted.

Recommendation(s)

Council is asked to consider the motions.

Resource Implications

Not applicable.

Legal & Risk Implications

Not applicable.

Impact Assessment

Not applicable.

Consultation

Not applicable.

Lindsay Thomson
Head of Legal and Democratic Services
Fife House, North Street, Glenrothes

03451 55 55 55 Ext No 442180
lindsay.thomson@fife.gov.uk

Motion 1

NHS Fife Overspend

Council notes the recently reported overspend of £10.9 million in NHS Fife and understands the concerns of residents of Fife about this service. Some of these worries include concerns of staff being overstretched and access to services.

Following on from these concerns, Council requests that the Council leader write to the Scottish Health Secretary to request that he provides information on what support the Scottish Government are providing to resolve this situation.

Proposed by Councillor James Calder

Seconded by Councillor Jonny Tepp

Motion 2

Council supports Prostate Cancer UK campaign “Boys Need Bins” highlighting the issue of incontinence waste among men with prostate cancer allowing them to safely and hygienically dispose of incontinence products easily and with dignity. Council will, where possible, encourage providers of public and workplace toilets in our area to make male sanitary bins available in their facilities

Proposed by Councillor Julie MacDougall

Seconded by Councillor Altany Craik