



Thursday, 16th March, 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** 5
4. **MINUTES – Minutes of the meetings of Fife Council of 8th December, 2022 and 23rd February, 2023.** 6 - 43
5. **MINUTES OF COMMITTEES AND SUB-COMMITTEES** Available on intranet & website

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. **LEADER'S REPORT** 44 - 47
7. **QUESTION TIME**

In terms of Standing Orders, copies of these questions will be emailed to members and available on intranet and Fife Council website.
8. **GOVERNANCE ARRANGEMENTS - STANDING ORDERS – Report by the Executive Director, Finance & Corporate Services.** 48 - 89
9. **NOTICE OF MOTIONS – Report by the Head of Legal and Democratic Services.** 90 - 93
10. **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.

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services

Fife House
North Street

Glenrothes
Fife, KY7 5LT

9 March, 2023

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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 mute microphones and switch cameras off when not speaking. This includes during any scheduled breaks or adjournments.

**Fife Council
16 March 2023**

Civic Business Bulletin

Dunfermline City Tartan

In light of Dunfermline's new status, third year pupils at all four Dunfermline High Schools are taking part in a competition to design a tartan. They have until 30th June to submit their designs and the judging will take place over the summer break. The winner will be announced at a City Status reception in August.

A Dunfermline kiltmaker is leading on this and there will be a prize for the winner.

Coronation Celebration Event

The Council will be holding a celebration on Monday 8th May in Glen Pavilion, Dunfermline. Guests will be chosen from a Fifewide volunteer list; we will be asking for online nominations and will randomly select up to 100 guests (each with a plus one).

THE FIFE COUNCIL - FIFE COUNCIL – BLENDED MEETING

Council Chamber (FHM06.001), 6th Floor, Fife House, North Street, Glenrothes

8th December, 2022

10.00 a.m. – 3.30 p.m.

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, Julie Ford, Derek Glen, Brian Goodall, David Graham, 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, 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, Andrew Verrecchia, Ross Vettraino, Craig Walker, Darren Watt, Daniel Wilson, Jan Wincott and Conner Young.

APOLOGY FOR ABSENCE: Councillor Margaret Kennedy.

38. DECLARATIONS OF INTEREST

No declarations of interest were submitted in terms of Standing Order No. 7.1.

39. CIVIC BUSINESS BULLETIN

Decision

The Council noted the Civic Business Bulletin.

40. MINUTE

The Provost, seconded by Councillor Dempsey, moved that the minute of the meeting of 29th September, 2022 be approved.

Decision

The Council approved the minute.

41. MINUTE OF COMMITTEES AND SUB-COMMITTEES

Minutes/

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Minutes of the undernoted Committees and Sub-Committees, as contained in the volume of minutes, were submitted for accuracy:-

- (1) West and Central Planning Committee of 21st September, 19th October and 16th November, 2022.
- (2) North East Planning Committee of 12th October and 9th November, 2022.
- (3) Fife Planning Review Body of 24th October, 2022.
- (4) Regulation and Licensing Committee of 6th September and 4th October, 2022.
- (5) Cabinet Committee of 22nd September, 20th October and 17th November, 2022.
- (6) Standards, Audit and Risk Committee of 31st October, 2022.
- (7) Pensions Committee of 26th September, 2022.
- (8) Glenrothes Area Committee of 7th September and 2nd November, 2022.
- (9) Levenmouth Area Committee of 8th November, 2022.
- (10) South and West Fife Area Committee of 28th September, 2022.
- (11) Cowdenbeath Area Committee of 26th October, 2022.
- (12) North East Fife Area Committee of 2nd November, 2022.
- (13) City of Dunfermline Area Committee of 20th September, 2022.
- (14) Kirkcaldy Area Committee of 20th September, 2022.
- (15) Fife Health and Social Care Integration Joint Board of 29th July and 30th September, 2022.

Decision

The Council noted the minutes.

42. 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.

Decision

The Council noted the report.

43. QUESTION TIME

In terms of Standing Order 1.7, the questions put by members to the meeting, the written answers and supplementary questions are contained in Appendix 1 to the minute.

Councillor Craik, Spokesperson for Finance, Economy and Strategic Planning, answered questions 1, 2, 3, 7, 8 and 13.

Councillor Erskine, Spokesperson for Communities and Leisure, answered questions 5, 14 and 15.

Councillor Wincott, Spokesperson for Environment and Climate Change, answered questions 4, 10, 11 and 12.

Councillor/

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Councillor Graham, Spokesperson for Health and Social Care, answered question 9.

Councillor Hilton, Spokesperson for Education, answered question 6.

44. **APPOINTMENT TO EXTERNAL ORGANISATION - ST ANDREWS LINKS TRUST**

The Council considered a report by the Head of Legal and Democratic Services which asked the Council to appoint an elected member to the St Andrews Links Trust.

Councillor Alexander, seconded by Councillor Robb, moved that Councillor Verner be appointed to the St Andrews Links Trust.

Councillor Kathleen Leslie, seconded by Councillor Watt, moved that Councillor Lawson be appointed to the St Andrews Links Trust.

Councillor Tepp, seconded by Councillor Calder, moved that Councillor Liston be appointed to the St Andrews Links Trust.

The meeting adjourned at 11.30 a.m. and reconvened at 11.50 a.m.

Following a point of order raised by a member, the Head of Legal and Democratic Services confirmed that an elected member who was a member of the Royal and Ancient Golf Course was ineligible to be appointed to the St Andrews Links Trust. This clarification excluded Councillor Lawson from being nominated.

Roll Call

For Councillor Verner – 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, Julie Ford, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, 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 Councillor Liston – 10 votes

Councillors Aude Boubaker-Calder, John Caffrey, James Calder, Al Clark, Eugene Clarke, Fiona Corps, Sean Dillon, Jane Ann Liston, Donald Lothian and Jonny Tepp.

Abstained – 28 votes

Councillors Tom Adams, Mary Bain-Lockhart, Patrick Browne, Alistair Cameron, Ian Cameron, Alex Campbell, Altany Craik, Colin Davidson, Dave Dempsey, Graeme Downie, Gavin Ellis, Linda Erskine, David Graham, Peter Gulline, Judy Hamilton, Cara Hilton, Robin Lawson, Jim Leishman, James Leslie, Kathleen/

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Kathleen Leslie, Julie MacDougall, Derek Noble, Gordon Pryde, David Ross, Andrew Verrecchia, Darren Watt, Jan Wincott and Conner Young.

Decision

The Council agreed to appoint Councillor Verner as an elected member representative to the St Andrews Links Trust for a three year period from 1st January, 2023 to 31st December, 2025.

45. LICENSING BOARD APPOINTMENT

The Council considered a report by the Head of Legal and Democratic Services which asked members to note the resignation of Councillor Kennedy-Dalby from the Licensing Board and to appoint Councillor Ballantyne-Wardlaw to the Licensing Board.

Decision

The Council agreed the change of membership of the Licensing Board.

46. NOTICE OF MOTIONS

The Council considered a report by the Head of Legal and Democratic Services which required the Council to consider motions submitted in terms of Standing Order No. 8.1.

Motion 1

Councillor Dempsey, having moved his motion, failed to find a seconder and his motion fell.

Motion 2

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

Voting rights of religious representatives

“Council notes the requirement for there to be three religious representatives on any committee that makes determinations on education matters.

Council also notes the recent decision by Perth and Kinross Council to remove the voting rights of religious representatives while maintaining their role as non-voting members. Council further notes that Moray and the Scottish Borders also do not extend voting rights to their religious representatives.

Council calls for a report to be brought back to full council in 2023 with options to determine the voting rights of religious representatives, including the option to remove voting rights. Councillors will be invited to make a determination on this matter in the report.”

Amendment

Councillor Neal, seconded by Councillor Steele, moved as follows:-

“Council notes that the Local Government (Scotland) Act 1973 requires councils to/

to appoint religious representatives to committees considering education matters. Council further notes that in Fife, unelected religious representatives are currently afforded voting rights on education matters, but that the Act does not require this.

Council therefore resolves to amend relevant standing orders and committee powers to remove voting rights currently afforded to unelected religious representatives.”

The meeting adjourned at 12.20 p.m. and reconvened at 12.55 p.m.

Councillor Wilson left the meeting during consideration of the above item.

Roll Call

For the Motion – 40 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, David Graham, 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, Andrew Verrecchia, Darren Watt, Jan Wincott and Conner Young.

For the Amendment – 30 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, Julie Ford, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, Lea McLelland, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner and Ross Vettrano.

Abstained – 2 votes

Councillors David MacDiarmid and Craig Walker.

Decision

The Council agreed in terms of the motion.

Motion 3

Councillor Leslie, seconded by Councillor Watt, moved as follows:-

“Council notes the Supreme Court ruling on 23rd November 2022 that the draft Independence Referendum Bill relates to matters which have been reserved to the Parliament of the United Kingdom under the (Scotland) Act 1998. Therefore, the/

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the Scottish Parliament does not have the power to legislate for a referendum on Scottish independence.

As there will now be no second independence referendum, the Council Leader is asked to write to the First Minister and the Scottish Government to urge that the £20million of public money put aside be used for public services instead. This could include distribution to local authorities to be spent as appropriate under the remit of local government powers.”

Amendment 1

Councillor Beare, seconded by Councillor Walker, moved as follows:-

“Delete second Paragraph and replace it with:

- Council therefore recognises that there is a democratic deficit in the unwritten UK constitution, whereby a member of the ‘voluntary union’ does not appear to have a route to leave the ‘voluntary union’.
- Council also notes that the intent to allow the people of Scotland a choice in their constitutional future commands a majority in the Scottish Parliament and that the will of the Scottish Parliament should be respected.”

Amendment 2

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

Paragraph 2

Add

“write to the First Minister and the Deputy First Minister”

Delete

“and the Scottish Government”

Delete

“This could include distribution to local authorities to be spent as appropriate under the remit of local government powers.”

And replace with

“...for public services instead, and supporting the COSLA case for fair and sustainable funding for local authorities, noting the estimated budget gap of £612m across Scottish local authorities, the additional pay pressures on councils and the concerns raised by Directors of Finance about the sustainability of local government funding.”

In terms of Standing Order 9.10, after considerable debate on this item, Councillor Graham, seconded by Councillor Campbell, moved that ‘the question be now put’.

Roll/

Roll Call (to continue with debate)

Yes – 38 votes

Councillors Tom Adams, Mary Bain-Lockhart, Aude Boubaker-Calder, Patrick Browne, James Calder, Alistair Cameron, Ian Cameron, Alex Campbell, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Linda Erskine, David Graham, 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, Andrew Verrecchia, Darren Watt, Jan Wincott and Conner Young.

No - 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, Julie Ford, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, David MacDiarmid, Lea McLelland, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner, Ross Vettraino and Craig Walker.

The motion was accordingly carried.

With the agreement of the Provost, the mover of the motion and the mover of Amendment 2 agreed to conjoin. The amended conjoined motion read as follows:-

“Council notes the Supreme Court ruling on 23rd November 2022 that the draft Independence Referendum Bill relates to matters which have been reserved to the Parliament of the United Kingdom under the (Scotland) Act 1998. Therefore, the Scottish Parliament does not have the power to legislate for a referendum on Scottish independence.

As there will now be no second independence referendum, the Council Leader is asked to write to the First Minister and Deputy First Minister to urge that the £20million of public money put aside be used for public services instead and supporting the COSLA case for fair and sustainable funding for local authorities, noting the estimated budget gap of £612m across Scottish local authorities, the additional pay pressures on councils and the concerns raised by Directors of Finance about the sustainability of local government funding.”

Roll Call

For the Amended Conjoined Motion – 38 votes

Councillors Tom Adams, Mary Bain-Lockhart, Aude Boubaker-Calder, Patrick Browne, James Calder, Alistair Cameron, Ian Cameron, Alex Campbell, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Linda Erskine, David Graham, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Allan Knox, Robin Lawson, Jim/

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Jim Leishman, James Leslie, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Julie MacDougall, Derek Noble, Gordon Pryde, David Ross, Jonny Tepp, Andrew Verrecchia, Darren Watt, Jan Wincott and Conner Young.

For Amendment 1 – 31 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, Julie Ford, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, David MacDiarmid, Lea McLelland, Lynn Mowatt, Sarah Neal, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner, Ross Vettraino and Craig Walker.

Decision

The Council agreed in terms of the amended conjoined motion.

Councillors Caffrey and Ellis left the meeting during consideration of the above item.

Councillors Boubaker-Calder, Clark and Robb left the meeting following consideration of the above item.

Motion 4

Councillor Barratt, seconded by Councillor Backhouse, moved as follows:-

“Benefit Sanctions

Council notes figures revealed in November showing a total of £2.3 million was taken from benefit claimants in Scotland in sanctions by the DWP in just one month this summer.

Council further notes the worst hit Westminster constituency in Scotland was Kirkcaldy and Cowdenbeath and that a total of £562k was lost to Fife, by DWP sanctions between June and August.

Council condemns the Tory government’s benefit sanctions which are forcing tens of thousands of families across Scotland into destitution, undermining efforts from Fife Council and the Scottish government to address the Tory cost-of-living crisis.”

Amendment

Councillor Watt, seconded by Councillor Leslie, moved as follows:-

"Council notes figures revealed in November showing a total of £2.3 million was not given out to benefit claimants in Scotland following sanctions by the DWP in just one month this summer.

Council further notes that the Kirkcaldy and Cowdenbeath Constituency had the most disallowed claims and that a total of £562k in claims was lost to Fife, due to DWP sanctions between June and August.

Council/

Council recognises the current economic challenges facing Fife residents, but welcomes the recent UKG Autumn Statement which was focussed on helping those on lower incomes, specifically with the decision to uplift pensions and benefits in line with inflation.

Council recognises the current regulations surrounding universal benefits - which ensure claimants make commitments to the DWP in relation to job applications - are important when it comes to helping people into work and securing a regular income."

Roll Call

For the Motion – 59 votes

Councillors Tom Adams, David Alexander, Blair Allan, Naz Anis-Miah, Backhouse, Alistair Bain, Mary Bain-Lockhart, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Patrick Browne, James Calder, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Rod Cavanagh, Eugene Clark, Fiona Corps, Altany Craik, Colin Davidson, Sean Dillon, Graeme Downie, Linda Erskine, Julie Ford, Derek Glen, Brian Goodall, David Graham, Jean Hall Muir, Judy Hamilton, Alycia Hayes, Cara Hilton, Stefan Hoggan-Radu, Gary Holt, Andy Jackson, Louise Kennedy-Dalby, Allan Knox, Jim Leishman, Rosemary Liewald, Jane Ann Liston, Donald Lothian, David MacDiarmid, Julie MacDougall, Lea McLelland, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Gordon Pryde, David Ross, Sam Steele, Alistair Suttie, Jonny Tepp, Ann Verner, Andrew Verrecchia, Ross Vettraino, Craig Walker and Jan Wincott.

For the Amendment – 7 votes

Councillors Dave Dempsey, Peter Gulline, Robin Lawson, James Leslie, Kathleen Leslie, Darren Watt and Conner Young.

Decision

The Council accordingly agreed in terms of the motion.

Motion 5

With the agreement of the Provost, Councillor Neal withdrew her motion.

Motion 6

Councillor Lawson, seconded by Councillor Gulline, moved as follows:-

"Council notes that the UN voted to set up a fact-finding investigation into human rights abuses Iran. Over 300 people have been killed and 14,000 arrested since protests started in September following the death in police custody of Mahsa Amini. There was a recent rally at St Andrews University to support the Iranian movement/

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movement "Women: Life: Freedom" attended by a large number of students, staff, and residents.

Fife Council deplores the violence in Iran and supports "Women: Life: Freedom."

Decision

The Council agreed the motion unanimously.

47. 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
8TH DECEMBER, 2022

ITEM 7 QUESTION TIME

QUESTION 1 FROM COUNCILLOR JONNY TEPP -

How many new bus shelters have been requested, and where, since the budget for new shelters was discontinued, and how much would it cost to provide each of these new bus shelters?

How many locations, and where, are currently awaiting a replacement bus shelter? Are there any budget difficulties in providing replacement shelters at the moment?

Answer

There have been no recorded requests for new bus shelters in the past 3 years.

Recently, three orders have been issued for shelter replacements in Ceres Road, Craigrothie; High Street, Newport and Caskieberran Drive, Glenrothes. A further, timber shelter will be replaced in Balmerino, once discussions with elected members are concluded. The average cost to replace a shelter is £6000

In terms of accident damage to shelters, two have recently been damaged, one in Buckhaven Road, Methil and one in Kinghorn Road, Kirkcaldy. Roads & Transportation Services are pursuing the recharge costs for these.

There is a budget for bus shelter maintenance which includes the potential for replacement (Annual budget is £40k p.a.). The level of budget is under review within the wider roads network maintenance budget with a view to potentially increasing.

Supplementary

Please can you bring back the budget for new bus shelters?

Answer

This can be looked at as part of the 2023 budget process.

QUESTION 2 FROM COUNCILLOR AUDE BOUBAKER-CALDER

What is the average wait for blue badge applications including renewal ones?

Answer

The Council received 8600 Blue Badge applications in 2021/22 and in 2022/23, 9500 are expected. The applications fall into two categories, Automatic and those requiring Further Assessment (approx 60% & 40% split respectively).

Automatic approvals are based on specific government benefits a person may receive such as Personal Independence Payment (PIP) etc. and currently these take 3-4 weeks to process.

Further Assessment approvals are required where not enough detail is provided at the application stage and contact with the applicant is required with possible follow ups with their GP or hospital consultant etc. The Council follows the national process of assessing and issuing Blue Badges which are normally issued for a period of 3 years and holders need to reapply after this period. These assessments currently take 12-14 weeks to process.

Recently, part of the time in dealing with Further Assessment approvals was due to the pandemic when it was not possible to hold in person assessments. However, the Council has taken steps to reduce this waiting time by employing additional staff in the Blue Badge team.

Supplementary

Can additional staff be resourced to reduce the backlog?

Answer

Yes additional staff have been allocated to the team to reduce the backlog.

QUESTION 3 FROM COUNCILLOR DAVE DEMPSEY

What action is being taken to identify the additional funding needed to replace the footbridge on the Coastal Path at Aberdour, which was washed away over two years ago, without having to add the further delay of waiting for the full budget process to play out in the new year?

Answer

"A value management assessment for this project was presented to the South West Fife Area Committee on 23rd November 2022 and that identified that an additional £135k is needed to deliver the replacement footbridge, increasing the budget to £540k.

Feedback from potential contractors highlighted that this project is high risk with low profit margin, due to the location of the site and initially proposed autumn construction date. Hence, to ensure a more competitive tender can be achieved, a construction start date of Springtime is now targeted to make best use of low river levels, longer nights, and higher temperatures.

Roads and Transportation Services has identified the need for the additional budget within the capital programme with a view to obtaining funding from the Inflation budget which will be confirmed in February 2023. This is the Council process for securing such funds.

As a means to help timely progress, RTS will look to issue the contract documents for the project early in 2023 with a view to formally awarding the contract once the budget is confirmed. This is with a view of achieving a Spring start date.

Supplementary

With no capital budget coming forward in February 2023, can I have assurance that this project won't be held up by this delay?

Answer

Yes you can be assured.

QUESTION 4 FROM COUNCILLOR DAVE DEMPSEY

Given that flooding occurs when water arrives at a location faster than it can leave, what additional measures can be taken to improve drainage in flood-prone locations, including lobbying for the easing of any regulations that hinder the flow of water away from such locations?

Answer

This is a very general question and difficult to answer specifically because every catchment area is different and needs to be considered on its own merit.

In terms of the various flood and development management regulations, the best practice approach looks to retain flood waters through bodies of water such as ponds and detention basins, soft landscaping, soakaways, and protection measures, etc. This is the basis of managing flow rates and protecting communities and properties further downstream. This approach is detailed within the Sustainable Drainage Systems approach promoted through flood risk management practitioners around Scotland. These measures can be seen throughout new developments in Fife and are required under Planning Policy.

In relation to existing flood locations, the challenge is to attenuate/divert the flood waters to help mitigate the effects of flooding. There are a range of measures which can be adopted but are dependent on specific site conditions.

In general, improving the drainage in flood prone locations cannot/should not be undertaken in isolation. The entire drainage system for an area needs to be considered which is in keeping with the requirements of the Flood Risk Management (Scotland) Act 2009 and also Section 256 of Scottish Planning Policy. These are legislative instruments and Fife Council would not seek to 'ease' any application of them.

Supplementary

Can we be assured that gully cleaning is prioritised?

Answer

Yes as far as possible.

QUESTION 5 FROM COUNCILLOR KATHLEEN LESLIE

How many job vacancies is Fife Council looking to fill as of the last week of November 2022?

Answer

At the time of responding, there are 147 open jobs on our [external careers site](#) and there are a further 4 jobs advertised internal only . 238 job adverts have closed and are at the stage of short-listing / invite to interview .

QUESTION 6 FROM COUNCILLOR BAILEY-LEE ROBB

To ask the Leader of the Council if he can outline what work is actively underway across Fife Council to ensure children and young people can have their voices heard on issues that concern them under Article 12 of the UNCRC, embedded in law under the Children and Young People's (Scotland) (Act) 2014?

Answer

Children and young people are supported to have their voice heard through pupil leadership groups in schools. This is demonstrated through schools' standards and quality reports shared annually with their communities. This work is enhanced through UNICEF's Rights Respecting School Award. 90schools across Fife are engaged with this programme with almost half having achieved silver or gold accreditation. This award ensures children and young people are aware of their rights (Silver) and are having them respected (Gold). We have plans to support 15 more schools to achieve silver status over the next 2 years.

The Children's Rights group are currently working with a group of senior pupils across Fife to co construct a pupil empowerment panel. This panel will not only design the structure to support this panel they will also create a child friendly version of the Fife Children's Rights report due in May 2023.

Older teenagers can represent Fife in the Scottish Youth Parliament (SYP) which is a youth led democratic organisation aiming to represent the young people of Scotland. Elections were held in November 2021 and eight young people were elected to represent Fife. Member of the SYP are provided a contact support worker from CLD for each constituency and the MSYPs initially meet and work with them. All MSYPs are actively supported and encouraged to engage with youth groups in their areas. This is a

voluntary role and all MSYPs have college, school, or University commitments in addition to this voluntary role.

There are currently three active groups for people with lived experience in Fife; Kirkcaldy, Leven and Glenrothes. With plans for new groups in Dunfermline and Cupar in the New Year. The philosophy of the groups is to create a space for care experienced people of all ages to come together for support. Embrace Fife is supporting the work of The Promise in creating a community for people with lived experience, to reduce isolation, celebrate achievements and share their voice with others to effect change.

The Corporate Parenting and Development Workers are involved in participation and engagement work with children and young people attending Children Hearings. They are offering all children and young people the opportunity to meet with them prior to a Children Hearing and following the Hearing. The purpose is to hear if there are any barriers for them in engaging in their meetings, if they feel their voice is heard and to hear what is working well. The feedback will be collated and shared with SCRA and Social Work to ensure we do more of what is working well and address any barriers for children and young people's participation.

In Fife children and young people can share their views, wishes and feelings using Mind Of My Own, which was introduced in March. This is an app children and young people have on their own device and is used to send statements to their social worker. It is being used in local authorities across Scotland and provides increased opportunities for engagement with children and young people using a platform they are comfortable with.

Supplementary

Do you believe it was right to proceed with a consultation on Lochore Meadows that excluded young people?

Answer

Young people are being consulted through other routes.

QUESTION 7 FROM COUNCILLOR NICOLA PATRICK

How many third-party claims have been made for damages to vehicles as a result of damage by potholes on adopted roads in fife in each of the 12 months to 08.12.22?

Answer

During the period 1 December 2021 to 30 November 2022, 216 claims were received for damage to vehicles as a result of damage by potholes on adopted roads in Fife. Almost 70% of these claims were received during the winter months, with 135 claims received between December 2021 and April 2022 and 13 in November 2022.

Liability was denied for 161 of these claims, 7 were paid and 48 are still being assessed.

QUESTION 8 FROM COUNCILLOR NICOLA PATRICK

How many pay outs have been made in respect of third-party claims for damages to vehicles as a result of damage by potholes on adopted roads in Fife in each of the 12 months to 08.12.22.

Answer

During the period 1 December 2021 to 30 November 2022, 38 claims for damage to vehicles as a result of damage by potholes on adopted roads in Fife were paid. These payments relate to claims received during the period 1 January 2020 to 30 August 2022 for incidents that occurred between December 2019 and August 2022.

Supplementary

What additional resources have been provided to address the issues on the roads?

Answer

Additional resources were provided which has cleared the backlog of potholes and brought the roads up to a better standard.

QUESTION 9 FROM COUNCILLOR ROBIN LAWSON -

The National Grid has intimated that there is a possibility of electricity rationing leading to blackouts during periods of calm cold weather when wind power is much reduced. What contingency plans does Fife Council have in place to cover such emergencies, and in particular how will elderly people living alone or in care homes be looked after.

Answer

The Council has its generic Incident Management Plan which is activated in response to emergencies across Fife, which can be found on www.fife.gov.uk. This plan is supplemented with Care for People Arrangements which consider how the Council and its partners will provide the necessary support to members of the community. Business Continuity Plans are also in place which would be activated to ensure that critical services, such as caring for the elderly at home or in care homes, continue to be provided.

Supplementary

St Andrews has a large population of elderly residents who live alone. Is there a service to help residents reset boilers/heating systems after powers cuts?

Answer

Unsure of services available but will check and respond directly to Councillor.

QUESTION 10 FROM COUNCILLOR ROBIN LAWSON

St Andrews has been allocated funds for additional public Electric Vehicle Charge Points which cannot be installed due to the lack of capacity in the Electricity Grid. The University cannot deliver to the grid solar power which it generates in Guardbridge, nor can it build much needed student accommodation until 2026 owing to "grid constraints". What steps can Fife Council take to put pressure on Scottish Power to accelerate the delivery of the planned upgrade of the grid connection from Cupar to St Andrews which is not expected until 2025?

Answer

SPEN have prioritised the north east area of Fife over the last few years, in both the Cupar and St Andrews areas, spending over £10m on the Cupar upgrade project, with a new grid supply point and Primary substation completed in 2020. Going forward Ofgem have given SPEN the go ahead to spend a further £11M on the St Andrews upgrade project installing a new Primary Sub Station in Guardbridge and associated reinforcement works in and around St Andrew. This is the single largest project approved by Ofgem for SPEN's 2023-28 investment programme and its approval is a clear signpost of the importance of North East Fife in both SPEN and UK government thinking.

Officers will work with SPEN to engage with the communities in North East Fife as the project progresses to explain the network investment and its benefits. In the meantime, SPEN advise that they can accommodate a number of EV chargers in St Andrews and the surrounding areas and are happy to work with the University to determine the best approach for their location, size, cost and installation timescales.

Supplementary

Is there any pressure that the Council can put on Scottish Power for delivery?

Answer

The Council has limited powers and are unaware of specific issues.

QUESTION 11 FROM COUNCILLOR DAVID BARRATT

The Environment and Protective Services Sub Committee agreed on the 10th of February 2022 that work be undertaken to provide pedestrian/cyclist access at Dalgety Bay, Lochgelly and Kirkcaldy Recycling Centres, subject to identifying funding, with the works estimated to cost £32k. What progress has been made since May 2022?

Answer

The works are planned for being progressed in early 2023. Materials are being sought and surveys of the underground services are being undertaken to ensure the areas for

external cycle parking and the footway can be safely constructed. It is anticipated that the works will be completed before the end of March 2023. All members will be contacted prior to access being available and the public will also be notified via the website and Fife Council's social media.

QUESTION 12 FROM COUNCILLOR BRIAN GOODALL

On Friday 18th of November 2022 the Brankholm Burn at Park Road in Rosyth, once again burst its banks, flooding homes, garages, gardens and the playground of Park Road Primary School and Nursery. Roads were closed and emergency supplies of sandbags were provided to vulnerable properties. At its meeting on the 23rd of Nov 2022, South & West Fife Area Committee called for increased urgency from Scottish Water, SEPA and Fife Council on the delivery of flood prevention measures.

How will Fife Council respond to this latest flooding in Rosyth and the local calls for urgent action?

How will the £250K in the 2023/24 Capital Budget for Park Road Flood prevention be used to help prevent further flooding incidents in Rosyth?

Answer

During the significant flooding of 17-18 November 2022, Fife Council delivered additional sandbags to the community within the Park Road area of Rosyth. These additional sandbags supplemented the FloodPods which had already been positioned in the area with a view to quickly helping to mitigate the effects of flooding to the community. Going forward, we look to work closer with the community to ensure such emergency measures are put to best use by residents to allow them to protect properties.

Strategically, this area of Fife has complex flooding issues and measures are being progressed through a number of agencies including Scottish Water, SEPA and Fife Council. Fife Council meets with these agencies on a monthly basis with a view to helping to progress measures for the area. Currently, the activities include:

- A Scottish Water led project to divert some flood water away from Park Road area via alternative routing to the west of Dunfermline. The detail and programme for this project have yet to be confirmed by Scottish Water but we continue to push for a resolution.
- Equally, SEPA are developing a habitat and flood mitigation project for the Brankholme Burn, which again will help mitigate flooding.
- Fife Council are also in the process of developing a work programme to manage surface water flooding in the Park Road area. This will include agreeing with the local community a preferred approach before developing funding applications for the required measures.

As a collective, these projects hold the potential to help mitigate flooding in this area of Rosyth. However, there are many such flood locations across Fife which are competing for priority and funding. To help promote improvements to this area Fife Council will continue to meet with Scottish Water, SEPA and the Scottish Flood Forum to discuss progress and agree a joined-up approach going forward.

QUESTION 13 FROM COUNCILLOR BRIAN GOODALL

What is Fife Council doing to support, and bring forward, access to upgraded internet services for the communities of Crombie, Charlestown and Limekilns?

Answer

Fife Council is working with the Scottish Government to support the delivery of superfast broadband through their R100 programme. The Scottish Government has committed to providing superfast broadband access - speeds of at least 30 Megabits per second (Mbps) - to every home and business in Scotland. This policy commitment is being met through the three strands of R100 activity – the R100 contracts, R100 Scottish Broadband Voucher Scheme (SBVS) and ongoing commercial coverage. Contracts were awarded to the delivery partner, BT in three geographical areas, or ‘lots’ – North, Central and South. Fife is included in the Central Lot. Given the ongoing global supply chain issues that are currently being experienced, the engineering works will take time and connections will be delivered on a rolling basis. Timescales for individual premises can be checked at [Check my address | Digital Scotland Superfast Broadband](#) Fife Council also supports increase in the commercial coverage with any necessary consents and wayleaves.

QUESTION 14 FROM COUNCILLOR DAVID BARRATT

The Westminster Government announced the Energy Bills Support Scheme (EBSS) in April of this year, with support starting for most in October. It was announced in November that the Alternative Fund (EBSS-AF) would provide £400 to the approximately 900,000 households without a direct relationship with energy providers so far missed by the scheme. The Government have stated applications will open in January with local authorities being responsible for processing and verifying applications. What steps are the council taking to prepare for the launch of this scheme?

Answer

As a Council we will work closely with COSLA as to how this will be administered through Scottish local authorities.

What we know to date

BEIS (Dept of Business of Business, Energy & Industrial Strategy) will create and manage the digital portal, including the online eligibility checker and application form, which will be the gateway for applications, and which will aim to reduce to a minimum the amount of discretion that local authorities are required to exercise in processing applications.

BEIS will determine the policy and approach for the scheme and will support local authorities with complex cases.

The guidance for local authorities will include the eligibility criteria. e.g. the dwelling for which support is being claimed is the main or sole residential address of the applicant making the claim.

Local authorities will need to continue to ensure the safe administration of grants and that appropriate measures are put in place to mitigate against the increased risks of both fraud and payment error.

It is expected grant allocations will be agreed via grant determination letters between BEIS and local authorities prior to funding being issued. The allocations will be determined by modelling the number of households in scope in each local authority area, based on the eligibility criteria.

This will have an impact on the Customer & Online Services team so having appropriate funding arrangements to meet administration and IT costs associated with the scheme's delivery is vital. It is also important that the process is clear and deliverable.

We will continue to work closely with COSLA to see how this is taken forward. This additional support was discussed at the recent Council leaders' meeting and broad support was given.

In ensuring the scheme is delivered effectively COSLA officers will work with UK Government officials and Local Government officers to support the co-design of the delivery approach for the Alternative Funding Scheme and emphasise the urgency at which this should be progressed in order to assist households affected as quickly as possible.

They will also challenge the UK Government to provide detail and clarity on how the one-off Alternative Fuel Payment (AFP) will be made.

To this end Fife Council are part of a webinar (Tuesday 6th Dec) with the Department to explain in more what the ask of Local Government will be in respect of delivering the Energy Bills Support Scheme.

Supplementary

Do you agree the Government has been too slow to react?

Answer

All help is urgently needed.

QUESTION 15 FROM COUNCILLOR ANN VERNER

What progress has been made since May to provide equitable opening hours for the Fife Sports and Leisure Trust venues in NEF compared to their other venues across Fife?

Answer

Fife Sports and Leisure Trust and Fife Council agreed reopening hours based on the demand and usage of sports and leisure centres following the relaxation of restrictions brought about by the COVID pandemic. Fife Sports and Leisure Trust is working with the council to reinstate further opening hours in North East Fife and other venues. The Trust is planning for additional hours at Cupar and East Sands and is making the necessary preparations in recruiting and training staff and promoting physical activity and sport activities jointly with the council and other partners in North East Fife.

THE FIFE COUNCIL - FIFE COUNCIL – BLENDED MEETING

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

23rd February, 2023

**10.00 a.m. – 1.15 p.m.
and 2.00 p.m. – 3.00 p.m.**

PRESENT: Councillors Jim Leishman (Convener), Tom Adams, David Alexander, Blair Allan, 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, Julie Ford, Derek Glen, Brian Goodall, David Graham, Peter Gulline, Jean Hall-Muir, Judy Hamilton, Alycia Hayes, Cara Hilton, Stefan Hoggan-Radu, Gary Holt, Andy Jackson, Margaret Kennedy, Allan Knox, Robin Lawson, James Leslie, Kathleen Leslie, Rosemary Liewald, Carol Lindsay, Jane Ann Liston, Mary Lockhart, Donald Lothian, David MacDiarmid, 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, Andrew Verrecchia, Ross Vettraino, Craig Walker, Darren Watt, Daniel Wilson, Jan Wincott and Conner Young.

APOLOGY FOR ABSENCE: Councillor Julie MacDougall.

48. DECLARATIONS OF INTEREST

No Declarations of Interest were submitted in terms of Standing Order 7.1.

49. SERVICE CONCESSIONS

The Council considered a report by the Executive Director (Finance and Corporate Services) which outlined changes to statutory guidance for accounting for the repayment of debt on "Service Concessions", or Public Private Partnerships (PPP) and Non-Profit Distribution (NPD) Contracts.

Decision

The Council:-

- (1) considered the report and the implications of adopting the revised accounting arrangements for Service Concessions;
- (2) agreed the proposed use of the benefits generated from adopting the revised arrangements; and
- (3)/

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- (3) approved the use of Service Concessions arrangements as outlined in the report.

50. GENERAL FUND REVENUE BUDGET 2023 - 2026

In connection with the consideration of the General Fund Revenue Budget 2023-26, the Council considered the following papers:-

- (a) report by the Executive Director (Finance and Corporate Services) advising of the terms of section 112 of the Local Government Finance Act 1992 which restricted the voting rights of elected members who were in arrears in respect of the payment of Community Charge or Council Tax. The report also referred to the provisions of the Councillors' Code of Conduct which enabled members to participate, discuss and vote on matters relating to the setting of the Council Tax without the need to declare a financial interest, notwithstanding that members might have an interest in any item of expenditure;
- (b) Local Government Finance Circular No. 11/2022 providing details of the provisional total funding allocations for each Council for the financial year 2023/24;
- (c) report by the Executive Director (Finance and Corporate Services) which provided members with sufficient information to enable the Council to approve a budget for 2023-26 as required by statute;
- (d) Administration's motion and Revenue Budget Proposals 2023-26; and
- (e) SNP's Motion and Revenue Budget Proposals 2023-26.

Administration Motion

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

"That the Council:-

1. Approves the report by the Executive Director (Finance & Corporate Services) and the resolution for the levying and collection of council tax and rates for the year 2023-26 as detailed below and specifically:-
 - a. notes the details of the provisional settlement announced by the Scottish Government as outlined in Finance Circular 11/2022, and the terms of the settlement as outlined in the letter from Cabinet Minister for Finance and Economy, dated 20th December 2022;
 - b. agree a rise of 5% council tax to be levied for the financial year 2023-24 at Band D equivalent and the revenue budget which can be sustained by this level of income;
 - c. note the indicative levels of expenditure, subject to further detailed analysis in respect of the financial years 2024-25 and 2025-26;
 - d./

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- d. approve the prudential indicators;
 - e. approve the commitment from balances of £8m to support the revenue budget;
 - f. agree an additional contribution of £8.1m to the Fife Health and Social Care Partnership;
 - g. agrees that the Council set for 2023-24 the Council Tax at £1,385.18 for valuation Band D properties and proportionately for other Bands; and
 - h. approve the terms of the Administration's Budget Statement and the attached investment proposals (set out in Appendix 1 to the minute).
2. Agrees that early work commences in relation to the development of options for the preparation of the 2024-25 and 2025-26 revenue budgets.

RESOLUTION FOR THE LEVYING AND COLLECTION OF COUNCIL TAX AND RATES FOR THE YEAR 2023-24

Fife Council resolves for the financial year from 1st April, 2023 to 31st March, 2024 as follows:-

- (i) in terms of Section 93 of the Local Government Finance Act 1992 and of all other powers enabling them in that behalf to set the amount of council tax to be paid in their area in respect of a chargeable dwelling listed in valuation Band D at £1,385.18 and to determine the amounts for all the valuation bands as follows:-

Valuation Band	Council Tax
A	£923.45
B	£1,077.36
C	£1,231.27
D	£1,385.18
E	£1,819.98
F	£2,250.92
G	£2,712.65
H	£3,393.69

- (ii) in terms of sections 7 and 7B of the Local Government (Scotland) Act 1975, to levy within their area the non-domestic rate as prescribed by the Scottish Ministers and in accordance with the relevant Non-Domestic Rates (Levy) (Scotland) Regulations."

SNP/

SNP Motion

Councillor Alexander, seconded by Councillor Glen, moved as follows:-

“That the Council:-

1. Approves the report by the Executive Director (Finance & Corporate Services) to include the details of the provisional settlement, the levels of expenditure in future years and the prudential indicators;
2. Agrees a rise of 3% council tax to be levied for the financial year 2023-24 at Band D equivalent and the revenue budget which can be sustained by this level of income;
3. Agrees that the Council set the Council Tax for 2023/24 at £1,358.80 for valuation Band D properties and proportionately for other Bands;
4. Approves the resolution for the levying and collection of council tax and rates for the year 2023-24 as detailed below; and
5. Agrees the terms of the SNP’s budget proposal contained at appendix 1.

RESOLUTION FOR THE LEVYING AND COLLECTION OF COUNCIL TAX AND RATES FOR THE YEAR 2023-24

Fife Council resolves for the financial year from 1st April, 2023 to 31st March, 2024 as follows:-

- (i) in terms of Section 93 of the Local Government Finance Act 1992 and of all other powers enabling them in that behalf to set the amount of council tax to be paid in their area in respect of a chargeable dwelling listed in valuation Band D at £1,358.80 and to determine the amounts for all the valuation bands as follows:-

Valuation Band	Council Tax 2022/23	Council Tax 2023/24
A	£879.48	£905.86
B	£1,026.06	£1,056.84
C	£1,172.64	£1,207.82
D	£1,319.22	£1,358.80
E	£1,733.31	£1,785.31
F	£2,142.73	£2,207.01
G	£2,583.48	£2,660.98
H	£3,232.09	£3,329.05

- (ii) in terms of sections 7 and 7B of the Local Government (Scotland) Act 1975, to levy within their area the non-domestic rate as prescribed by the Scottish Ministers and in accordance with the relevant Non-Domestic Rates (Levying) (Scotland) Regulations.

Fife Council SNP Group General Fund Revenue Budget 2023-2024
Budget Details

The proposed SNP Budget shows that **Fife Council** for the **4th year in a row** can **avoid cuts and job losses** and can invest **£3.9 million** in vital services that are under the most stress.

Our Proposals for additions investment:

1. **250 additional homeless packs** are included to help those caught up in the current housing crisis.
2. We are increasing funding to the **welfare fund**, support for **foodbanks and community larders**, and writing off unrecoverable **school meal debt**.
3. We are also increasing infrastructure budgets to combat the scourge of **flooding and potholes**.
4. In addition, given the funding from the Scottish Government last year to **end music tuition charges** we are providing funding to schools to purchase **additional musical instruments**.

Council Tax

We are asking people to pay a **3% increase** in Council tax which is in line with the minimum assumption in the Council's Medium-Term Finance Strategy (MTFS). The monthly and weekly **impact by band** is as follows:

Valuation Band	2022/23 (£)	23/24 (£)	Annual increase (£)	Increase per month, based on 10 months (£)	Increase per week, based on 44 weeks (£)
A	879.48	905.86	26.38	2.64	0.60
B	1,026.06	1,056.84	30.78	3.08	0.70
C	1,172.64	1,207.82	35.18	3.52	0.80
D	1,319.22	1,358.80	39.58	3.96	0.90
E	1,733.31	1,785.31	52.00	5.20	1.18
F	2,142.73	2,207.01	64.28	6.43	1.46
G	2,583.48	2,660.98	77.50	7.75	1.76
H	3,232.09	3,329.05	96.96	9.70	2.20

In setting a 3% Council Tax rate we are balancing the need to minimise the impact on Council Taxpayers and to protect the services the Council provides.

Fife Council will receive **£5.4 million** from a 3% Council tax increase but it is important to recognise that, apart from the £3.9 million mentioned above, Fife will benefit from a **further £49 million** from the ring-fenced projects funded by the Scottish Government.

Impact/

Impact of Inflation/demand for wage increases

Whilst Fife Council can balance the books this year inflationary pressures are feeding through into **all areas of public spending**. People across Fife are suffering from **financial hardship** and workers are **rightly demanding pay increases** to combat the Tory cost-of-living crisis.

Whatever inflation measure people choose to use the funding coming to the Scottish Government and Councils is **insufficient** to cover the impact. The average for RPI for the first 9 months of this year is **12.6%**. The average for CPI is **8.7%**.

The Westminster Government try to deflect their responsibility for creating crippling rates of inflation. However, it is certainly not the fault of Fife Council, neither is it the fault of the Scottish Government. It is also not the fault of the ordinary people who must deal with the consequences. The **Scottish Fiscal Commission (SFC)** forecasts that this year will see the **biggest fall (-3.3%) in living standards** since Scottish records began in 1998.

Westminster Underfunding and future years

The Scottish Government received an uplift of only **3.4%** from Westminster for the new financial year (23/24) whilst Westminster Government forecasts estimate that **inflation** will continue to significantly **exceed** that for the rest of this year.

By comparison the Scottish Government’s Emergency Budget Review (EBR) last year **reallocated £1.2 billion** from within existing spending plans, primarily for **improved public sector pay deals and cost of living support**.

The estimated financial projections for Fife Council for **2024/2025** indicate a **potential £25 million** gap between income and expenditure (excluding a council tax increase) . The Westminster Government uplift to Holyrood is estimated to be **as low as 1%**.

This is **unacceptable** and the Westminster Government has a **moral responsibility** to adequately recompense workers and also the devolved administrations which are struggling with underfunding from Westminster caused by **catastrophic Tory mismanagement** of the economy and public finances.

The financial details of our budget are provided in the following tables.

Fife Council SNP Group General Fund Revenue Budget Proposals 2023-2024

	2023-24 £m
Estimated Budget gap before Council Tax increase	-11.505
Council Tax increase (3%)	5.448
Estimated Budget Gap	-6.057
Transfer from Reserves	8.000
Additional £2 million – teachers	2.000
Proposed one-off investment (see below)	3.943
Revised Budget Gap	0.000

Proposed/

Proposed One-off Investment

One-off Investment/cost of living funding	£m
250 homeless starter packs	0.475
Additional contribution to Welfare Fund	0.600
Additional flooding prevention measures	0.800
Additional revenue support to pothole remediation	1.555
Support to foodbanks and community larders	0.300
Write off unrecoverable school meal debt	0.063
Increased provision to schools of musical instruments	0.150
Total One-off Investment	3.943

Ring-fenced cash spent in Fife (Scottish Government Funded)

	£m
Early Learning and Childcare expansion	36.267
Pupil Equity Fund	10.441
Whole Family Well-being (new)	2.288
Others	0.345
Total Ring-fenced funding	49.341

Roll Call**For the Administration Motion** – 40 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, David Graham, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Margaret Kennedy, Allan Knox, Robin Lawson, Jim Leishman, James Leslie, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Derek Noble, Gordon Pryde, David Ross, Jonny Tepp, Andrew Verrecchia, Darren Watt, Jan Wincott and Conner Young.

For the SNP Motion – 32 votes

Councillors David Alexander, Blair Allan, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Ken Caldwell, Rod Cavanagh, Julie Ford, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, 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.

Decision

Accordingly, the Administration motion was carried.

51. HOUSING REVENUE ACCOUNT (HRA) BUDGET 2023 – 2024

In connection with the consideration of the Housing Revenue Account (HRA) Budget 2023-24, the Council considered the following papers:-

- (a) a joint report by the Head of Housing Services and Head of Finance which brought forward budget proposals for the Housing Revenue Account with a view to determining rent levels and other charges which would apply during 2023-2024;
- (b) Administration's Motion on the Housing Revenue Account Budget 2023-2024; and
- (c) SNP's Motion on the Housing Revenue Account Budget 2023-2024.

Administration Motion

Councillor Hamilton, seconded by Councillor Graham, moved as follows:-

"That the Council: -

- 1. Approves the Housing Revenue Account (HRA) Budget 2023-24 report by the Head of Housing Services and the Head of Finance and agrees the following:
 - (a) Approves a rental increase of 5% for 2023-24 HRA rents and charges for 2023-24.
 - (b) Approves a rental increase of 5% on Homelessness Temporary Accommodation to keep rental increase on the General Fund Housing Account in line with increases on HRA rents and charges for 2023-24.
 - (c) Approves the use of uncommitted HRA Reserves of £0.500m for use on reducing the current waiting time for Disability Adaptations in HRA properties to ensure that more individuals can live independently at home.
 - (d) Approves the terms of the Administration's HRA budget statement attached".

FIFE/

HRA REVENUE BUDGET 2023-24

	2023-24
	£m
Estimated Budget Gap in Year as per report by Executive Director Finance & Corporate Services	8.333
Increased income generated by 5% Rental Increase	(6.459)
Revised Budget Gap	<u>1.874</u>
Proposed Reduction in Budget by Administration	
Reduction in CFCR budget	(1.874)
Revised Budget Gap	<u>0.000</u>

SNP Motion

Councillor Backhouse, seconded by Councillor Goodall, moved as follows:-

“That the Council: -

- (a) Approves a rental increase of 3% for HRA rents and charges for 2023-24;
- (b) Approves a rental increase of 3% on Homelessness Temporary Accommodation to keep rental increase on the General Fund Housing Account in line with increases on HRA rents and charges for 2023-24;
- (c) Approves the HRA gap to be funded from CFCR in the short term (see below)

HRA Funding Gap £8.333m
3% Rent Increase (£3.932)m
Reduction in CFCR (£4.401)m

- (d) Agrees that **all departments** which have a part to play in reducing Council house voids work together with void reduction as a top priority. The target is to reduce the financial impact of voids to 9% or less of net rental income to reduce financial pressure on the Housing Revenue account and to alleviate the housing crisis by making more Council houses available for allocation as soon as possible".

Roll/

Roll Call

For the Administration Motion – 40 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, David Graham, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Margaret Kennedy, Allan Knox, Robin Lawson, Jim Leishman, James Leslie, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Derek Noble, Gordon Pryde, David Ross, Jonny Tepp, Andrew Verrecchia, Darren Watt, Jan Wincott and Conner Young.

For the SNP Motion – 31 votes

Councillors David Alexander, Blair Allan, 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, 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.

Decision

Accordingly, the Administration motion was carried.

52. 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.



Revenue Budget 2023-26

Proposed by the Administration

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6	Appendix 2 – On-Off Investment proposed by Joint Administration

Budget Statement from the Labour Administration

Fife Council is once again faced with making cuts to vital local services and raising council tax over the next three years as a result of under funding by the Scottish Government.

This follows more than a decade of cuts to council budgets by the Scottish Government along with restrictions on council tax and ring fencing of spending. Year after year, the Council has been forced to make cuts to services in order to produce a balanced budget.

Let's remind ourselves that the Scottish Government controls over 80% of council funding through our core grant. It is the stated intent of Scottish Government to provide councils with only a 'flat cash' settlement for 2024/25 and 2025/26. This means no additional funding for inflation, currently running at over 10%, pay increases or demographic pressures, let alone any funding to meet new or emerging local needs.

The Convention of Scottish Local Authorities (COSLA) estimated that local government across Scotland needed an additional £600.000m in grant just to cope with inflation and demand pressures even without pay increases for staff. The Scottish Government provided just £71.000m of funding that was not ring fenced or directed at national priorities. If local government had received the funding COSLA asked for, Fife's share would have been around £40.000m. Think what the council could have achieved with this extra funding. More investment in education, social care and the roads. Protecting leisure and environmental services and keeping the council tax low. There is a long list of services crying out for additional investment.

Council staff played a vital role during the pandemic in supporting our communities. But fewer staff are having to cope with more work and the pressures this creates are being seen in sickness rates and in problems with recruitment and retention of staff. Since 2010 the Council has lost over 2,000 posts. We hope to avoid making any cuts to staff numbers during the coming year but the Council could be forced to lose up to 500 more posts over the following two years.

Our Council has already identified £26.000m in budget realignment and accountancy measures to reduce expenditure for the coming year, but this will still leave the Council with a budget gap, between income and the cost of maintaining existing services, of £11.505m this year, rising to £33.198m in 2024/25 and £55.598m in 2025/26. This will inevitably mean more cuts to local services, job losses and increases in council tax in the future.

Having consulted with all other political groups represented on the council, these are our proposals to produce the legally required balanced budget for 2023/24.

The starting point is the baseline budget gap of £11.505m as estimated by the Executive Director, Finance and Corporate Services, in her report.

To this we have added recurring expenditure to meet on-going financial pressures:

Increased costs of subsidised bus contracts	£0.761m
Converting costs met by temporary funding in the past to recurring costs within the baseline budget:	
Café Inc	£0.150m
Fife Coast and Countryside Trust	£0.216m

This brings the total budget gap to be met to £12.632m.

We propose to balance this budget gap as follows:

Teachers Funding – £2.000m

Funding for teachers that was allocated in previous years but was withdrawn in the initial budget settlement for 2023/24 announced in December. This has now been returned to the settlement by Scottish Government.

Council Tax - £9.080m

Increase in Council Tax of £5% (less than half the current rate of inflation)

This leaves a remaining budget gap of £1.552m.

We are advised by the Executive Director, Finance and Corporate Services, that there are currently £8.000m of uncommitted balances available to be used in 2023/24 and we propose to close the remaining budget gap using part of these balances rather than by raising the council tax further or by cutting services.

This will allow the Council time to address the budget gaps for future years in a managed way, although this is likely to mean further cuts to services.

Once this remaining budget gap of £1.552m has been met from uncommitted balances, there remains £6.448m for one-off temporary expenditure in the coming year.

We propose to make additional temporary investment this year as follows:

Roads - £3.500m

We have made progress in the past year on our commitment to improve the state of Fife's roads but there is still work to be done, and there is once again a backlog of work building up because of the impact of winter weather. We will review the capital expenditure for road improvements later in the year but we propose to invest an additional £3.500m from uncommitted balances in fixing potholes, reactive patching, and drainage, bringing the funding available for this through revenue spending in the coming year, to over £10.800m.

Additional Hardship Support – £2.000m

During the Covid lockdowns and the current financial year, additional temporary funding has been made available from the Scottish Government to address

hardship and support the recovery. This is no longer available, but we know that most families and individuals in Fife are continuing to face cost of living pressures. We will therefore be adding £2.000m from uncommitted balances to provide hardship support, to help those most in need.

Cost of Living - £0.948m

We will hold the remaining £0.948m in reserve for cost of living pressures, to be committed during the course of the coming year, with priority likely to be given to increasing the hardship funds further, depending on demand; funding a winter programme of support measures for people most in need, similar to that which we have put in place this winter; supplementing staffing in our contact centre to improve accessibility for those needing to contact the Council.

Conclusion

Through this budget we hope to protect vital local services for another year, provide support to the most vulnerable in our communities and invest the limited resources we have in Fife's priorities. But the pressures facing the Council only look set to get worse and we must now turn our attention to how we cope with the challenges of the following years.

FIFE COUNCIL
GENERAL FUND REVENUE BUDGET 2023-26

	2023-24 £m	2024-25 £m	2025-36 £m
Estimated Budget Gap as per report by Executive Director Finance & Corporate Services	11.505	33.198	55.598
Proposed Additional Investment by Administration			
Investment (Appendix 1)	1.127	1.366	1.366
Revised Budget Gap	12.632	34.564	56.964
Teachers Funding - To be included in Finance Order	(2.000)	(2.000)	(2.000)
Council Tax 5% increase	(9.080)	(9.080)	(9.080)
Revised Budget Gap	1.552	23.484	45.884
Use of Balances (One-off)	(1.552)		
Final Budget Gap	0.000	23.484	45.884
Proposed Additional Temporary Investment by Administration			
Temporary Investment (Appendix 2)	6.448	0.000	0.000
Use of Balances (One-off)	(6.448)	0.000	0.000
Final Budget Gap	0.000	0.000	0.000

**FIFE COUNCIL
GENERAL FUND REVENUE BUDGET 2023-26
BUDGET INVESTMENT**

	2023-24 £m	2024-25 £m	2025-26 £m
<u>Enterprise & Environment</u>			
Assets, Transportation & Environment			
Roads & Transportation Service			
Bus Contracts	0.761	1.000	1.000
Total Enterprise & Environment	0.761	1.000	1.000
<u>Communities</u>			
Communities & Neighbourhoods			
FCCT	0.216	0.216	0.216
Café Inc	0.150	0.150	0.150
Total Communities	0.366	0.366	0.366
Total Budget Investment	1.127	1.366	1.366

**FIFE COUNCIL
GENERAL FUND REVENUE BUDGET 2023-26
TEMPORARY BUDGET INVESTMENT**

	2023-24 £m	2024-25 £m	2025-26 £m
Enterprise & Environment			
Assets, Transportation & Environment			
Roads & Transportation Service			
Roads	3.500	0.000	0.000
Total Enterprise & Environment			
	3.500	0.000	0.000
Communities			
Communities & Neighbourhoods			
Hardship Support	2.000	0.000	0.000
Cost of Living Pressures	0.948	0.000	0.000
Total Communities	2.948	0.000	0.000
Total Budget Investment			
	6.448	0.000	0.000

Council Leader's Report

16th March 2023

Scottish Budget, Pay and Industrial Action

1. Elected Members will be well aware of the development and debate on the Council's own budget which was agreed at its meeting on 23rd February.
2. It is disappointing that the final Scottish Budget did not include any increase in the core grant to local authorities from the original proposals published in December as has been the case in previous years. However, it is to be welcomed that Scottish Government has come forward with additional money for pay, recognising COSLA's position that local government cannot increase its pay offer without significant further cuts to services.
3. Following extensive negotiations involving Scottish Government, COSLA and the teaching trade unions, an enhanced pay offer has been put forward for teachers, and the trade unions have agreed to suspend further planned strike action and recommend acceptance of the offer to their members. This offer covers a 28 month period to August 2024.
4. Agreement was previously reached with the single status trade unions on a pay offer for 2022/23. These trade unions have submitted a claim for a 12% pay increase for 2024/25. Scottish Government has agreed to provide an additional 2.5% to add to the baseline 3% local government can offer, but the trade unions have made it clear that this would not be acceptable to them given the level of inflation and offers to other bargaining groups, representing at least 6.5%.
5. COSLA and the single status trade unions have sent a joint letter to the Deputy First Minister setting out this position and requesting additional funding from Scottish Government. The Deputy First Minister has committed to work constructively with local government to achieve a settlement in the pay negotiations with the single status trade unions but there is as yet no commitment to any additional funding from Scottish Government.

Winter Cost of Living Support Programme

6. All Elected Members have received regular updates on the Winter Cost of Living Support Programme including highlights from each of the Areas. Area Chairs have been meeting regularly with the Executive Director, Communities to review progress and issues arising during the implementation of the programme.
7. Members should also have had a briefing on the Alternative Fuel Payments scheme that came into effect on 27th February for those who do not receive support with their bills automatically through their energy supplier.

Cupar Recycling Centre

8. As Members have been briefed, Cupar Recycling Centre was closed following a review by an independent safety inspector commissioned by Fife Resource Solutions. FRS are working to put in mitigating measures that will allow the safe reopening of the site and hope to do this in the near future.
9. In the longer term, there is a need for a new site to be identified in the Cupar area and funding for this will require to be identified through the capital plan review.

Local Bus Services

10. Council agreed support to meet the increased cost of the North and South Fife subsidised bus services in the Budget for 2023/24.
11. Since that meeting the Council has been notified of the possible withdrawal of further commercial routes by Stagecoach due to the planned ending of the Scottish Government's Network Support Grant plus (NSG+) on 31st March.
12. In a letter to all local MPs and MSPs, the Managing Director of Stagecoach East Scotland notes that the end of the NSG+ funding will mean that Scottish bus passengers will be the only group in Britain left without government recovery support.
13. He goes on to estimate that the end of NSG+ funding could see cuts of up to 10% in bus services in the East Scotland operation and fare rises of up to 15%.
14. The Council is engaging with Stagecoach to assess the implications of this situation for bus services across Fife.

Draft Local Transport Strategy

15. Consultation on the Draft Local Transport Strategy has been underway since January and is set to conclude at the end of this month.
16. The priorities and actions are detailed in the draft strategy, are available online at www.fife.gov.uk/transportstrategy and in hard copy form on request at Fife Council Customer Service Centres.

Dunfermline City Status and Scottish Cities Week

17. The Council was able to showcase investment opportunities in and around the newly designated City of Dunfermline at Scottish Cities Week, in London in January. Joining with Scotland's other 7 cities and supported by Scottish

Government, this gave the opportunity to meet and talk with a range of investors and UK Government departments and other agencies.

18. Fife Council worked closely with community, business and civic stakeholders in the development of Dunfermline's bid for city status, and through these strong links we have worked with partners over the last year to bring forward a range of plans for the City.
19. It was good to be able to further engage with key stakeholders at the recent summit event hosted by local MSP Shirley Ann Sommerville. We will build on this through a City Conference planned for June 2023. We strongly value the partnership approach in Dunfermline and will continue to work at strategic and Area level towards an inclusive City Plan through the Local Community Plan process.

Edinburgh and South East Scotland City Region – Regional Prosperity Framework

20. The Regional Prosperity Framework (RPF) sets out the next phase of activity to develop the regional economy, building upon the successes of the City Region Deal. The RPF Delivery Plan sets out four key programmes to deliver the Region's ambitions:
 - Green Regeneration;
 - Infrastructure for Recovery and Prosperity;
 - Visitor Economy and Culture; and
 - Data Driven Innovation (DDI) Economy
21. The RPF Delivery Plan was approved by the Cabinet Committee in February and subsequently agreed by all 6 local authority partners in the City Region Deal at the Joint Board meeting at the beginning of March.

Levelling Up Fund

22. All Elected Members have received an update on the outcomes of the second round of the UK Government's Levelling Up Fund. One of Fife's bids was successful with an award totalling £19.41m for two projects, the Leven Connectivity Project and Riverside Park, Glenrothes. The total funding allocated to Scotland for Round 2 was £177m and Fife secured 11% of this funding.

Community Wealth Building

23. We met with Tom Arthur MSP, Minister for Public Finance, Planning and Community Wealth in Dunfermline to discuss the Council's activities in relation to community wealth building, prior to his launch of consultation on community wealth building legislation later that day in Culross.

Fife Housing Associations

24. We met with the Chairs and Chief Officers of the four Fife Housing Associations in February, reinstating a regular meeting that used to take place prior to the pandemic.
25. We discussed the next phase of our joint affordable house building programme, as well as the pressures of improving housing standards in the context of climate change and experiences of supporting tenants through the cost of living crisis and possible further joint working on this.

Housebuilders Forum

26. The annual Housebuilders Forum was held earlier this month in a face to face format for the first time since 2019. The Forum had presentations on trends and outlook for the housebuilding sector across Scotland and Fife and considered the implications, challenges and opportunities of the new National Planning Framework 4.

Fife Partnership Board

27. The Fife Partnership Board, Fife's Community Planning Partnership, met at the end of February and considered update reports of the work of the Community Safety Partnership and on the Draft Local Transport Strategy.
28. The Board also considered a report on the outcomes from the Fife Partnership Leadership Summits which have been underway involving senior staff from the Council and its Community Planning Partners. A full report drawing conclusions from the Summit and suggesting next steps will be submitted to the Cabinet Committee for consideration later in the year.
29. The papers for the Partnership Board are available online through the Council's website.

Councillor David Ross
Leader of Fife Council
Fife House,
North Street,
Glenrothes

16th March, 2023.

Agenda Item No. 8

Governance Arrangements - Standing Orders

Report by: Executive Director (Finance and Corporate Services)

Wards Affected: All

Purpose

To present a revised set of Standing Orders for consideration and approval by the Council.

Recommendation(s)

It is recommended that the Council:

- (1) approve the proposed changes to the Council's Standing Orders as set out in the Appendix to the report, to come into effect on Friday, 17th March, 2023;
- (2) delegate authority to the Head of Legal and Democratic Services to make any consequential and non-material amendments to the Standing Orders arising from discussion of this report at Council; and
- (3) note that it is intended that updated Lists of Committee and Officer Powers will be submitted to the meeting of Fife Council, on 11th May, 2023, for approval.

Resource Implications

There are no resource implications arising from this report.

Legal & Risk Implications

The Council is obliged, in terms of local government legislation, to ensure that appropriate decision-making structures are in place.

Impact Assessment

A formal impact assessment is not required as there are no equalities issues which apply to committee procedures.

Consultation

Political groups have been consulted. A working group of members nominated by Leaders has met on a number of occasions over the last few months to review Standing Orders.

1.0 Background

- 1.1 The Council's Governance Scheme comprises a number of documents, including Standing Orders, the List of Committee Powers and the List of Officer Powers. These documents are kept under regular review and consequential changes have been made on occasion. Any substantive amendments must be approved at a meeting of the Council and, following a recent more detailed review, the revised set of Standing Orders are now presented for approval.

2.0 Issues and Options

- 2.1 The Council, at its meeting on 19th May, 2022, agreed a new decision-making structure based on a Cabinet model of governance and to bring forward a revised Scheme of Administration based on these proposals.
- 2.2 As part of the Governance Review, it was agreed to undertake a review of the Council's Standing Orders, with the aim of modernising the document and ensuring that the Standing Orders are as robust as possible to assist with the smooth and transparent running of meetings, strengthening governance and decision-making. These revised Standing Orders have been set out in a more user-friendly manner, providing additional clarification on processes.
- 2.3 The Cross Party Leaders Group, at their meeting on 9th September, 2022, agreed to establish a short life working group to review governance documentation, including Standing Orders. Councillors Beare, Graham, Kathleen Leslie and Tepp were nominated as the elected member representatives, along with the Head of Legal and Democratic Services and Committee Services Manager.
- 2.4 The Standing Orders are the written rules of the Council and are essential to regulate the proceedings of a meeting. These are also used to confirm or refer to various internal organisational and administrative arrangements.
- 2.5 The main changes include:-
- **Section 3 (Nomination or Appointment of Members to Office)** – clarification on membership
 - **Section 5 (Ordinary Meetings)** - clarification on when meetings will be scheduled
 - **Section 9 (Order of Business)** – reordered business on Council agenda
 - **Section 10 (Notices of Motion)** – clearer narrative, including increased notice period for submitting draft Notices of Motion and amendments to any Notice of Motion, to assist in checking competency and circulating to members in advance of the Committee
 - **Sections 12, 13 & 14 (Deputations/Petitions/Public Questions)** – clearer narrative and consistency in the timings for speakers and those attending
 - **Section 16 (Substitute Members)** – added, for ease of reference, originally detailed in Committee Powers
 - **Section 17 (Failure to Attend Meetings)** – updated to provide further clarification
 - **Section 19 (Quorum)** – Committees will no longer meet if inquorate
 - **Section 22 (Declarations of Interest and Transparency Statements)** – updated to reflect changes to the Councillors' Code of Conduct
 - **Section 25 (Order of Debate)** – provide clarification on the process
 - **Section 26 (Points of Order)** – new section to provide clarification and further detailed explanation. Appendix 5 is also attached at the end of the Standing Orders with further detail

- **Section 27 (Procedural Motions)** – new section to facilitate the smooth running of meetings
- **Section 28 (Budget Motions and Amendments)** – amended wording to process for submission of a motion (the budget proposal) and amendment(s). The proposer of a Budget Motion(s) will have the right to sum up, with the last opportunity to speak afforded to the proposer of the first Budget Motion submitted
- **Section 29 (Motions and Amendments (General))** - any motion proposing to alter the recommendation(s) of the report will be dealt with as an amendment. An amendment relating to any recommendation with a report on the agenda, (excluding Notices of Motion), should be provided to the Committee Officer no later than 12 noon on the working day before the meeting
- **Section 33 (Quasi-judicial Items of Business)** – detail on the process for voting on quasi-judicial items of business
- **Section 46 (Delegation and Appointment to Committees and Sub Committees)** - decisions of a committee on functions delegated to them will be reported to the Council for information only, unless the committee resolves that a particular item of business should be referred to the Council for decision or requires amendments to the Council's approved budget
- **Glossary of Terms** – introduced to provide a description of terms used throughout the Standing Orders, for ease of reference; and
- **Appendices** –
 - Confidential information
 - Exempt information
 - Rights of access to documents for members of local authorities
 - Guidance for assessing competency of motions and
 - Points of order guidance.

2.6 It had been intended to also submit revised Lists of Committee and Officer Powers with the revised Standing Orders, however, it is recognised that the changes to current Standing orders will have consequential amendments to these documents, therefore it is considered premature to present revised Lists of Committee and Officer Powers for approval at this time. It is proposed to submit these to the May 2023 meeting of Fife Council.

2.7 Members will recall that Fife Council at its December 2022 meeting, (para 46 refers) agreed that a report be brought back in 2023 with options to determine the voting rights of religious representatives, including the option to remove voting rights. The Head of Legal and Democratic Services is currently consulting on the proposals and, following some initial engagement, it has been identified that there are other avenues of consultation to consider. It is therefore proposed that the section of Standing Orders (Nos. 3.4 and 3.5), providing for voting rights for religious members, remain unchanged until the matter has been brought back before Council in a further detailed report.

2.8 Members are asked to note that in terms of Standing Order No. 5, meetings of the Council, its Committees and Sub-Committees will be held in accordance with the published meetings timetable. No meetings will be held on a Saturday or Sunday, or on public holidays observed by the Council. Where possible, meetings will also not be scheduled during school holidays.

3.0 Conclusions

3.1 That the Standing Orders set out in Appendix 1 to the report be approved and implemented with effect from Friday, 17th March, 2023.

List of Appendices

1. Governance Scheme Part 1: Fife Council Standing Orders

Background Papers

No background papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973.

Report Author

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Governance Scheme Part 1: Fife Council Standing Orders

Approved by Council (date)

Fife Council Standing Orders

For Council, Committee and Sub-Committee Meetings

The Council will exercise all its powers and duties in accordance with the law and the Council's Scheme of Governance.

In the event of any conflict or inconsistency between these Standing Orders and legislation, the legislation shall prevail.

Version	1.0
Effective From	17th March, 2023

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First Council Meeting following an Election

The Statutory Meeting

1.0 Calling of Statutory Meeting

- 1.1 In a local government election year, the Council will hold its first meeting within twenty-one days of the election, on a date set by the Chief Executive.
- 1.2 The Council will establish such Committees for the purpose of discharging the functions of the Council. This will include the preparation and adoption of a List of Committee Powers and List of Officer Powers.

2.0 Items of Business

- 2.1 The Returning Officer will chair the meeting until the Provost is elected.
- 2.2 The agenda for the first meeting of the Council shall deal with the business in the following order:-
 - (1) note election of Councillors, noting which Councillors have signed the Declaration of Acceptance of Office;
 - (2) election of the Provost, Depute Provosts (if required), Leader, Co-Leader, (if applicable) and Leader of the Opposition;
 - (3) appointment of Spokespeople (if required), Convener(s) and Depute Convener(s) of Committees and Sub-Committees of the Council;
 - (4) appoint the Licensing Board in terms of the Licensing (Scotland) Act 2005;
 - (5) appointment of members of Committees;
 - (6) nominations or appointments of, as the case may be, representatives to Boards, Joint Committees and External Organisations;
 - (7) approval of Senior Councillor Allowances; and
 - (8) any other statutory or urgent competent business.

3.0 Nominations or Appointment of Members to Office

- 3.1 All references to Convener and Depute Convener throughout these Standing Orders shall, in the case of meetings of the full Council, be taken to mean the Provost, Depute Provost(s), who will normally preside at meetings of the full Council.
- 3.2 Where Standing Orders refer to the Leader of the Council, this will include reference to Co-Leaders, if appointed.
- 3.3 The Convener and if appointed, the Depute Convener, of the Standards, Audit and Risk Committee should be a member of the opposition.
- 3.4 Religious representatives appointed by Council to any Committee or Sub-Committee will be entitled to speak and have full voting rights on all education matters considered relevant by the Council, Committee or Sub-Committee, unless otherwise agreed by Council.

- 3.5 Religious representatives will remain as a member of the Committee or Sub-Committee until the next ordinary election of elected members, subject to their right to resign or removal by the nominating body.
- 3.6 When nominating or appointing members to any office, position or external organisation where there are a greater number of candidates than vacancies, the decision will be taken by a vote.

4.0 Duration of Appointments

- 4.1 Each appointment made under Standing Order No. 3 will stand until the next Council election unless:-
- (1) a member resigns from that appointment;
 - (2) a member is removed by the Council as set out in Standing Order No. 11; or
 - (3) the appointment to an external organisation is for a fixed term.

General Business of Meetings

5.0 Ordinary Meetings

- 5.1 Meetings of the Council, its Committees and Sub-Committees will be held in accordance with the published meetings timetable.
- 5.2 No meetings will be held on a Saturday or Sunday, or on public holidays observed by the Council.

6.0 Special Meetings

- 6.1 A special meeting of the Council, Committee or Sub-Committee may be called to deal with urgent business in the following circumstances:-
- (1) at any time by the Proper Officer in consultation with the Convener;
 - (2) by a written request signed by at least a quarter of the members of the Council, Committee or Sub-Committee. In such instances, a special meeting will be held within fourteen clear days of a written request being received by the Proper Officer. The written request must set out the business of the meeting and be signed by those calling for the special meeting. Where signatures of members are required, these can also be submitted by email; or
 - (3) as required by statute.
- 6.2 The agenda for a special meeting will be limited to that item/those items of business specified.

7.0 Place of Meetings

- 7.1 All meetings of the Council, its Committees and Sub-Committees will, unless otherwise determined by the Proper Officer, in consultation with the Convener, take place at such places and times as may be fixed by the Council.

8.0 Notice of Meetings

8.1 The date, time, format and place of any meeting will be published on the Council's website (www.fife.gov.uk) at least three clear days before the meeting, not including the day of the meeting.

8.2 Members will be provided with the meeting agenda and accompanying reports. This will be delivered either:-

- (1) by post to a member's normal place of residence or other address as a member may specify; or
- (2) by email to an email address provided by the Council.

If a notice of meeting or agenda is not received by any member, the meeting will still be valid.

8.3 An item of business may not be considered at a meeting of the Council unless either:-

- (1) it is included in the published agenda, with the exception of reports containing exempt or confidential information (as defined in Standing Order No. 21), or
- (2) the Convener is of the opinion that the item should be considered at the meeting as a matter of urgency. Reasons for urgency will be made known at the start of the meeting and specified in the minute.

9.0 Order of Business

Fife Council Meetings

9.1 The business of the meeting shall proceed in the order specified in the notice calling the meeting. Any changes to the order of business will be announced by the Provost at the start of the meeting. The order in the notice shall, unless circumstances otherwise require, be as follows:-

- (1) Apologies
- (2) Declarations of Interest
- (3) Civic Business brought forward by the Provost, including giving notice of any business to be dealt with under item 11
- (4) Deputations
- (5) Minute of the previous meeting or of any special meeting
- (6) Minutes of Committees or Sub-Committees (for accuracy)
- (7) Leader's report
- (8) Statutory or other competent business
- (9) Notices of motion
- (10) Question Time
- (11) Business brought forward by the Provost as a matter of urgency

Leader's Report

- 9.2 The Leader of the Administration or, in their absence, their nominated substitute, will submit a report on matters relevant to the Council. Verbal presentation of the report should not exceed ten minutes. Questions on the report will normally be restricted to a period of thirty minutes, at the Provost's discretion.

Question Time – Fife Council Meeting

- 9.3 (1) At the full Council meeting, a member can ask the Provost, Spokesperson or the Convener of another Committee or Sub-Committee a question concerning any relevant and competent business not already on the agenda.
- (2) The following criteria will be applied:-
- The question must relate to Fife or its residents
 - The question should be Fife wide and not area specific
 - One question per submission (no sub-questions)
 - The same or similar question cannot be asked again within twelve months
- (3) The member will advise the Proper Officer of their question in writing not later than 12.00 noon, seven clear days prior to the day fixed for the meeting, unless the matter is urgent, in which case, the member will set out the reasons for urgency as an introduction to the written question.
- (4) The Proper Officer has the discretion to determine the relevancy and competency of any question.
- (5) Where practicable, arrangements will be made to circulate copies of questions to members prior to the meeting.
- (6) The member will ask the principal question and may ask one supplementary question after the answer has been given and a summation/ response from the appropriate Spokesperson or Convener, all directly relating to the original question. No supplementary questions will be allowed from other members.
- (7) At the discretion of the Provost, similar questions may be taken together and a single response provided. A supplementary question will be allowed for each question.
- (8) Question time will be limited to a reasonable period of time determined by the Provost and not normally exceeding one hour.
- (9) Members are entitled to withdraw their question up to and during the meeting.

Committees and Sub-Committee Meetings

- 9.4 The business of the Committee or Sub-Committee shall proceed in the order specified in the notice calling the meeting except that any item of business may, at the discretion of the Convener, be taken out of its order. The order in the notice shall, unless circumstances otherwise require, be as follows:-
- (1) Apologies
 - (2) Declarations of Interest
 - (3) Deputations (Council or Area Committee) and/or Petitions (Area Committee only)
 - (4) Public Questions
 - (5) Minute of the previous meeting
 - (6) Statutory or other competent business
 - (7) Notices of motion
 - (8) Committee Forward Work Programme
 - (9) Business brought forward by the Convener as a matter of urgency

Operation of Council, Committee and Sub-Committee Meetings

10.0 Notices of Motion

- 10.1 A member can submit a notice of motion to Council, Cabinet and Area Committees.
- 10.2 Prior to lodging a notice of motion, members should take the opportunity to engage with the relevant Service on current action being taken and options available to have the subject matter addressed. This may assist members in formulating the terms of the notice of motion. Guidance should also be sought from the Proper Officer, Legal and Democratic Services on wording and competency.

When to use a Notice of Motion

- 10.3 **For Council** - to address matters specifically reserved to Council, as specified in the List of Committee Powers or for matters where the Council has a general interest.
- 10.4 **For Cabinet and Area Committees** - to address any matter which can be regarded as competent business for that Committee based on its remit, as specified in the List of Committee Powers.
- 10.5 Notices of motions may not be submitted for consideration at Special Meetings of the Council, Cabinet or Area Committees.
- 10.6 All Notices of Motion should be submitted to the Proper Officer in writing at least twelve clear days prior to the meeting.
- 10.7 Every motion submitted in terms of this Standing Order will require to be moved and seconded. If such a motion is not moved and seconded formally, it will fall.
- 10.8 Prior to a Notice of Motion appearing on an agenda, the Proper Officer will determine competency. The Proper Officer will be responsible for collating the views of the Chief Executive, relevant Executive Director(s), or external organisation(s), and providing feedback to the member.

- 10.9 The final written motion, taking account of any feedback from the Proper Officer as outlined at 10.8 above, must be submitted by the member to the Proper Officer by 12.00 noon, ten clear days prior to the day of the meeting. Motions will be listed on the agenda in the order that they are received.
- 10.10 Notices of Motion will be determined incompetent if:-
- (1) the judgement of the Chief Executive, the relevant Executive Director(s) and the Proper Officer, is that the matter is already being progressed. In such circumstances, the member may only resubmit the motion after a period of six months from the date of submission of the original notice of motion;
 - (2) the motion is unlawful; or
 - (3) the motion proposes expenditure and does not identify a source of funding.
- 10.11 If the Proper Officer rules the motion incompetent, it will not appear on the agenda for the meeting.
- 10.12 A Notice of Motion submitted to the Proper Officer outwith the deadlines referred to above can only be accepted onto the agenda as a matter of urgency at the discretion of the Convener, prior to, or at the meeting of the Council, Committee or Sub-Committee.
- 10.13 When submitting a Notice of Motion outwith the deadlines referred to above:-
- (1) the member will be required to specify why the motion should be considered as a matter of urgency;
 - (2) late motions which are not accepted as urgent by the Provost or Convener, may be considered at the next scheduled meeting; and
 - (3) Standing Order No. 10.10 does not apply to any Notice of Motion submitted under Standing Order No. 11 (Removal from Office).
- 10.14 When determining the admissibility of the Notice of Motion for Full Council and whether the subject matter of the Notice of Motion is of general interest to Fife Council, the Proper Officer may have regard to any of the following:
- (1) the relevancy of the subject matter to Fife;
 - (2) any impact on local concerns and issues;
 - (3) any impact on residents of Fife; and
 - (4) the work and functions of Fife Council.
- 10.15 A member can move an absent member's motion, only with the consent of the absent member. Consent should be submitted in advance to the relevant Committee Officer.
- 10.16 If members have agreed to conjoin a motion, a ten minute time limit for moving the conjoined motion will apply, which can be split between any or all of the members who submit the joint motion.
- 10.17 A member can make non-material alterations to their motion, with the consent of the Convener.
- 10.18 Any motion proposing a nomination to bestow a civic honour, e.g. Freedom of Fife, must be approved by two thirds of members of the Council.

10.19 Amendments to any Notice of Motion placed on the agenda should be submitted to the Proper Officer at least three clear days prior to the meeting.

11.0 Removal from Office

11.1 The Council may remove the Provost, Depute Provost(s), Leader, Depute Leader, Convener (excluding Area Conveners), Depute Convener or Spokesperson, where either:-

- (1) A Notice of Motion is submitted to the next Council meeting, in accordance with Standing Order No. 10. This will form the first item of business at the next applicable meeting. Following debate, a decision as to whether to remove from office the Provost, Depute Provost(s), Convener, Depute Convener or Spokesperson will be decided by not less than two-thirds of members present and entitled to vote at the meeting; or
- (2) Where no prior notice is given, not less than two-thirds of members present and entitled to vote at the meeting agree the early removal of the Provost, Depute Provost(s), Convener, Depute Convener or Spokesperson.

11.2 Any motion for removing an Area Convener or a member of a Committee or Sub-Committee (excluding Area Committee) may be carried by a majority vote by those members present and eligible to vote at the meeting at which the motion is put.

11.3 If the matter was deemed urgent, a special meeting of the Council could be called in accordance with Standing Order No.6.

12.0 Deputations

12.1 A deputation can be heard by the Council or an Area Committee, at the discretion of the Convener in consultation with the Proper Officer, on any matter that is included in its power, duties or delegation. No more than one deputation shall usually be allowed at each meeting of the Council or Area Committee, unless in exceptional circumstances.

12.2 Every request for a deputation must be from an office bearer of an organisation or group. It must be submitted in writing, setting out the subject of the deputation and what action, if any, the deputation would like the Council or relevant Area Committee to take. The request must be received by the Proper Officer at least twelve clear days before the relevant meeting. Any documentation that a deputation may wish to circulate to the Council or Area Committee must be submitted along with the deputation request.

12.3 The following deputation requests are not competent:-

- (1) Deputations which fail to comply with Standing Order No. 12.2.
- (2) Deputations which contain confidential information (see Standing Order No. 21 - Exempt and Confidential Information)
- (3) Deputations which relate to the annual budget
- (4) Deputations which relate to a planning or licensing application
- (5) Deputations which relate to matters that have alternative procedures for representation, e.g., Petitions.

- 12.4 A competent deputation request will be placed on the agenda for the relevant meeting.
- 12.5 Each Deputation will consist of no more than three people and will have no more than five minutes to present their case, irrespective of the number of speakers, or longer at the discretion of the Convener.
- 12.6 Following the conclusion of the deputation presentation, members will be given the opportunity to ask questions of the deputation for a maximum of five minutes.

13.0 Petitions

- 13.1 Petitions submitted to the Council must be submitted using the Petitions Submission Form and include a short statement covering the subject of the petition and stating what action the petitioners wish the council to take.
- 13.2 The petition must be submitted by one person (the lead petitioner) and signed by a further twenty or more residents of Fife.
- 13.3 The petition must be relevant to a matter over which the Council has authority or provides a service.
- 13.4 A petition must comply with agreed criteria as set out in the [Petitions Criteria](#) Guidance and have at least twenty-one valid signatures before being assessed for validity. If considered valid, the petition will be placed on the agenda for consideration at the Cabinet Committee or relevant Area Committee.
- 13.5 The lead petitioner will be invited to the meeting of the relevant Committee to explain their petition and will have a maximum of five minutes to present their case, following which, members will be given the opportunity to ask questions of the lead petitioner for a maximum of five minutes, or longer at the discretion of the Convener.
- 13.6 The lead petitioner can be supported by up to two other individuals and will have no more than five minutes to speak, irrespective of the number of speakers, or longer, at the discretion of the Convener.
- 13.7 A Council officer will then present their response to the petition and will have no more than five minutes to speak, or longer at the discretion of the Convener.
- 13.8 Members will be given the opportunity to ask questions of the officer for a maximum of five minutes, or longer at the discretion of the Convener.
- 13.9 Members will then consider all information presented to them before making a decision on the outcome of the petition.

14.0 Public Questions (Area Committees)

- 14.1 At the discretion of the Convener, members of the public may be allowed to appear before any Area Committee to ask a question, provided that it does not relate to a quasi-judicial, planning, other regulatory or confidential matter, which would require the disclosure of exempt information which the Council has or may have to consider.
- 14.2 Every submission of a public question must be received by the Proper Officer in writing or by email at least twelve clear days before the date of the meeting.

- 14.3 The member of the public will be invited to the meeting of the relevant Committee to ask their question and will have a maximum of five minutes to speak, or longer at the discretion of the Convener.
- 14.4 Questions from the Committee will be limited to a further five minutes, after which, the member of the public will withdraw to the public seating to allow the Committee to discuss the issue.
- 14.5 No more than two public questions in total will be allowed per meeting and any individual can ask only one question.
- 14.6 No public question will be accepted if the subject matter is to be considered as part of the agenda for the meeting.
- 14.7 No public question will be considered that is substantially the same as a question put to a meeting of a Committee in the past twelve months.
- 14.8 A Council officer will present their response to the question for a maximum of five minutes, or longer at the discretion of the Convener.
- 14.9 Members will be given the opportunity to ask questions of the Officer for five minutes, or longer at the discretion of the Convener.
- 14.10 Questions may be rejected by the Proper Officer in consultation with the Convener if they:
- (1) are not relevant to matters for which the Area Committee has responsibility;
 - (2) could be defamatory or offensive;
 - (3) are substantially the same as a question put at a meeting in the past twelve months;
 - (4) would divulge, or be required to divulge, confidential or exempt information; or
 - (5) relate to a subject matter that will be considered as part of the agenda for that meeting.
- 14.11 Members will then consider all information presented to them providing them an answer to the question(s).

15.0 Rights of Members Attending Meetings

- 15.1 Any member will be entitled to or may attend any Committee or Sub-Committee meeting of which they are not a member and will be entitled to address the meeting by submitting a request to the Proper Officer, no later than noon on two working days before the meeting.
- 15.2 The member may speak for a maximum of five minutes.
- 15.3 The member may not propose or second any motion or amendment or vote on any item.
- 15.4 A member who is not a member of a Committee or Sub-Committee that is intending to consider an item in private may attend the meeting to listen to the item, in order to properly perform their duties as an elected member. The member may also have access to the same information available to members of the Committee or Sub-Committee.

- 15.5 Where the purpose of any meeting is to consider any matters concerning the terms and conditions, conduct or appointment of any Council employee or any matter relating to the personal or private affairs of any individuals, a member who is not a member of the Committee or Sub-Committee may not attend the meeting to listen to the item, or have access to the same information as is available to members of the Committee or Sub-Committee.
- 15.6 Members are entitled to change Committees within the group allocations, having first notified the Proper Officer by noon, two clear days prior to the meeting.
- 15.7 The Leader of the Council, appropriate Convener, or Spokesperson shall be entitled to attend an Area or Scrutiny Committee in a non-voting capacity in relation to items within their area or portfolio.
- 15.8 No member may speak on any item in terms of this Standing Order on matters where the member has a financial interest or non-financial interest, in terms of the Code of Conduct for Councillors, which would prevent the member from taking part in the debate.
- 15.9 A member shall not be entitled to speak in terms of this Standing Order in relation to any item of a quasi-judicial or regulatory nature.

16.0 Substitute Members

- 16.1 If a member of a Committee is unable to attend a meeting of that Committee, political groups are entitled (but not obliged) to nominate a substitute for that member. This does not apply to the Regulation and Licensing or Planning Committees.
- 16.2 Political Groups should advise the Proper Officer of any substitutes by noon on the day before the relevant meeting, except where meetings are held on a Monday, in which case notification should be submitted by 9.00 a.m. on that Monday, otherwise no substitute will be entitled to attend.

17.0 Failure to Attend Meetings

- 17.1 If a member is not able to attend a meeting, they should inform the relevant Committee Officer in advance of the meeting, who will advise the meeting of apologies intimated prior to the commencement of business.
- 17.2 In accordance with section 35 of the Local Government (Scotland) Act 1973, if a member fails to attend meetings for six consecutive months of any meeting of the Council, its Committees and Sub-Committees or Joint Boards on which the member represents the Council, the member will no longer be a member of the Council unless leave of absence has been approved by the Council. Should a member or political group wish to seek a leave of absence for a member, they should approach the Proper Officer who will prepare a report for Council.
- 17.3 The member will not cease to be a member of the Council if the absence is due to the member having been suspended by the Standards Commission. The Proper Officer will submit a report to Council under these circumstances.

18.0 Chairing Meetings

- 18.1 At any meeting of the Council, its Committees or Sub-Committees, the chair will be taken by the Provost, Depute Provost(s), Convener, or where the Convener is absent, the Depute Convener.

- (1) In the event that the Depute Provost(s), Depute Convener is also absent, the members present will decide who will chair the meeting by means of a nomination and a majority vote.
- (2) All references to "the Convener" throughout these Standing Orders will be taken to mean the person chairing the meeting, where the context allows.

19.0 Quorum

- 19.1 No business will be carried out at a meeting unless a quorum of members is present. The quorum of Council, Committees and Sub-Committees will be 50% of the total number of members of the Council, Committee or Sub-Committee, or three members, whichever is the higher.
- 19.2 The quorum in all cases shall be calculated by the number of seats, irrespective of there being a vacancy.
- 19.3 If, ten minutes after the designated start of the meeting, the quorum has not been met, the Provost, Convener or person chairing the meeting will adjourn the meeting to a suitable time and date determined by them. The minute of the meeting will record that, due to the lack of the necessary quorum, no business was transacted.
- 19.4 If after the meeting has started, the number of members entitled to vote falls below the quorum, there will be a break of ten minutes. If after the break, a quorum has not been found, the meeting will be adjourned and the minutes of the meeting will state the reason for the adjournment.
- 19.5 No item of business shall be transacted at a meeting of the Council where, as a consequence of the Councillors' Code of Conduct restricting the rights of the members to vote, less than a quorum of the Council are entitled to vote on that item.

20.0 Advice at Meetings by Chief Officers

- 20.1 All meetings will normally have the advice of Chief Officers, i.e. Chief Executive, the relevant Executive Director, Head of Service or their representative (as required).

21.0 Exempt and Confidential Information

- 21.1 Agendas and reports containing exempt Information (exempt items) will contain a declaration that the report is 'Not for Publication' because it contains confidential/exempt Information as defined in Schedule 7A of the 1973 act, as detailed in Appendices 1 and 2 to these Standing Orders.
- 21.2 The press and public will not be admitted during the discussion of exempt items.

22.0 Declarations of Interest and Transparency Statements

- 22.1 Members must adopt the three stage approach (Connection – Interest – Participation) set out in section 5 (Declaration of Interests) of the [Councillors' Code of Conduct](#).
- 22.2 A member will declare their interest as early as possible in meetings.

- 22.3 Where a member has declared an interest, at the appropriate time, they must withdraw from the meeting. They must not participate in any way in those parts of meetings where they have declared an interest. Withdrawal from the meeting room or place will include leaving the Blended Meeting.
- 22.4 When making a declaration, a member should provide enough information for those at the meeting to understand why they are making a declaration.
- 22.5 Where the Provost or Convener is required to vacate the chair due to declaring an interest, the Depute Provost(s) or Depute Convener will assume the chair for the duration of the item. In the event that the Depute Provost(s) or Depute Convener is not present, members present will decide who will assume the chair by means of nomination and a majority vote.
- 22.6 Members should consider whether it is appropriate for transparency reasons for them to state publicly in the meeting where they have a connection, which they do not consider amounts to an interest. Such a statement is referred to in these Standing Orders as a “transparency statement” and will be recorded in the minute.

23.0 Introducing Reports

- 23.1 Ordinarily, the Convener will invite an officer or a representative of an external organisation to introduce their report, following which, members will be given the opportunity to ask questions of officers or an external representative, through the Chair.
- 23.2 To promote the effective management of the meeting, members should seek clarification or advice from officers on any points in advance of the meeting.
- 23.3 When, in the opinion of the Convener, members have had a reasonable opportunity to ask questions, the Convener will move to bring the matter to a determination.

24.0 Speaking at Meetings

- 24.1 When referring to or addressing the Provost, Depute Provost(s), Convener or Depute Convener, members and officers should address them as ‘Provost’ or ‘Convener’, as appropriate.
- 24.2 When referring to or addressing a member, members and officers should address the member as ‘Councillor’.

25.0 Order of Debate

- 25.1 If consensus cannot be reached on an item, the order of debate will be as follows:-
- (1) Motion moved and seconded
 - (2) Amendment(s) moved and seconded
 - (3) Debate
 - (4) Summing up for the motion
 - (5) Vote

25.2 Any member wishing to speak at any meeting will address the Convener and restrict their remarks to the item of business before the meeting through:-

- (1) Asking questions
- (2) Moving, seconding or supporting a motion or any relative amendment
- (3) Moving or seconding a Procedural Motion
- (4) Raising a Point of Order

26.0 Points of Order

26.1 A point of order is a verbal objection made to the Convener that a statement or proposed procedure or action at the meeting may be in breach of the law, Standing Orders, List of Committee or Officer Powers or the Councillors' Code of Conduct. A member may, with the consent of the Convener, speak to a point of order or in explanation of some material part of a speech which they made and which they believe to have been misunderstood. When a member raises a point of order, the other member shall stop speaking until the point of order has been decided by the Convener. A difference of opinion is not a point of order.

26.2 Any member may raise a point of order at any point in the meeting and must specify which Standing Order, law or section of the Councillors' Code of Conduct will be or has been breached.

26.3 The Convener will decide how the Point of Order will be dealt with.

27.0 Procedural Motions

27.1 A Procedural Motion is a motion on the procedure being proposed or undertaken at the meeting.

27.2 A Procedural Motion has to be moved and seconded and members will then vote on whether to support or oppose it, without any debate.

27.3 If a Procedural Motion is not seconded, it will fall.

27.4 Procedural motions can include:

- (1) Proposing a change to the minute
- (2) Proposing that no further debate or questioning takes place and a vote be taken
- (3) Proposing the suspension of a Standing Order
- (4) Proposing that an item be referred to another Committee or directly to full Council
- (5) Proposing suspension of a member from the remainder of the meeting
- (6) Proposing that a member of a Committee be appointed as Chair in the absence of the Convener or Depute Convener.

27.5 Except where the Procedural Motion is to suspend Standing Orders (in terms of Standing Order No. 41), for a Procedural Motion to be successful, it requires an absolute majority of votes.

28.0 Budget Motions and Amendments

- 28.1 Any motion relating to the setting of the Council budget (a “Budget Proposal”) will require to be delivered to the Proper Officer, preferably by email, no later than 12.00 noon, eight clear days prior to the day fixed for the meeting of the Council which will set the General Fund, HRA Revenue and Capital Budgets.
- 28.2 A Budget Proposal will require to be signed by the member submitting it and countersigned by one other member or otherwise in terms of Standing Order No. 10.7.
- 28.3 Any proposed amendment to a Budget Proposal must be in writing and delivered to the Proper Officer, preferably by email, no later than 12.00 noon, three clear days prior to the day fixed for the meeting of the Council which will consider it. Any such proposed amendment will require to be signed by the member submitting it and countersigned by one other member or otherwise in terms of Standing Order No. 10.7.
- 28.4 Copies of Budget Proposals and proposed amendments will be made available by email to all members, the Chief Executive and Executive Directors as soon as possible after the deadline for receipt. Further copies will be made available to the public.
- 28.5 At the relevant meeting of the Council, Budget Proposals and amendments to them shall not be considered other than those submitted in terms of this Standing Order unless they represent minor changes to Budget Proposals or amendments circulated prior to the meeting, or otherwise at the Provost’s discretion.
- 28.6 The proposer of a Budget Motion(s) or amendment(s) will have the right to sum up with the last opportunity to speak afforded to the proposer of the first Budget Motion submitted. Where amendments are received to the Budget Proposal, the Council will debate and vote on those amendments first before proceeding to vote on the Budget Proposal(s) (as amended or otherwise).

29.0 Motions and Amendments (General)

- 29.1 When moving any motion or amendment, a member will provide its terms in full which will then require to be seconded by another member who, if speaking, must speak in support of that motion or amendment. No member will speak in support of a motion or amendment until it has been seconded. Any motion proposing to alter the recommendation(s) of the report will be dealt with as an amendment.
- 29.2 Any member who has moved or seconded a motion or amendment will not be entitled to enter the debate.
- 29.3 Any amendment relating to any recommendation with a report on the agenda, (excluding Notices of Motion), should be provided to the Committee Officer no later than 12.00 noon on the working day before the meeting unless the motion or amendment:-
- (1) moves the recommendations of the report;
 - (2) calls for a continuation of consideration of the item to a future meeting;
 - (3) has been ruled urgent by the Provost or Convener; or
 - (4) when new information comes to light during discussion or debate and subject to the consent of the Provost or Convener.

- 29.4 All amendments to a motion must be significantly different from the motion and from each other and will be assessed for competency by the Convener or Proper Officer.
- 29.5 A motion or amendment is not competent if it would require the incurring of expenditure and the source of funding is not identified.
- 29.6 A motion or amendment which identifies the source of funding as the Council's reserves will not be competent, without advice being provided to the meeting by the Executive Director (Finance and Corporate Services), or their nominee.
- 29.7 The Convener may suggest an adjournment to offer any relevant officer an opportunity to assess the competency of any motion or amendment.
- 29.8 A motion or amendment moved but not seconded, or which has been ruled by the Convener to be incompetent, will not be put to the vote.
- 29.9 A member who has moved a motion or amendment but failed to find a seconder, provided they do not vote on the matter, may request that their dissent be recorded in the minute.
- 29.10 If a motion or amendment is withdrawn, the mover and seconder can move or second and speak in support of a further motion or amendment.
- 29.11 No member will speak more than once (except on a Point of Order, by asking a question or by moving a Procedural Motion or as otherwise provided for in these Standing Orders) in a debate, except for the member who moved the motion, who will have the right to sum up, provided the reply is strictly confined to answering previous speakers, and does not introduce any new material into the debate.
- 29.12 A member can make minor alterations to their motion or amendment, with the consent of the Convener.
- 29.13 The method of voting is detailed at Section 32.

30.0 Time Allowed for Speaking

- (1) Moving a motion or amendment – ten minutes
- (2) Seconding a motion or amendment – five minutes
- (3) Speaking in debate – five minutes
- (4) Summing up – five minutes
- (5) Moving a Council budget or amendment to the Council budget – ten minutes
- (6) Seconding a Council budget – five minutes
- (7) Summing up a Council budget – five minutes

31.0 Closure of Debate

- 31.1 Subject to the Convener being satisfied that the debate has proceeded for a reasonable period of time, any member who has not spoken can move, as a Procedural Motion, that no further debate take place.
- 31.2 If the Procedural Motion is agreed, the mover of the original motion will have the right to sum up and the matter will thereafter be put to the vote.

- 31.3 If the Procedural Motion is defeated, the debate will continue.
- 31.4 Subsequent Procedural Motions that no further debate take place can be made after a further two members have spoken.

32.0 Voting

Method of Voting – excluding Appointments

- 32.1 Once the Convener has indicated that the vote is to be taken, no one will interrupt proceedings (except for a Point of Order) until the result of the vote has been announced. The Committee Officer will conduct the vote and announce the result.
- 32.2 With the exception of Standing Order No. 41 (Suspending Standing Orders), a majority of those present and voting will decide the result of any vote between motions and amendments.
- 32.3 Roll call votes will be the standard means of recording votes for all decisions. If a member joining remotely is unable to indicate their voting intention either verbally or visually at the time of a roll call, their vote will not be counted.
- 32.4 The vote will be taken among the motion and any amendments received. Whichever proposal receives a majority of votes is carried and will be the decision of the meeting.
- 32.5 Where there is no majority, the proposition with the least number of votes will be eliminated and a further vote (or further votes as may be required) taken until a majority of votes is received for a proposition.
- 32.6 Where there is a tie between propositions as to which has the least votes, a vote will be taken between them as to which one should be eliminated. The Convener will not have a casting vote at this stage in proceedings. The decision shall be taken by a cut of cards, or by an electronic equivalent in a blended meeting.
- 32.7 In the event of a final vote resulting in an equality of votes for the remaining two propositions, the Convener will then (but only then) have a second or casting vote.
- 32.8 If the Convener chooses not to exercise their casting vote, lots will be drawn using a method decided upon by the Committee Officer.

Method of Voting - Appointments

32.9 Voting in the case of one vacancy

- (1) Where only one vacancy requires to be filled and one candidate has a majority of votes cast, that candidate will be declared elected, nominated or appointed.
- (2) Where there are two candidates for one vacancy and both candidates receive an equal number of votes, the decision will be determined by a cut of cards if an in-person meeting, or an electronic equivalent in a blended meeting. The candidate who draws the highest card will be elected, nominated or appointed.
- (3) Where there are more than two candidates and the first vote does not produce a majority in favour of any candidate, the candidate with fewest votes will be eliminated and another vote will take place between the remaining candidates.

- (4) This process will continue until one candidate has a majority of votes cast.
- (5) Where there is an equal number of votes for the candidates with fewest votes, an extra vote will be taken between those candidates. The candidate with the fewest votes will be eliminated from the process.
- (6) If an equal number of votes remains, the candidate to be eliminated will be determined by a cut of cards if an in-person meeting, or an electronic equivalent in a blended meeting.
- (7) This process will continue until the vacancy is filled.

32.10 Voting in the case of two or more vacancies

Where there is more than one vacancy and the number of candidates exceeds the number of vacancies, the following method of voting shall apply, subject to the following provisions:-

- (1) The number of candidates matching the number of vacancies that receive the highest number of votes cast will be duly elected, nominated or appointed.
- (2) Where there is an equal number of votes between two or more candidates, an extra vote will be taken between those candidates. The candidate(s) receiving the highest number of votes cast will be duly elected, nominated or appointed.
- (3) In the event that Standing Order No. 32.10(2) still produces an equality of votes, the decision will be determined by a cut of cards if an in-person meeting, or an electronic equivalent in a blended meeting.
- (4) The candidate who draws the highest card will be elected, nominated or appointed, followed by the candidate who draws the next highest card, should there be more than two candidates with an equality of votes.
- (5) This process will continue until all vacancies are filled.

33.0 Quasi-Judicial Items of Business

- 33.1 Where the Council, Committee or Sub-Committee is required to determine an item of business which is of a Quasi-Judicial nature, a member must be present in the meeting for the duration of the item to allow their vote to be counted.
- 33.2 If a member joins or leaves the meeting at any point during discussion of the item, they will not be permitted to participate in the determination of the item, nor any vote.

34.0 Call-in Decisions of Cabinet Committee

- 34.1 Members will be entitled to call in decisions of the Cabinet Committee to the relevant Scrutiny Committee, on a requisition signed by seven elected members, entitled to vote. The notice should be delivered to the Proper Officer no later than 12.00 noon three working days following (and not counting) the day on which the minute of the meeting is issued. Such notice may be submitted from an email address provided to members by the Council or notified by the member. Where signatures of members are required, these can be submitted by email.
- 34.2 To ascertain the date of issue of the minute, members minded to call-in a decision will be required to notify the Proper Officer of their intention to do so, so that the Proper Officer can notify the relevant member(s) when the draft minute is published.

- 34.3 Standing Order No. 34.1 above does not apply to decisions to appoint or nominate a member of the Council to an external organisation or other office. Nor does it apply to decisions of the Cabinet Committee which require the approval of the Council.
- 34.4 A decision which has been called in will be placed on the agenda for the next meeting of the relevant Scrutiny Committee. The Convener/Depute Convener of the Cabinet Committee from which the decision has been called in and/or the relevant Spokesperson will attend the relevant Scrutiny Committee meeting with support from the relevant officer(s).
- 34.5 Decisions called in to the relevant Scrutiny Committee will be dealt with as follows:-
- (1) where the relevant Scrutiny Committee agrees with the decision of the Cabinet Committee, the decision can be implemented without further delay;
 - (2) where the relevant Scrutiny Committee does not agree with the decision of the Cabinet Committee, it will be referred to the next meeting of the Council for final determination;
 - (3) where the relevant Scrutiny Committee agrees with the decision of the Cabinet Committee, but has additional recommendations, this will be referred back to the Cabinet Committee. The Convener of the relevant Scrutiny Committee, or another member of the Scrutiny Committee nominated by them, will have the right to attend the Cabinet Committee and speak in support of its recommendation on that item;
 - (4) where further information is required, the relevant Scrutiny Committee may continue consideration of a called in decision to a further meeting but only in respect of additional recommendations which do not affect the original decision; and
 - (5) religious or other persons appointed as voting members of Committees shall not be entitled to participate in the call-in process set out in this Standing Order.
- 34.6 The Cabinet Committee may instruct that a decision be implemented ahead of any consideration by the relevant Scrutiny Committee on the grounds of urgency, in circumstances resulting from actions or events beyond the control of the Council, if the call-in process could otherwise:-
- (1) prevent a final decision being made before the required date;
 - (2) prejudice the Council's negotiating position with trade unions or a third party;
or
 - (3) prejudice the Council's position in relation to persons or events external to the Council.
- 34.7 When the Cabinet Committee instructs that a decision be implemented ahead of any consideration by the relevant Scrutiny Committee on the grounds of urgency, the Convener must give reasons in writing for this to the Convener of the relevant Scrutiny Committee.
- 34.8 This Standing Order applies only to decisions of the Cabinet Committee.

35.0 Minutes

- 35.1 The Committee Officer will prepare the minutes of meetings of the Council, its Committees and Sub-Committees.
- 35.2 The minutes will record the names of the members who attended the meeting and any decision taken at the meeting as determined by the Committee Officer. Formal apologies will be recorded in the minute.
- 35.3 The Committee will be invited to approve the minute of the previous meeting as an accurate record.
- 35.4 At the meeting, if any member challenges the accuracy of the previous minute, they can move a procedural motion that a correction be made.
- 35.5 Any corrections to the minute will be outlined in the subsequent minute and the original minute amended as required.
- 35.6 Any discussion around the approval of the previous minute cannot extend to opening up discussion of the substantive issues detailed in the minute.
- 35.7 Recording of votes at meetings will be taken as a roll call vote and the members names recorded in the minute.

36.0 Powers and Duties of the Convener

- 36.1 To preserve order, ensure that Standing Orders are followed and members have a fair hearing.
- 36.2 When the Convener begins to speak, other members must stop speaking.
- 36.3 To decide on the order of business and matters of competency and relevancy, unless otherwise specified.
- 36.4 To accept urgent business onto the agenda, in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973. The reason(s) why the matter must be considered urgently will be recorded in the minute of the meeting.
- 36.5 To ensure that all members are given the opportunity to speak and to decide on the order in which they speak.
- 36.6 To rule on all Points of Order, the ruling of the Convener will be final and not open to discussion.
- 36.7 To adjourn the meeting at any time for any reason and to determine the length of the adjournment.
- 36.8 It will be at the discretion of the Provost, Convener or, in their absence, the Depute Provost or Convener of a Committee or Sub-Committee to cancel, advance or postpone to another date an ordinary meeting if, in their opinion and in consultation with the Proper Officer, there is a good reason for doing so.
- 36.9 The decision of the Convener on all matters in Standing Order No. 36 will be final, unless challenged by at least four members and unless two thirds of the members present vote against the decision.
- 36.10 The Convener will have discretion to determine all questions where no specific provision is made under these Orders.

37.0 General Conduct at Meetings

- 37.1 All members are bound by the Councillors' Code of Conduct and are responsible for complying with it at all times.
- 37.2 Every effort will be made to ensure that all members can fully participate in the meeting and that all issues relating to equality are addressed and reasonable adjustments made to existing procedures where possible.
- 37.3 All members must behave respectfully at any meeting and should not behave in a manner that is improper, offensive or deliberately obstructs the business of the meeting. The Convener may direct the member to refrain from speaking during the remainder of the debate on the matter under discussion.
- 37.4 If the Convener, on reasonable grounds, anticipates the probability of disorder by a member of the public, then that member of the public may be excluded from the meeting.
- 37.5 If a member of the public interrupts any meeting, the Convener may issue a warning to the person creating the disturbance. If they interrupt on a second occasion, the Convener may order their removal from the meeting.
- 37.6 In cases of general disturbance during any part of the meeting, the Convener may order that the public leave the meeting.
- 37.7 In the event of the meeting requiring to be adjourned due to disruption by a member of the public, the meeting room shall be cleared and the livestream will be suspended.

38.0 Suspension of Members from a Meeting

- 38.1 If any member disregards the authority of the Convener, obstructs the meeting or, in the opinion of the Convener, acts in an offensive or disruptive manner at a meeting, any member may move, as a Procedural Motion, that the member be suspended for the remainder of the meeting.
- 38.2 If seconded, the motion will be put to the vote immediately.
- 38.3 If the Procedural Motion is carried, the suspended member will leave the meeting immediately.

39.0 Filming, Photographing and Recording of Meetings

- 39.1 Other than the live webcasting or recording of Council, Committee and Sub-Committee meetings, any video or sound recordings or broadcasting of meetings by any other means, or the taking of any photographs, will be at the Convener's discretion, provided that the business of the meeting is not interrupted, or inconvenience caused to any member.

40.0 Length of Meetings

- 40.1 The Convener can call a break in proceedings at any time. Unless circumstances indicate otherwise, however, any meeting should be adjourned by the Convener for a comfort break at ninety-minute intervals.
- 40.2 Breaks in proceedings should be called on a regular basis and, in general, meeting adjournments will take place as appropriate to ensure the wellbeing of members, other participants and the public.

- 40.3 Meetings will not last longer than six hours (said duration including, for the avoidance of doubt, any break(s) in proceedings). For example, if a meeting begins at 10.00 a.m., it will not continue beyond 4.00 p.m. – irrespective of the number and duration of any breaks.
- 40.4 If the meeting is adjourned to another date, the Convener, following consultation with the Committee Officer, will determine the time and date that the meeting will re-convene.

41.0 Suspending Standing Orders

- 41.1 Any Standing Order may be suspended at any meeting with the agreement of at least two thirds of the members present and entitled to vote. This will be done by means of a Procedural Motion.
- 41.2 The member must specify which Standing Order they are proposing to suspend.

42.0 Altering Previous Decisions

- 42.1 Any motion that would directly rescind a previous Council decision within a period of six months from the date of the original decision can only be approved if the Proposer and six members entitled to vote agree to do so. This Standing Order does not apply to decisions taken under powers delegated to officers.
- 42.2 The Council may, however, consider any motion or resolution inconsistent with any previous decision (whether or not within the six month period) if the Convener rules that new information is available, or that there has been a material change of circumstances since the decision was taken.

43.0 Amendments to Standing Orders

- 43.1 Non-material amendments can be made to the Standing Orders by the Proper Officer, following consultation with the Group Leaders, without the requirement to report to Council. Such amendments will be notified to all members once completed.
- 43.2 Material amendments to the Standing Orders, including the removal or addition of Standing Orders, may only be approved after consideration of a report by the Proper Officer at full Council.

44.0 Review of Standing Orders

- 44.1 The Standing Orders will be subject to annual review by the Proper Officer.
- 44.2 Non-material amendments can be made to the Standing Orders by the Head of Legal and Democratic Service, following consultation with the Leaders of Political Groups, without the requirement to report to Council.
- 44.3 Such amendments will be notified to all members once completed.

45.0 Monitoring Officer

- 45.1 A Monitoring Officer's report may be required where any proposal, decision or omission by the Council may breach or has breached the law or any statutory code of practice.

46.0 Delegation and Appointment to Committees and Sub-Committees

- 46.1 Decisions of a Committee on functions delegated to them will be reported to the Council for information only unless the Committee resolves that a particular item of business should be referred to the Council for decision.
- 46.2 The Council may appoint or disband Committees for any purpose at any time and will delegate or refer to these Committees any matter it thinks fit.
- 46.3 Committees may appoint or disband Sub-Committees for any purpose at any time and will delegate or refer to these Sub-Committees any matter they think fit.
- 46.4 Matters referred or delegated to Committees or Sub-Committees will be set out in the relevant Committee terms of reference contained in the List of Committee Powers.
- 46.5 Committee and Sub-Committee terms of reference may be amended only after consideration of a report to Council by the Proper Officer.
- 46.6 Where a matter for consideration is not specifically referred to in the terms of reference of a Committee, it will be competent for it to be considered by the Committee or Sub-Committee with the most relevant remit, as determined by the Proper Officer.
- 46.7 The Council may, at any time, deal with any matter falling within the terms of reference of any Committee or Sub-Committee.
- 46.8 Similarly, a Committee may, at any time, deal with any matter falling within the terms of reference of any of its Sub-Committees.
- 46.9 Members of Committees will be provided with relevant training where required, i.e. regulatory or quasi-judicial.
- 46.10 The Council and its Committees may establish Working Groups with no delegated powers for such functions deemed necessary, consisting wholly of Councillors or otherwise.
- 46.11 On behalf of the Council, each Committee and Sub-Committee can appoint representatives to external organisations which provide services linked to, or associated with, the remit of that Committee or Sub-Committee.

47.0 Effective Date and Rules on Changes to Standing Orders

- 47.1 The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.
- 47.2 This version of Standing Orders takes effect from 17th March, 2023.
- 47.3 In these Standing Orders, the following words and expressions shall have the following meanings, that is to say:-
- "the 1973 Act" means the Local Government (Scotland) Act 1973
 - "the 1989 Act" means the Local Government and Housing Act 1989
 - "the 1994 Act" means the Local Government etc. (Scotland) Act 1994

Provision	Legislation
Period of office of Convener and Depute Convener	Local Government (Scotland) Act 1994 – Section 4 and Paragraph 7 of Schedule 2
Membership of Committees appointed by education authorities (Religious representatives and other non-Councillor members)	Sections 57 and 124 of the Local Government (Scotland) Act 1973
Notice of place and time of meeting	Paragraphs 2(2) of schedule 7 to the Local Government (Scotland) 1973 Act 1973
Agenda and reports open to public inspection	Section 50B2 of the Local Government Scotland Act 1973
Exclusion of report from inspection by press and public	Section 50B(2) of the Local Government (Scotland) Act, 1973
Exclusion of press and public from meeting (quasi-judicial or regulatory)	Access to information Confidential or exempt information – Schedule 7A of Part 1 of the Local Government (Scotland) Act, 1973
Meeting not quorate as consequence of Councillors' Code of Conduct	Ethical Standards in Public Life, etc. (Scotland) Act 2000
Exclusion of press and public arising from questions on named persons employed in the Council	Sections 50A(4) and 50J of, and Paragraph 1 of Part I of Schedule 7A to, the 1973 Act
Matters of urgency	Section 50B(4)(b) of the 1973 Act (SO 8.1(2))

Glossary of Terms

Agenda	A list of business to be considered at Council, Committee and Sub-Committee meetings
Amendment	Where a motion has been put forward in respect of an item on the agenda, a member may move an alternative proposal. A competent motion and amendment which have been seconded, will then be debated and a vote taken between the two
Calculation of Quarter or One Third/ Two Thirds of Members	If the figure is not a whole number, it will be rounded up. This is to ensure that a quarter, one third or two thirds will always be met
Chief Officer	The Chief Executive, Executive Directors and Heads of Service are designated as Chief Officers
Clear Days	Clear days includes week days, weekends and public holidays, but excludes the day the notice is issued and the day on which the meeting is held. For example, if a letter is posted on Monday advising of a meeting on Friday, it gives three clear days' notice (i.e. Tuesday, Wednesday, Thursday)
Committee Officer	The Committee Officer with responsibility for the administration of the Council, Committee or Sub-Committee meetings
Committee	A Committee of the Council as appointed in accordance with Standing Orders
Committee Forward Work Programme	A document containing outstanding and pending business that is placed on the agenda for each meeting
Confidential Information	See Appendix 1 to this document
Convener	This includes the Provost, Depute Provost(s), Convener, Depute Convener or any other Councillor when chairing any meeting of the Council or a committee
Council	Where "Council" is referred to in this document, it refers to meetings of the Full Council
Councillors' Code of Conduct	The Councillors' Code of Conduct is the framework by which all Councillors are expected to abide. Members suspended by the Standards Commission will not be entitled to vote.
Delegation	When the Council delegates duties or responsibility, it is giving someone else the authority to act on its behalf. The Council can arrange to delegate functions to a Committee, Sub-Committee or council officer(s)

Deputation	A request submitted by an organisation or group to address a Council or Area Committee meeting in respect of a matter included in the Council or Area Committee's powers, duties or delegation
Depute Convener	The Depute Chair of the Committee. A Depute Convener will act as Chair in the absence of the Convener.
Depute Provost(s)	The Depute Provost(s) of Full Council. A Depute Provost will act as Chair in the absence of the Provost
Elected Member/Member	Councillor
Exempt Information	See Appendix 2 to this document
External Member	A representative appointed to any Committee or Sub-Committee from out with the Council, who may have full voting rights, i.e. religious representatives relating to education matters
Group	A number of Councillors who form a group. A group cannot be composed of a single member. The group should be notified to the Proper Officer
Group Leaders	The leaders of the individual political groups to be notified to the Proper Officer
Majority Vote	A majority vote refers to more than half of the votes actually cast, not to more than half of the votes that could have been cast if everybody voted
Absolute Majority	An absolute majority vote is defined as two thirds of the votes cast
Minute	A summary of decisions from any Council, Committee or Sub-Committee meeting prepared by the Committee Officer. This will not be a verbatim record
Monitoring Officer	Every Council has to appoint a Monitoring Officer who will investigate any proposal, decision or failure to act where Council, a Committee or an officer may have broken an Act of Parliament, a law or any code of practice. The Monitoring Officer may have to prepare a report to Council. The Head of Legal and Democratic Services is currently the Council's Monitoring Officer. There are two Depute Monitoring Officers, being the Committee Services Manager and Legal Services Manager
Motion	An initial proposal of action submitted by a member in respect of an item of business on an agenda
Non-Material Amendments to Standing Orders	Such amendments may include the change of title for a particular post referred to in the Standing Orders, or an error in the text and does not change the meaning.
Notice of meeting	A notice advising members of the date, time and location of a Council, Committee or Sub-Committee meeting

Notice of Motion	A request submitted by a member in advance of a meeting of Council, Committee or Sub-Committee which may be placed on the agenda for an issue to be discussed and for a decision to be made
Proper Officer	Employees appointed to deal with formal functions the Council must perform by law. Where this document refers to the Proper Officer, it should be noted that this may also refer to their nominated officer
Provost	The Convener of the Council. The Provost is the civic head of the Council.
Quasi- Judicial	Where the Council, Committee or Sub-Committee has powers and procedures resembling those of a court of law or judge and is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action
Quorum	The minimum number of members at a Council, Committee or Sub-Committee meeting who must be present before the meeting can take place and make valid decisions
Returning Officer	The officer responsible for conducting elections. The Chief Executive is the Council's Returning Officer
Standing Orders	The Council's set of rules to make sure that Council and Committee meetings are conducted properly and that decisions are made in an open and accountable way (that is, in a way the Council can justify)
Sub-Committee	A Sub-Committee of any Council Committee appointed in accordance with Standing Orders.

Local Government (Scotland) Act 1973 Definition of Confidential Information

In accordance with section 50A of the Local Government (Scotland) Act 1973, Confidential Information means:-

- information furnished to the authority by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
- information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

In either case, the reference to the obligation of confidence is to be construed accordingly.

Local Government (Scotland) Act 1973 Schedule 7A

Access to Information: Exempt Information Descriptions of Exempt Information (including Qualifications)

Employee/Office Holder

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.

Occupier

2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.

Recipient of Council Service

3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

Recipient of Financial Assistance

4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.

Particular Child

5. Information relating to the adoption, care, fostering or education of any particular child or where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (as defined respectively in sections 83 and 86 of the Children's Hearings (Scotland) Act 2011) information relating to the order. "Child" means a person under the age of 18 and any person who has attained that age and is in attendance as a pupil at a school.

Financial Affairs of Particular Person

6. Information relating to the financial or business affairs of any particular person (other than the authority). Information is not exempt if it is required to be registered under the Companies Acts (as defined in section 2(1) of the Companies Act 2006) or similar legislation.

Social Work Relating to a Particular Person

7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).

Proposed Expenditure on Contracts

8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against such other persons.

Contractual Terms

9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services if and so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.

Tender for Contract

- 10 The identity of the authority (as well as of any other person by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.

Labour Relations

11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officeholders under, the authority if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

Legal Proceedings

12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with –
 - a. any legal proceedings by or against the authority, or
 - b. the determination of any matter affecting the authority (whether, in either case, proceedings have been commenced or are in contemplation).

Statutory Notices, etc.

13. Information which, if disclosed to the public, would reveal that the authority proposes –
 - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. to make an order or direction under any enactment if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.

Crime

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Informant

15. The identity of a protected informant.

Additional Rights of Access to Documents for Members of Local Authorities – Local Government (Scotland) Act 1973, Section 50F

1. Any document which is in the possession or under the control of a local authority and contains material which relates to any business to be transacted or proceedings at a meeting of –
 - a. the local authority or of a committee or sub-committee of the local authority;
 - b. a statutory committee appointed by the authority or any sub-committee of that committee, or
 - c. a relevant body, any member of which was appointed by the authority, or of a committee, sub-committee or relevant body of such a body shall, subject to subsection (2) below, be open to inspection by any member of the authority and, in the case of a committee, sub-committee or relevant body, by any other member of the committee or sub-committee.
2. Where it appears to the Proper Officer that a document discloses exempt information of a description for the time being falling within any of the above-noted paragraphs 1 to 5, 7, 9, 11, 12 and 14 of Part I of Schedule 7A to this Act, subsection (1) above does not require the document to be open to inspection.
3. The Secretary of State may by order amend subsection (2) above -
 - a. by adding to the descriptions of exempt information to which that subsection refers for the time being or
 - b. by removing any description of exempt information to which it refers for the time being.
4. Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
5. The rights conferred by this section on a member of a local authority are in addition to any other rights he may have apart from this section.

Guidance for Assessing Competency of Motions

In terms of Fife Council's Standing Orders, motions should be submitted in advance of a meeting (SO 10.6) or, where the Convener agrees that it is a matter of urgency, at a meeting (SO 10.12). In both cases, the motion will be assessed for competency.

If the motion is submitted in advance of a meeting, the test will be applied by the Proper Officer – usually the Head of Legal and Democratic Services. If the motion is submitted during a meeting, the Convener will determine the competency of a motion in consultation with the Proper Officer. If complex, the Convener may wish to adjourn the meeting pending further advice.

When assessing competency of motions, the following factors will be considered:

- Is the motion clearly and concisely drafted?
- Is the motion directed to the correct Committee?
- Are the resource implications of the motion clearly set out?
- Has a full costing analysis been provided on how the motion will be funded?
- Would the Council be acting legally and in accordance with its powers in implementing the terms of the motion?
- Could the wording of the motion be considered defamatory, or could it reveal confidential information?
- Does it contain criticism of individual officers in circumstances where such officers can be identified, either directly or indirectly?
- Does it conflict with a previous decision - consider whether there has been a change of circumstances or whether a Notice to Rescind is required (SO 42)
- Is it actionable/capable of being implemented or would further procedure be required, e.g. equalities impact assessment?
- Does the purpose of the motion seek to directly rescind a decision made by the Council or Committee within the previous six months (in which case approval of the proposer and 6 other Members present and entitled to vote would be required)
- Does the motion give fair notice to members of the matter to be discussed?
- Do Members have enough background information to reach a reasoned decision?
- Does the motion conflict with the Chief Executive's role as head of paid service.

If there is insufficient information to form a competent motion, it may be suggested that a more comprehensive notice of motion is brought to a future meeting or that the motion be amended to ask for an officer report to a future Committee with further detailed information.

Prior to lodging a Notice of Motion, members should take the opportunity to engage with the relevant Service on current action being taken and options available to have the subject matter addressed. This will assist members in formulating the terms of the Notice of Motion. Guidance should also be sought from the Head of Legal and Democratic Services on competency.

Points of Order

Fife Council Standing Orders permit members to raise points of order (Standing Order No.26) but there is no definition within Standing Orders of what constitutes a point of order. Many interjections which are made are not points of order. For example, the fact that a speaker may make a statement which some other member does not consider correct does not constitute a **breach of order** on the speaker's part and does **not** entitle another member to intervene. They may answer that later (if they have not already spoken) in the ordinary course of the debate. Interjections of this kind could be considered disruption by the Convener and consequences may follow from that determination.

What is a point of order?

Points of order must deal with the **conduct** or **procedure** of the meeting and the member rising to put the point of order should demonstrate one or more of the following:-

- (a) that the speaker is travelling outside the scope of the paper;
- (b) that they are using "unparliamentary" language, for example, by making remarks of a personal nature, particularly if they are abusive, or by using obscene language;
- (c) that they are infringing the standing orders or, in the absence of any specific standing order, is acting contrary to the general custom of debate; or
- (d) that they may be acting unlawfully, for example, by inciting racial hatred or provoking violence.

Other valid points of order might relate to:-

- (a) that a quorum is not present; or
- (b) where a motion is beyond the legal power of the Council or not within the scope of the notice given.

When to put a point

A point of order may be put to the Convener at any time, even when a member is not speaking. For instance, the interjector may wish to ask the effect of a motion under discussion on some other motion which is to come forward later. Or they may want to know the order in which an amendment will be taken or, indeed, anything connected with the routine of the meeting.

Even when the vote is taken, a point may be submitted, but it must be on something arising out of the taking of the vote. At that late stage, it cannot be of a merely general character. When a member is speaking on a subject, the member who interrupts them by raising a point of order must demonstrate that an irregularity has been committed. **A difference of opinion is not a point of order. Points of correction are not points of order.**

How to put a Point of Order

Members who want to raise a point of order must do so **immediately** the alleged breach has occurred and must address the Convener directly and not the member who has been interrupted. The point of order should be put briefly and the person raising the point of order should normally quote the relevant standing order that they consider is being breached.

Time allowed on Points of Order

The Standing Orders limit the time of every speaker and every time an interrupter brings forward a point of order, they encroach on the time of the speaker who is addressing the meeting. The speaker should resume their seat as soon as the point of order is raised and may ask the Convener to allow an appropriate amount of extra time if needed.

Points of explanation and points of information

Sometimes debaters may distort or misquote remarks of a previous speaker, or there may be a genuine misapprehension about what a previous speaker actually said. In such cases, the misquoted or misunderstood **speaker** may ask the Convener if they can make a point of explanation. The Convener may, at their discretion, allow the misquoted speaker to explain in a few words what they actually said or meant. Such points of explanation should be permitted only in extreme cases and must not be developed into a further speech.

Someone seeking the Convener's permission to make a point of explanation may interrupt a speaker to do so. However, if a member simply wants to know something about the procedure or the subject under discussion, they can raise a point of information but must wait until the speaker has finished.

A point of information is seeking information, not imparting it.

16th March, 2023

Agenda Item No. 9

NOTICE OF MOTIONS

Report by: Head of Legal and Democratic Services

Wards Affected: All

Purpose

In terms of Standing Order 8.1, 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.

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Motion 1

Tackling Marine Pollution

“Council notes the devastating impact of marine pollution, such as micro plastics. This is an increasingly serious problem for our environment.

Council also notes the work of Kimo UK, whose mission is to unite local governments, prevent pollution and protect, preserve and enhance the seas and coastal waters of the North-East Atlantic and Baltic regions. Currently 8 local authorities in Scotland are members of Kimo UK.

Council calls for a paper to be brought to Cabinet Committee inviting councillors to consider membership of Kimo UK including budgetary implications as well as further details on the benefits of membership. This paper will include all necessary information allowing the Cabinet Committee to make an informed decision.”

Proposed by Councillor James Calder
Seconded by Councillor Al Clark

Motion 2

Crisis in Scottish Dentistry

“Fife Council notes that access to NHS Dentistry in the area has become significantly harder in recent years for residents of Fife.

Council further notes that the number of NHS dental claims in NHS Fife area has reduced from 381,169 in 2019 to 211,287 between January and November 2022.

Council understands that many dentists are not accepting new NHS patients and that polling has shown that many of those registered have been unable to get appointments, leaving people in pain and causing wider mouth health issues to be missed.

Council believes that access to NHS dentistry is essential for residents of Fife and that the SNP/Green Scottish Government is failing to reform the funding structures so that dentists can return to taking on NHS activity and enable more patients to be seen.

Council further requests the Council leader writes to the Scottish Health Secretary to request urgent action to tackle the lack of access to NHS dentists.”

Proposed by Councillor James Calder
Seconded by Councillor Margaret Kennedy

Motion 3

Including swimming lessons as integrated part of Physical Education courses in Primary Schools

“The Council notes that

- Swimming is a life (saving) skill for everybody
- Schools in England have swimming integrated in their PE curriculum in primary schools; (1)

- Pupils in some countries in Europe are required to be able to swim 25 metres by the end of primary school;
- Swimming is a complete sport which is known to be good for both for physical and mental health.

The Council also notes that:

- Local authorities have seen their budget cut significantly the last 10 years preventing them from including a number of items in their curriculum such as swimming;
- In 2015, the Scottish Government had pulled funding from its £1.72m programme to support school swimming lessons;
- Part of the curriculum of excellence has the duty to *ensure that children and young people develop the knowledge and understanding, skills, capabilities and attributes which they need for mental, emotional, social and physical wellbeing now and in the future.* (2)

The council is calling for:

- The Administration, in alliance with other authorities, to press the Scottish Government, the Scottish Minister for Education and Skills as well as the Scottish Minister for Health to prioritise funding to school swimming classes as an integrate part of Physical Education;
- A report of the feasibility of including school swimming lessons at primary school level in Fife including costs and practicalities to be brought to the Cabinet Committee.”

(1) <https://www.gov.uk/national-curriculum/key-stage-1-and-2>

(2) <https://education.gov.scot/education-scotland/scottish-education-system/policy-for-scottish-education/policy-drivers/cfe-building-from-the-statement-appendix-incl-btc1-5/curriculum-areas/health-and-wellbeing/>

Proposed by Councillor Aude Boubaker-Calder
Seconded by Councillor Al Clark

Motion 4

Councillor Parking

“Council notes the current practice at Fife House of reserving 6 car parking spaces for Councillors on a daily basis up until 10:30am and 30 spaces on days when the full Council meets.

Council notes that the matter was last discussed in 2016 and referred to the then Cross-Party Leaders’ Group, but that no changes were subsequently made.

Council agrees that the practice of reserving specific car parking spaces for elected members is no longer necessary and unnecessarily prioritises Councillors over council officers and visitors.

Council therefore agrees that the practice of designating specific car parking spaces exclusively for the use of Councillors, with the exception of the Council car used to support the civic business of the Provost, should end at Fife House and at any other Council Office where spaces are ‘reserved’ for elected members.”

Proposed by Councillor David Barratt
Seconded by Councillor Auxí Barrera

Motion 5

“Council supports the Wave Trust's 70/30 campaign to reduce child abuse, neglect and other adverse childhood experiences (ACEs) by at least 70% by the year 2030. Council asks officers to bring a report to a future meeting of the Cabinet Committee on how the ambitions of this campaign can best be achieved in Fife.”

Proposed by Councillor MacDougall

Seconded by Councillor Craik

Motion 6

“This Council asks that the Leader writes to the [Minister for Green Skills, Circular Economy and Biodiversity](#), to ask her to pause the Deposit Return Scheme whilst the concerns raised by Fife’s businesses, establishments and residents are addressed with a view to making this important environmental step sustainable, viable and equitable for producers and consumers alike.”

Proposed by Councillor Wincott

Seconded by Councillor Craik