

Thursday, 22 June, 2023 - 10.00 a.m.

AGENDAPage 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. DEPUTATION - VOTING RIGHTS OF RELIGIOUS REPRESENTATIVES**5. MINUTE** – Minute of the meeting of Fife Council of 11 May 2023.

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6. MINUTES OF COMMITTEES AND SUB-COMMITTEESAvailable
on 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.

7. LEADERS REPORT

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8. QUESTION TIME

In terms of Standing Orders, copies of these questions will be emailed to members and available on intranet and Fife Council website.

9. CAPITAL PLAN REVIEW 2023

The Council is requested to consider the Capital Investment Plan 2023-2033 and in this regard, there are submitted the following papers:-

(a) Report by the Executive Director - Finance and Corporate Services; and

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(b) Administration's Motion and Capital Investment Plan 2023/33.

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10. RELIGIOUS REPRESENTATIVES VOTING RIGHTS AND APPOINTMENT – Report by the Executive Director Finance & Corporate Services.

101 – 112

11. GOVERNANCE ARRANGEMENTS - STANDING ORDERS – Report by the Head of Legal and Democratic Services.

113 – 154

12. REVISED CONTRACT STANDING ORDERS SCHEME OF TENDER PROCEDURES – Report by the Head of Revenue & Commercial Services.

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13. APPOINTMENT OF RETURNING OFFICER – Report by the Executive Director Finance & Corporate Services.	186 – 187
14. FIFE LICENSING BOARD APPOINTMENT – Report by the Executive Director Finance & Corporate Services.	188 – 189
15. FIFE LICENSING FORUM MEMBERSHIP – Report by the Executive Director Finance & Corporate Services.	190 - 191
16. NOTICE OF MOTIONS	
In terms of Standing Order 8.1, no motions have been submitted.	
17. 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

15 June, 2023

If telephoning, please ask for:
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Telephone: 03451 555555, ext. 442303; email: Emma.Whyte@fife.gov.uk

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

BLENDED MEETING NOTICE

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

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

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

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

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

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

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

Fife Council
22 June 2023

Civic Business Bulletin

John Fergus School – Educational Psychology Accreditation

Congratulations must go to the staff at John Fergus School on achieving Educational Psychology accreditation on 'How Nurturing is Our School'.

The school was highly praised for their approach to the requirements on understanding young people's learning needs and their communication with pupils. The award highlights the strong relationships established between the community, families, staff and partners.

Planning Services

We are delighted to announce that Planning Services has been shortlisted for Planning Authority of the Year. In addition, Sarah Purves, Planning Officer, has been shortlisted for Young Planner of the Year at the Royal Town Planning Institute Scottish Awards.

The winners will be announced at the awards ceremony on the evening of Thursday 15th June.

Civic Events

The Council hosted a reception to mark the Coronation of King Charles III and Queen Camilla on Monday 8th June 2023. We held a ballot to select guests from a huge pool of nominated volunteers; around 200 guests in total. The event kept to the theme of the Coronation around thanking volunteers for all that they do.

On Monday 19th June we delivered our annual Armed Forces Day service and Civic Reception at the Glen Pavilion in Dunfermline. During the same week, the Royal Regiment of Scotland (including the former Black Watch regiment) exercised their right to parade in Fife as part of their Freedom of Fife award, followed by a Civic reception.

Chris Mieztis, Community Development Team

A special mention must go to Chris who, as guest speaker at a Rotary event in Glenrothes last week, rushed to the aid of Linda Ballingall, Chair and Founder of Glenrothes & Area Heritage Centre. Linda choked during lunch and it very quickly turned into a life-threatening situation.

If it weren't for Chris's swift actions, the outcome could have been devastating so we would like to express our thanks to Chris on behalf of the Council and, of course, Linda.

THE FIFE COUNCIL - FIFE COUNCIL – BLENDED MEETING

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

11th May, 2023

10.00 a.m. – 12.40 p.m.

PRESENT: Councillors Jim Leishman (Convener), Tom Adams, David Alexander, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, 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, Eugene Clarke, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis, Linda Erskine, Derek Glen, Brian Goodall, David Graham, Peter Gulline, Jean Hall-Muir, Judy Hamilton, Alycia Hayes, Cara Hilton, Stefan Hoggan-Radu, Gary Holt, Andy Jackson, Allan Knox, Robin Lawson, James Leslie, Kathleen Leslie, Rosemary Liewald, Carol Lindsay, Jane Ann Liston, Mary Lockhart, David MacDiarmid, Julie MacDougall, Lea McLelland, Lynn Mowatt, Sarah Neal, Derek Noble, John O'Brien, Nicola Patrick, Gordon Pryde, Bailey-Lee Robb, David Ross, Sam Steele, Alistair Suttie, Jonny Tepp, Ann Verner, Ross Vettraino, Craig Walker, Darren Watt, Daniel Wilson, Jan Wincott and Conner Young.

APOLOGIES FOR ABSENCE: Councillors Al Clark, Fiona Corps, Margaret Kennedy and Donald Lothian.

62. DECLARATIONS OF INTEREST

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

63. CIVIC BUSINESS BULLETIN

Decision

The Council noted the verbal update from the Provost.

64. MINUTE

The Provost, seconded by Councillor Erskine, moved that the minute of the meeting of 16th March, 2023 be approved.

Decision

The Council approved the minute.

65. MINUTES OF COMMITTEES AND SUB-COMMITTEES

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

- (1) West & Central Planning Committee of 15th March and 12th April, 2023.
- (2)/

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- (2) North East Planning Committee of 8th March and 5th April, 2023.
- (3) Fife Planning Review Body of 24th April, 2023.
- (4) Regulation and Licensing Committee of 14th February and 14th March, 2023.
- (5) Cabinet Committee of 9th March and 6th April, 2023.
- (6) Standards, Audit & Risk Committee of 2nd March, 2023.
- (7) Pensions Committee of 28th March, 2023.
- (8) Glenrothes Area Committee of 22nd March, 2023.
- (9) Levenmouth Area Committee of 5th April, 2023.
- (10) South & West Fife Area Committee of 1st March and 26th April, 2023.
- (11) Cowdenbeath Area Committee of 29th March, 2023.
- (12) City of Dunfermline Area Committee of 25th April, 2023
- (13) Kirkcaldy Area Committee of 25th April, 2023.
- (14) Environment, Transportation & Climate Change Scrutiny Committee of 18th April, 2023.
- (15) Education Scrutiny Committee of 21st March, 2023.
- (16) Finance, Economy & Corporate Services Scrutiny Committee of 30th March, 2023.
- (17) People & Communities Scrutiny Committee of 23rd March, 2023.
- (18) Fife Health & Social Care Integration Joint Board of 27th January, 2023.

Decision

The Council noted the minutes.

66. 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.

67. 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 Ross, Leader of the Administration answered Questions 1, 7 and 8 (in place of Councillor Craik).

Councillor Wincott, Spokesperson for Environment and Climate Change answered Questions 2, 4 and 6.

Councillor Hilton, Spokesperson for Education answered Question 3.

Councillor Erskine, Spokesperson for Communities and Leisure answered Question 5.

Councillor/

Councillor Graham, Spokesperson for Health and Social Care answered Question 5.

68. COMMITTEE POWERS - FREEDOM OF THE CITY OF DUNFERMLINE & ANNUAL ACCOUNTS

The Council considered a report by the Head of Legal and Democratic Services asking members to approve changes to the List of Committee Powers in relation to the Freedom of the City of Dunfermline and the Annual Accounts.

Decision

The Council agreed the proposed changes to the List of Committee Powers.

69. 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 8.1.

Motion 1

Councillor Kathleen Leslie, seconded by Councillor Ellis, moved as follows:-

“Fife Council signed up to the Armed Forces Covenant in September 2020. Signing up to this, Council agreed that:

The first duty of Government is the defence of the realm. Our Armed Forces fulfil that responsibility on behalf of the Government, sacrificing some civilian freedoms, facing danger and, sometimes, suffering serious injury or death as a result of their duty. Families also play a vital role in supporting the operational effectiveness of our Armed Forces. In return, the whole nation has a moral obligation to the members of the Naval Service, the Army and the Royal Air Force, together with their families. They deserve our respect and support, and fair treatment.

Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

This obligation involves the whole of society: it includes voluntary and charitable bodies, private organisations, and the actions of individuals in supporting the Armed Forces. Recognising those who have performed military duty unites the country and demonstrates the value of their contribution. This has no greater expression than in upholding this Covenant.

Council today notes that:

- There are children of serving Armed Forces personnel and veterans in nurseries and schools across Fife.
- That whilst in England there has been a Service Pupil Premium since 2011, no such equivalent exists in Scotland.
- Service families face specific and unique challenges in education.
- The/

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- The Service Pupil Premium is currently worth £310 per service child and has been established to provide pastoral care and can also support academic progress and attainment.

Council continues to recognise the value Service personnel, both Regular & Reservist, veterans and military families contribute to our communities and our country. In that, we fully support them.

Council, therefore asks the Council Leader to write (with the support of all other political groups) to the Scottish Government to request consideration is given to introducing a Service Pupil Premium as this would target the specific challenges faced by these children and young people.”

Amendment 1

Councillor Tepp, seconded by Councillor Knox, moved as follows:-

“Add:

And asks that the Education Scrutiny Cttee produce a report highlighting how this would benefit children in Fife.”

Amendment 2

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

“Delete last paragraph and replace with

Council also notes that:

- Getting it right for every child (GIRFEC) is the national approach in Scotland, and the approach used in Fife, which aims to ensure that all people supporting a child work together seamlessly to provide the right help at the right time. Through the GIRFEC approach within Fife, work has been undertaken in our schools to ensure that all children, including Armed Forces Children are supported with timely and appropriate interventions.
- Spending per pupil in Scotland, is now 18% higher than the rest of the UK with £8500 being spent per pupil compared to £7200 in England and Wales
- That support for children of Armed Forces Families is funded by the Scottish Government under the Additional Support for Learning scheme which addresses the specific challenges faced by children identified as having additional support needs.
- That support for the educational needs of children from Armed Forces families in Scotland is provided by the Scottish Armed Forces Education Support Group who work in collaboration with key stakeholders.

Council therefore resolves to continue to offer all appropriate support to the children of service personnel.”

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

With/

With the agreement of the Provost, the movers of both the motion and the amendments agreed to conjoin. The amended conjoined motion read as follows:-

“Fife Council signed up to the Armed Forces Covenant in September 2020. Signing up to this, Council agreed that:

The first duty of Government is the defence of the realm. Our Armed Forces fulfil that responsibility on behalf of the Government, sacrificing some civilian freedoms, facing danger and, sometimes, suffering serious injury or death as a result of their duty. Families also play a vital role in supporting the operational effectiveness of our Armed Forces. In return, the whole nation has a moral obligation to the members of the Naval Service, the Army and the Royal Air Force, together with their families. They deserve our respect and support, and fair treatment.

Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

This obligation involves the whole of society: it includes voluntary and charitable bodies, private organisations, and the actions of individuals in supporting the Armed Forces. Recognising those who have performed military duty unites the country and demonstrates the value of their contribution. This has no greater expression than in upholding this Covenant.

Council today notes that:

- There are children of serving Armed Forces personnel and veterans in nurseries and schools across Fife.
- That whilst in England there has been a Service Pupil Premium since 2011, no such equivalent exists in Scotland.
- Service families face specific and unique challenges in education.
- The Service Pupil Premium is currently worth £310 per service child and has been established to provide pastoral care and can also support academic progress and attainment.

Council continues to recognise the value Service personnel, both Regular & Reservist, veterans and military families contribute to our communities and our country. In that, we fully support them.

Council also notes that:

- Getting it right for every child (GIRFEC) is the national approach in Scotland, and the approach used in Fife, which aims to ensure that all people supporting a child work together seamlessly to provide the right help at the right time. Through the GIRFEC approach within Fife, work has been undertaken in our schools to ensure that all children, including Armed Forces Children are supported with timely and appropriate interventions.
- Spending per pupil in Scotland, is now 18% higher than the rest of the UK with £8500 being spent per pupil compared to £7200 in England and Wales
- That/

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That support for children of Armed Forces Families is funded by the Scottish Government under the Additional Support for Learning scheme which addresses the specific challenges faced by children identified as having additional support needs.

- That support for the educational needs of children from Armed Forces families in Scotland is provided by the Scottish Armed Forces Education Support Group who work in collaboration with key stakeholders.

Council therefore resolves to continue to offer all appropriate support to the children of service personnel.

Council request the Education Scrutiny Committee to consider a report highlighting the benefits this would have for children in Fife and consider what further actions may then be necessary.”

Decision

The Council agreed the amended conjoined motion unanimously.

Motion 2

Councillor Robb, seconded by Councillor Hoggan-Radu, moved as follows:-

“Fife Council notes the very serious and damaging environmental impacts of disposable vapes and recognises an increase in these electronic devices being discarded in communities and public spaces across the council area.

Notes that the health implications of these disposable vapes are not yet known, and is concerned with their marketing and advertising towards children and young people.

Notes that disposable vapes contain a range of precious materials, including lithium and copper which can be collected if recycled in a safe and appropriate manner but are designed in a manner that does not allow for them to be disassembled and their recyclable materials separated. Council also considers there is heightened risk of damage to infrastructure due to the potential combustion of batteries contained in the devices both at Council run facilities and within communities.

Further anticipates the publication of the Scottish Government’s urgent review into the environmental impact of disposable vapes, currently being undertaken by Zero Waste Scotland.

In light of the serious nature of these concerns, Council requests that the Chief Executive and the Leader of Fife Council to write on behalf of Fife Council, to Lorna Slater MSP, Scottish Government Minister for Green Skills, Circular Economy and Biodiversity, Michael Matheson MSP, Cabinet Secretary for NHS Recovery, Health and Social Care and Chief Executive of Zero Waste Scotland, Ian Gulland, conveying Council’s view that a ban on the sale of so-called “disposable” vapes be introduced in Scotland as soon as practicably possible.”

Decision/

Decision

The Council agreed the motion unanimously.

Motion 3

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

Sewage overflows in Fife

“Council notes with concern that a number of sewage overflows took place in Fife last year, including at Cupar Haugh Park, Ironmill Bay and at St Andrews.

Council believes that both Fife’s pristine coast and rivers should be free from pollution and that every effort should be made to avoid contamination through sewage.

Council therefore asks the Council leader to write to Scottish Water to ask them to explain these overflow events as well as what efforts are being taken to mitigate their impact and prevent a repeat in the future.”

Amendment

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

“Amend final paragraph to read:

Council therefore directs the Council leader to write to Scottish Water, to request that they attend an appropriate committee of the Council to allow them to advise how and why these overflow events occurred, what efforts are being taken to mitigate their impact, prevent future occurrences both at the named locations, and across the Scottish Water network in Fife.”

With the agreement of the Provost, the mover of the motion agreed to accept the amendment. The amended conjoined motion read as follows:-

Sewage overflows in Fife

“Council notes with concern that a number of sewage overflows took place in Fife last year, including at Cupar Haugh Park, Ironmill Bay and at St Andrews.

Council believes that both Fife’s pristine coast and rivers should be free from pollution and that every effort should be made to avoid contamination through sewage.

Council therefore directs the Council leader to write to Scottish Water, to request that they attend an appropriate committee of the Council to allow them to advise how and why these overflow events occurred, what efforts are being taken to mitigate their impact, prevent future occurrences both at the named locations, and across the Scottish Water network in Fife.”

Decision/

Decision

The Council agreed the amended conjoined motion unanimously.

Motion 4

Councillor Pryde, seconded by Councillor Hilton, moved as follows:-

Provision of Hospice Service in Dunfermline & West Fife

“That Council is aware of concern among communities in Dunfermline and West Fife regarding the future of hospice care at Queen Margaret Hospital in Dunfermline; notes speculation that Fife Health and Social Care Partnership intends to close this service and shift all such care to the Queen Victoria Hospital in Kirkcaldy; supports moves by the Partnership to increase provision of home-based palliative care and values the homely setting provided by the hospice at Queen Margaret Hospital.

Council appreciates the work of staff to provide a home-based palliative care service at this most difficult time for both patients and their families but is concerned that this should be an alternative and not a replacement for local hospice provision. Council notes that members of Fife Council on Fife Health & Social Partnership Board may have an opportunity to oppose any move to close the hospice service at Queen Margaret Hospital and invites those members to consider the community concern when considering the Board decision.”

Amendment 1

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

Rename title of motion to “Provision of hospice and other services in Dunfermline’s Queen Margaret Hospital”

Adds “Council notes that at the recent City of Dunfermline Area Committee, a motion concerning reduction in service provision at Queen Margaret Hospital was agreed, reflecting broader local community concern about the level of hospice, and other service, provision in the hospital. Council supports the decision of the Committee to ask the Convener of the Committee to express those concerns in writing to NHS Fife.”

Amendment 2

Councillor Ellis, seconded by Councillor Kathleen Leslie, moved as follows:-

“Council also requests that the Council Leader write to the Health Secretary asking for detail on workforce planning for the future of the Queen Margaret Hospital.”

The meeting adjourned at 12.25 p.m. and reconvened at 12.30 p.m.

With/

With the agreement of the Provost, the movers of both the motion and the amendments agreed to conjoin. The amended conjoined motion read as follows:-

Provision of hospice and other services in Dunfermline's Queen Margaret Hospital

"That Council is aware of concern among communities in Dunfermline and West Fife regarding the future of hospice care at Queen Margaret Hospital in Dunfermline; notes speculation that Fife Health and Social Care Partnership intends to close this service and shift all such care to the Victoria Hospital in Kirkcaldy; supports moves by the Partnership to increase provision of home-based palliative care and values the homely setting provided by the hospice at Queen Margaret Hospital.

Council appreciates the work of staff to provide a home-based palliative care service at this most difficult time for both patients and their families but is concerned that this should be an alternative and not a replacement for local hospice provision. Council notes that members of Fife Council on Fife Health & Social Partnership Board may have an opportunity to oppose any move to close the hospice service at Queen Margaret Hospital and invites those members to consider the community concern when considering the Board decision.

Council notes that at the recent City of Dunfermline Area Committee, a motion concerning reduction in service provision at Queen Margaret Hospital was agreed, reflecting broader local community concern about the level of hospice, and other service, provision in the hospital. Council supports the decision of the Committee to ask the Convener of the Committee to express those concerns in writing to NHS Fife.

Council also requests that the Council Leader write to the Health Secretary asking for detail on workforce planning for the future of the Queen Margaret Hospital."

Decision

The Council agreed the amended conjoined motion unanimously.

70. 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

11TH MAY, 2023

Question 1 from Councillor James Calder

What was the revenue raised at each of the individual Area Committee areas in the financial year 2022/23?

Answer

Roads and Transportation Services are responsible for the enforcement of parking and waiting regulations across Fife. The management of car parking plays an important role in supporting town centre vitality, reducing congestion and traffic fumes, improving air quality and improving access to public transport interchanges.

For car parks operated by Roads & Transportation Services, the total income from parking charges in 2022/23 was £2,659,844.

This includes income from Pay & Display machines, RingGo (the mobile phone parking app available), penalty charge notices (PCNs), residents' permits and car park season tickets.

In terms of each Area, the parking charge income was:

PARKING INCOME BY AREA COMMITTEE 2022/23	
AREA COMMITTEE	TOTAL
City of Dunfermline	£ 882,145
Kirkcaldy	£ 590,414
South West Fife	£ 43,465
North East Fife	£ 1,118,015
Cowdenbeath	£ 12,391
Glenrothes	£ 6,435
Levenmouth	£ 6,980
Total	£ 2,659,844

The majority of income was recovered in the main settlements of Dunfermline, Kirkcaldy and St Andrews where parking charges are in place to manage parking demand.

FIFE COUNCIL

11TH MAY, 2023

Question 2 from Councillor Aude Boubaker-Calder

Why do domestic trailers still require a booking and are limited to one visit per week

Answer

The current access policy was introduced following recent risk assessments carried out by our Health & Safety Team in conjunction with operational reviews.

The operation of Recycling Centres is heavily regulated and the Waste Management Licence for our sites requires us to have traffic control measures in place to prevent congestion within the facilities and on the public highway. The Household Recycling Centres can become extremely busy during peak times, and cars with trailers can take far longer to empty and take up more than the allocated space unloading, which pre covid regularly caused issues within our sites and was reported by staff.

The specific size restriction we have in place for trailers is 6ft x 4ft excluding the hitch. The unloading bays for cars within the sites are approximately 14.7ft long x 7ft wide and as the average car measures 14ft the restriction of 6ft x 4ft is to ensure there is adequate space for cars with trailers to be accommodated and safely unloaded with large bulky items. Trailers of 6ft on cars can still overhang bays, however we have made all efforts to accommodate trailers within a size range rather than imposing an outright ban.

We operate 11 Household Recycling Centres within Fife which comes at a significant cost. Due to the savings that can be made by businesses disposing of waste free of charge at Recycling Centres, the historical abuse of our sites by traders depositing waste from commercial activity posed a serious risk to the financial sustainability of our services. This is also why restrictions had to be introduced on trailers which are heavily used by traders and enables us to reduce the opportunity for them to dispose of large volumes of business waste at the expense of the council tax payer. The booking system has been very effective in helping us to reduce the commercial abuse of the sites, however it does not stop it completely or enable us to identify commercial users. Commercial vehicles such as small/medium sized vans and trailers are permitted 52 visits per year. We have no way to determine if trailers are attending the site with waste originating from commercial activity or if it is genuine household waste, so effectively traders can still be attending the Household Recycling Centres weekly to dispose of commercial waste illegally if they were so inclined.

Most Councils now have a whole range of measures in place to combat the issues noted above in order to protect services and manage risk. For example neighbouring Councils such as Edinburgh have the same 6x4 size restriction in place with a limit of 12 visits per year where we allow 52 visits per year, and Dundee Council only permit single axle trailers with a limit of 6 visits per year.'

Supplementary

Would there be any consideration for removing these restrictions for the gardening season?

Answer

The services is allways open to consideration but if any individual case refer them to Councillor Wincott.

FIFE COUNCIL

11TH MAY, 2023

Question 3 from Councillor James Calder

How many iPads and other tablet devices have been removed from schools in Fife in both this academic year and last academic year, and how many schools have been impacted by this?

Answer

Session 21/22 - 705 iPads from 81 schools

Session 22/23 - 804 iPads from 71 schools

These devices are over seven years old, therefore, no longer supported by Apple security updates. Most Apps will no longer run on them, and they would have issues connecting to the Council infrastructure. Once iPads reach end of life, they are securely wiped and disposed of through the normal Council Asset processes.

Supplementary

Ways of extending use of ipads. Will the Administration look at more sustainable ways of dealing with older ipads I.e. in schools but not networked?

Answer

Councillor Hilton to discuss with the service.

FIFE COUNCIL

11TH MAY, 2023

Question 4 from Councillor Andy Jackson

What is the current waiting time that Fifers can expect to wait to have bulky items uplifted?

Answer

The bulky uplift service has not changed just the cost. Anyone booking an uplift can expect it to be uplifted on the same day as their landfill collection. Should all the slots be full for that day then the items would be collected on their next scheduled landfill collection day.

Supplementary

Day 1 the system crashed for new bulky uplift services. Can the residents of Fife have assurance that they can have more than one item uplifted at a time?

Answer

Points based system so if one item equals the full 18 points you will only have one item uplifted. Will ensure website is clear.

FIFE COUNCIL

11TH MAY, 2023

Question 5 from Councillor Julie MacDougall

FREE PERIOD PRODUCTS

Mid-year the Scottish Government changed the guidance on free period products withdrawing the free postage and packing for products that are being ordered online for delivery. The postage and packaging costs for 2022/23 totalled **£19,941**, which was 10% of the budget. This decision impacts disproportionately on the more rural areas in Fife.

What will Fife Council do to ensure that these much needed products are available to all across Fife?

Answer

Fife Council has a legal duty under the Period Products (Free Provision) (Scotland) Act 2021 to make period products free and easily obtainable for anyone who needs them. There are two sections of the Act that are applicable to Fife Council: Section 1 relates to public access; and Section 2 relates to products available in schools for students.

In 2022, Scottish Government confirmed that the grant funding could not be used to cover postage. This decision impacts Fife's online service, which was available for anyone in Fife to order free period products for home delivery.

The online service is one part of a wider offering that Fife Council provides to the public. There are three other delivery strands that ensures free products are available to Fife's communities, including:

- Providing products in a mix of community locations, including community use halls and centres, and local offices. A map of the locations is available on <https://www.fife.gov.uk/kb/welfare,-benefits-and-money-advice/period-poverty>. A range of products are available in these locations (pads and tampons). Links to the webpage are available on Fife's Cost of Living website to ensure anyone looking for a bit of extra support is directed to free provision.
- Partner-supported delivery:
 - We are increasing the range of places where people can access free provision. Fife Sports and Leisure Trust and Fife Cultural Trust order products to make available in a range of their venues such as leisure centres, libraries (including mobile libraries for reaching more rural communities), museums and theatres.

- Fife Council is also working in partnership Fife HSCP's Health Promotion Service to provide products in hospitals to patients, staff and visitors, as well as in sexual health clinics. Health Promotion also offers products to individuals receiving support from Health Visitors, Midwives and the Family Nurse Partnership.
- Products are also available through a range of council services including the Housing Service to ensure people in temporary accommodation can access free products.
- Providing products to community groups such as food banks, pantries, churches, crisis centres etc. These services provide access to free products for individuals and families who may be struggling financially and at risk of experiencing period poverty.

The Council also ensures free period product provision is available in schools to young people.

Officers are developing a communications plan to increase awareness of the free provision and ensure more communities have knowledge of where and how they can access products. Targeted communications will be used to reach communities who may be most at risk of experiencing period poverty to ensure they can obtain the products they need.

Supplementar

Local community group were struggling to understand where they could access this information. Can they be given a contact?

Answer

Officer dealing with for the Council can be contacted by Councillor MacDougall for further advice.

FIFE COUNCIL

11TH MAY, 2023

Question 6 from Councillor Kathleen Leslie

Can Fife Council confirm if it recycles plastic materials coded 04 PE-LD?

Answer

Yes, the Council sends the material to the state of art sorting facility run by Cireco (Scotland) in Dunfermline which segregates this material along with other flexible plastic materials for recycling.

Supplementary

Recycling Centre in Dalgety Bay advised that no Fife Council depot would recycle this material.

Answer

This type of material can go into the green bin. There is a difference between what can be collected at recycling centres and the kerbside collection.

FIFE COUNCIL

1TH MAY, 2023

Question 7 from Councillor Patrick Browne

To ask the Labour administration if it will provide an update on the recent works to upgrade the active travel route between Dalgety Bay and Aberdour, known locally as “The Avenue”.

Answer

National Cycle Route 76 (between Dalgety Bay and Aberdour) was widened and resurfaced in February 2023 to provide an improved surface for walking, cycling and wheeling. Due to the popularity of this route, the path was widened by approximately 0.5m to provide a uniform 4.0m width, which affords users ample width for two-way travel. This section of path, at times, is also used by local horse riders.

Signing and additional seating for this section are programmed to be installed in June.

(Note : cost to date: £365,122; Source of funding: Transport Scotland (Cycling Walking Safer Routes 2022-23))

Supplementary

Can we have earlier engagement with councillors and community groups when projects are planned?

Answer

Yes should be happening already but will re-emphasise with officers.

FIFE COUNCIL

11TH MAY, 2023

Question 8 from Councillor Patrick Browne

To ask the Labour administration if it will make a statement on its support for overnight provision for motorhomes parked in South and West Fife.

Answer

Currently, Fife Council have advisory parking for motorhomes within two car parks, at Esplanade (D), Kirkcaldy and Fluthers Car Park, Cupar.

There has been interest from some communities on the provision of overnight parking for motorhomes and any future provision would need to take account of several issues, including car park usage, waste disposal and disturbance to local residents.

The Fife Coast & Countryside Trust has recently carried out a trial scheme to look at ways to safely and sustainably operate unregulated public car parks to allow overnight parking for motorhomes and meet the expectations of all stakeholders. Fife Council is awaiting the outcome of this trial scheme to help inform progress on this matter.

Supplementary

Can we ensure the officers monitor Silver Sands to ensure any issues are resolved quickly?

Answer

Yes, we did allocated extra funding this year to FCCT to help them manage visitors to Fife.

FIFE COUNCIL

11TH MAY, 2023

Question 9 from Councillor Julie MacDougall

What action is being taken within NHS Fife to tackle the pharmacy issue? In my ward area Burntisland there is a lack of service causing local residents to queue outside or travel outwith to nearby towns for prescriptions I have written to NHS Fife but as yet had no response.

Answer

I believe you have now had a response from NHS Fife.

Supplementary

Have received a partial response. Would still like to ensure that this issue is followed up?

Answer

Yes will follow this up.

Fife Council Leader's Report

Thursday 22nd June 2023

Scottish Fire and Rescue Service Cuts

1. Members will be aware that I submitted an urgent motion to the Cabinet Committee on 8th June expressing concern at the withdrawal of three fire appliances from Fife and the relocation of the high reach appliance from Kirkcaldy to Dunfermline as part of a budget cutting exercise by the Scottish Fire and Rescue Service.
2. I subsequently met with senior regional officers of SFRS, along with the incoming Chief Executive, Spokesperson for People and Communities and the Chair of the People and Communities Scrutiny Committee to express these concerns face to face.
3. These officers subsequently attended the meeting of the Scrutiny Committee which is arranging for follow up reports on the issue.
4. I have also been in contact with the Fire Brigades Union who have similar concerns to our own and about the consequent loss of jobs associated with these cuts.
5. I will be writing directly to the Scottish Government Minister responsible for the SFRS to further express our concerns.

Bulky Uplifts

6. Initial results of the implementation of the free bulky uplift service are positive and suggest that the objectives of the policy are being met. Data from the first two months of collection indicates that 76% of the material uplifted is being recycled, which is 10% above the expectation. The expected increase in demand is being managed successfully with the additional resources allocated and there are indications that fly tipping reports have reduced significantly.
7. A more detailed report will be submitted to the Environment, Transportation and Climate Change Scrutiny Committee but we will continue to monitor the data and performance over a longer period to better judge the consistent level of demand and behaviours.

Dunfermline Learning Campus

8. The topping out ceremony took place at the Dunfermline Learning Campus on 19th May to mark reaching the highest point of the building and the effective completion of the basic structure. The event was addressed by the Council's Spokesperson for Education and Children's Services, the Cabinet Secretary

for Education and the new College Principal, and attended by a number of school pupils and teachers from Woodmill and St Columba's High Schools and their feeder primaries.

9. The campus is an impressive large scale construction project and will provide its future pupils with modern, state of the art learning facilities. Congratulations go to all those involved in project.

New Methilhaven Care Village

10. The keys for the new Methilhaven Care Home were handed over to Health and Social Care on 8th June and residents will begin to move in from the old home over the next few weeks.
11. As well as the Care Home, the Village includes a nursery within the same building, providing ground breaking opportunities for inter-generational work, and 35 retirement bungalows managed by the Housing Service on the same site.

Community Social Work

12. The Cabinet Secretary for NHS Recovery, Health and Social Care, Maree Todd MSP visited the Community Social Work Team in Kirkcaldy with the Chief Social Worker for Scotland in May. Members of the team and the community made presentations and were able to explain the operation and benefits of the project to the Cabinet Secretary. Plans are underway for further roll out of this approach.

Dementia Strategy for Scotland Launch

13. Fife was chosen as the venue for the launch of the Dementia Strategy for Scotland. The event was hosted by STAND, a peer support group based in Fife, at Ostlers House care village.
14. The strategy was launched jointly by the Cabinet Secretary, Maree Todd MSP and Cllr Paul Kelly, COSLA Spokesperson for Health and Social Care. The event helped promote and celebrate the contribution of individuals and groups, including people living with dementia.
15. The strategy Dementia in Scotland: 'Everyone's Story' sets out a 10 year vision for dementia in Scotland where people living with dementia have their strengths recognised, their rights upheld and where they, and their families and care partners, are supported to live an independent life, free from stigma and with person centred treatment and care, when and where they need it.

Scottish Water

16. I wrote to Scottish Water following the agreement at the last Council meeting to contact them regarding sewage outflows. The incoming Chief Executive and myself then had a follow up Teams call with senior Scottish Water staff to

discuss their attendance at a future meeting of the Environment, Transportation and Climate Change Scrutiny Committee. They indicated that they would be happy to attend the Scrutiny Committee but suggested that a fuller workshop session, possibly open to a wider group of Elected Members might be preferable. This would give Scottish Water the opportunity to explain the complexities of the drainage system and the approach taken as well as allowing Elected Members to raise wider concerns and issues about water and drainage. We will discuss this approach with the Chair of the Scrutiny Committee with a view to arranging something following the recess.

FRS/Cireco

17. Members will be aware of recent industrial relations issues arising at the Council's arms length recycling organisation. Following further discussion involving the Council's HR Service, Cireco and the trade unions have agreed a joint statement emphasising their commitment to work together to resolve their differences and inviting ACAS to mediate in their discussions.

Deposit Return Scheme

18. The Scottish Deposit Return Scheme has now been delayed until at least October 2025. We will continue to monitor the implications for the Council and for local businesses over this period.

Care for Social Care Event

19. I, along with other councillors, attended an event organised in Glenrothes by members of the independent care sector in Fife, representing organisations involved in providing care homes and care at home services.

20. We were able to hear about the services they provide, working with the Health and Social Care Partnership, and about some of their concerns, including the delay in agreeing the National Care Home Contract. I will be following up on some of these concerns with the Partnership along with our Spokesperson for Health and Social Care, Cllr David Graham.

Levelling Up Fund

21. A meeting with the UK Minister responsible for the Levelling Up Fund had been arranged through the Scottish Cities Alliance to discuss issues with the administration of the fund and future arrangements, but for reasons of ill health, this meeting had to be cancelled on a number of occasions.

22. As a replacement, UK civil servants undertook to have calls with each of the SCA member authorities separately. Cllr Altany Craik and I, supported by officers, had a call with UK civil servants from the Levelling Up Unit to discuss these issues.

23. Although there is still a lack of clarity about the future of the fund, and one of the purposes of the call was to hear our views on this, we identified a number

of issues to follow up on. In the course of the call we expressed a preference for future funding to be distributed on an allocation basis rather than inviting councils to engage in a wasteful competitive bidding process, whilst recognising that the UK Government will probably wish to proceed with the proposed 3rd round of the current Levelling Up Fund process.

Tripartite Meeting

24. Prior to the Pandemic, the Council, NHS Fife and the Health and Social Care Partnership had held regular informal meetings to discuss matters of mutual interest and concern. As a result of the pressures of the Pandemic and recovery, these meetings had ceased.

25. Whilst discussions between the three organisations have continued on many levels, not least through the Community Planning Partnership, it was thought useful to reinstate these regular tripartite meetings between the Chair/Leader and Chief Executive/Director of the three organisations and the first of these will take place prior to the coming Council meeting.

Trade Union Liaison

26. I met with representatives of the Council's trade unions in May in the first of what I hope will be a regular series of informed meetings going forward. Formal relations between the Council and its trade unions take place through the Joint Negotiating Committee Forum and Service Forums, but regular informal meetings will allow the Administration and the trade unions to discuss wider and longer term issues facing the Council and possibly pick up concerns before they escalate.

A New Deal with Scottish Government

27. The proposed 'New Deal' between Scottish Government and Local Government is now being finalised and is expected to be formally signed at the COSLA Leaders meeting at the end of June. It is expected to contain commitments to reduce ring fencing, establish a fiscal framework for local government and progress enacting the European Charter for Local Self Government into law. A report on this will be submitted to the Council or Cabinet Committee following the recess.

Convention of Scottish Local Authorities – New Chief Executive

28. Jane O'Donnell has been appointed as the new Chief Executive of COSLA and will be taking up her post towards the end of June. Jane was previously a chief officer within COSLA but has more recently been working at a senior level within Scottish Government.

29. Jane has already held a telephone call with me regarding her new role and her desire to establish close working relations with each individual council. It has always been my view that most councillors do not know enough about the important role that COSLA plays and the level of work that goes on 'behind

the scenes'. I am therefore pleased that Jane is hoping to make visits to as many councils as possible in her new role and to meet a wider range of Elected Members than just the leader.

Volunteering and Volunteer Sector Awards

30. I attended the Volunteer Awards Ceremony organised by Fife Voluntary Action at the Glen Pavilion in Dunfermline on 6th June. The Provost was in attendance to make the presentations to a wide range of individuals and groups involved in volunteering.

31. The event showcased the wide variety of activities undertaken by volunteers and supported by voluntary groups across Fife, many working in partnership with Council Services. The Provost was able to express our thanks to all those involved in volunteering in Fife who add so much to our community life.

Scottish Federation of Housing Associations Conference

32. I took part in a panel session, with two other council leaders at the recent SFHA annual conference, on the value of partnership working between councils and housing associations. I was able to make a presentation on the extent and benefits of the partnership agreement the Council has with the Fife Housing Association Alliance that can be seen as one of the most productive and effective housing partnerships in Scotland.

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

22 June 2023

Agenda Item No: 9

Capital Investment Plan 2023-33

Report by: Eileen Rowand, Executive Director, Finance & Corporate Services

Wards Affected: All

Purpose

The purpose of this report is to provide members with sufficient information to enable the council to approve a capital plan for the period 2023 – 2033. The report consolidates the information contained in correspondence which was shared with all political groups in January 2023.

Recommendations

Fife Council is asked to

- i) approve the Capital Strategy as outlined in Appendix 1
- ii) consider the Capital Investment plan for 2023-33 at Appendix 2
- iii) note that the assumptions relating to future funding levels will be kept under review
- iv) agree that the next biennial review of the capital plan will be carried out during 2024-25
- v) approve the prudential indicators as outlined in Appendix 3 of this report
- vi) Note that funding of up to £19m is available and could be used to support further one off investment

Resource Implications

This report details the resource implications for the Council in setting a revised Capital Investment Plan. The revised plan includes a degree of protection against the financial risk associated with inflation, and supply chain challenges as well as the potential impact of increased interest rates. This has impacted greatly on the estimated costs of projects and also what is affordable within the resources available.

Following an improved revenue outturn position the Section 95 officer has indicated that £17m from General Fund balances may be used to fund one off investment, and in addition, an increase in capital receipts from an upcoming asset disposal will provide a further £2m.

Legal & Risk Implications

Potential risks include the continuing difficulties across supply chains, rising inflation on costs of construction, and the availability of funding streams for larger capital projects e.g. Developers Contributions. The Council is required to agree a capital plan which meets the criteria set by “the prudential code”.

Impact Assessment

Where appropriate detailed impact assessments will be carried out on individual projects within the plan

Consultation

The investment strategy group has consulted with Services and Directorates on the information presented to elected members.

1.0 Background

- 1.1 The CIPFA Prudential Code 2021 (the code) requires Councils to look at capital expenditure plans, investments and debt in the light of overall organisational strategy and resources and ensure that decisions are being made with sufficient regard to the long-run financial implications and potential risks. The objectives of the code are to ensure that Councils capital expenditure and investment plans are affordable and proportionate, all external borrowing is within prudent and sustainable levels and that treasury management decisions are taken in accordance with good professional practice.
- 1.2 The last review of the capital plan was approved by the council in February 2021 and since that time many capital projects have been delivered across Fife. Many more projects are currently in the delivery phase. However, many of the projects have been impacted by significant construction inflation and the cost to the Council of investing in existing assets has also been impacted.
- 1.3 The approved plan in February 2021 was based on funding assumptions relevant at that time. This more recent review uses current information from both the U.K. and Scottish Governments and takes account of current economic conditions.

2.0 Capital Strategy

- 2.1 The Capital Strategy was approved in February 2019 and has since been refreshed and updated and takes a whole organisation approach to reflect the current aims and ambitions of the Council in this current challenging economic climate. The Capital Strategy also aligns the interrelationship between the Treasury Strategy and Capital planning.

- 2.2 In recognition of the refreshed Plan for Fife and the Council's ambitions, the strategy outlines the investment priorities aimed at meeting those ambitions. The strategy also recognises that investment in our existing assets is required to realise the ambitions and to continue to provide Services in a sustainable and affordable manner.
- 2.3 The strategy also considers the key influences and recognises the need to balance necessary investment in enhancing, improving and maintaining the existing asset base against investment in acquisition and creation of new assets.
- 2.4 Consideration is also given to the funding strategy and the general principles adopted to ensure that the phasing of capital expenditure and future investment is affordable, sustainable and prudent.
- 2.5 The strategy is a live document and will be kept under review and refreshed in line with any changes to the Council's overall priorities and objectives. The final publication will reflect the newly approved capital plan.

3.0 Biennial Capital Plan Review

- 3.1 For many years the Council has retained the practice of a 10-year rolling capital programme that is reviewed every two years. This provides an effective framework for strategic planning and decision making to ensure capital expenditure plans are prudent, affordable, and sustainable in the longer term and this is in line with the requirements of the Prudential Code. It is important that a ten-year horizon is considered as the impact of significant borrowing in the early years of the plan, leads to increases in the cost of borrowing over the life of the plan. This long-term planning horizon allows informed decision making and the future affordability of the plan to be assessed and managed.
- 3.2 The current revision to the plan extends the Plan by a further 2 years to 2032-33 and re-assesses available funding resources and any changes to priorities. Although the Council's Capital Investment Plan includes all services, this report deals only with General Fund because affordability of HRA investment is assessed separately through the HRA Business Plan.
- 3.3 In the period since the Capital Investment Plan was last reviewed in February 2021, the level of financial risk has increased significantly in terms of the cost of inflation, difficulties across supply chains and the availability of funding streams for larger capital projects e.g. Developers Contributions.
- 3.4 The plan has been reviewed in line with the Capital Strategy. This means that investment in existing assets is maintained for the duration of the plan as well as incorporating some of the major investments required to deliver the Plan for Fife outcomes. In assessing the Capital Investment Plan, the projects already approved in the previous plan have been critically reviewed in order to take account of costs such as the significant impact that inflation has had on the projects already contained within the plan. This has led to increases across the plan of £132.624m. In addition, a number of pressures had also been identified and these were shared with Group Leaders in January and led to a further increase of costs in the plan of £71.473m. Over the intervening months work has been ongoing to ensure that the proposed expenditure is affordable. In recognition of the level of inflation provided for specific projects, the level

of corporate provision was reduced. This was feasible given the level of general fund balances and in line with the approach to hold risk corporately while balances are high.

- 3.5 Affordability of the Capital Investment Plan was reviewed and the impact on the revenue budget for loan charges assessed and remains affordable over the long term.
- 3.6 Any capital expenditure not funded from grants or other income sources is funded by borrowing from the Loans Fund. The cash limited revenue budget for Loan Charges is £49.463m. for each year of the Capital Investment Plan. In the early years of the plan, the cost of borrowing will be lower than the budget but the cost of borrowing increases over the life of the plan and uses the full resource over time. In the early years the capacity in the budget will be used to cover risk arising from the accounting treatment of Service Concessions treatment and balances and reduces the risk of needing to borrow for cashflow.
- 3.7 The loan charges budget will be supplemented from the funding model in relation to new schools and is based on Revenue Support linked to the full expenditure for the Dunfermline Learning Campus, Inverkeithing High School and Glenrothes/Glenwood High School as they are included in the Capital Investment Plan.
- 3.8 The recent volatility in the financial markets has increased interest rates to their highest level for more than a decade which in turn puts increased pressure on Loan Charges. To finance much of the capital expenditure Fife Council will need to borrow money. Recent uncertainty saw 30-year Treasury gilt yields on which Public Works Loan Board (PWLB) rates are set, peak at 6%. Any new borrowing is likely to be at a much higher rate than in the past decade resulting in higher interest payments on this borrowing, in turn putting pressure on the revenue budget going forward.
- 3.9 Considering the current revenue budget for Loan Charges, it has been calculated that an affordable level of borrowing over the 10 years of the plan is around £440.000m.
- 3.10 Taking all of this into account the proposed capital plan at Appendix 2 is assessed as being affordable at this time, however, it is recognised that there may be some challenges in the later years of the plan given the reduced funding and the challenge of affordability beyond the level of investment proposed.

4.0 Projected Available Resources

- 4.1 There are a number of sources of funding which are applied to the Council's Capital Investment Plan. Estimating available resources for a 10-year period means that several assumptions have to be made based on the best information available.
- 4.2 Capital grant is received direct from the Scottish Government and the Council has certainty on the level of grant up to 2023-24. Beyond 2023-24 it is necessary to estimate future levels of capital grant and it has been assumed that funding will remain constant for the duration of the current plan. The terms of the award of capital grant dictate that

these amounts must be applied to projects in the year of award and cannot be brought forward to earlier years.

- 4.3 Capital receipts are used as part of the overall funding for the capital plan, capital receipts being income generated from the sale of assets. The ability of the council to generate receipts is kept under review.
- 4.4 Capital from current revenue (CFCR) can be used to fund the capital plan. CFCR is budgeted for within the revenue budget, there has been a significant increase in the level of CFCR over the period of the plan. The main reasons for this is the use of the catch up benefit from the change in accounting arrangements for Service Concessions and the use of Early Learning and Childcare funding to support some of the projects within the plan.
- 4.5 Developer Contributions are assumed to provide significant funding for increased school capacity requirements and infrastructure projects within the plan. Based on current assumptions it is estimated that £162.288m will be generated by March 2033. There is risk of uncertainty related to this assumption and this will be carefully monitored over the life of the Plan.
- 4.6 Assumptions have also been reviewed around the level of inflation and contingency held within the plan. It is important that the capital plan contains adequate provision for both inflation and unanticipated contingencies. There is strong evidence that inflation in the construction industry is running well ahead of the consumer prices index this will have a significant impact on some of major projects going forward. Estimated inflation has been assumed for existing projects within the plan but there remains a level of risk which is also recognised. In addition to providing for inflationary increases at a project level, a degree of provision for inflation and contingencies is also held as a corporate item to cover a degree of future risk.
- 4.7 The balance of funding required to finance the capital plan is borrowed and the ongoing cost of this borrowing must be met from the council's revenue budget for loan charges. The plan as presented has been tested for affordability against the current budget available to cover the cost of borrowing. The plan presented is a fully funded and balanced plan, the level of borrowing is affordable over the life of the plan but without any increase in loans charges, the Council will reach its borrowing limit.
- 4.8 The Section 95 Officer has indicated that, following a significantly improved Revenue Outturn position for 2022-23 £17m could be used to support further one-off investment, In addition a specific asset disposal is anticipated to generate £2m more than planned, bringing the total available for additional investment to £19m.

5.0 Prudential Indicators

- 5.1 The Prudential Code requires Councils to demonstrate that capital expenditure and investment decisions are taken in line with service objectives and take account of stewardship, value for money, prudence, sustainability, and affordability.
- 5.2 To demonstrate that the Council has fulfilled these objectives, the code sets out a range of indicators that must be used and the factors which must be considered.

5.3 Indicators were approved in February 2023; however, these require to be updated to reflect the revised capital plan now being considered. The updated indicators, based on the latest budgeted information are included in Appendix 3.

6.0 Conclusions

- 6.1 There has been a significant increase in both expenditure and funding within the Capital Investment Plan since the time of the last review in February 2021. This reflects provision for significant levels of inflation, added investment pressures and a review of all funding options.
- 6.2 There is strong evidence that construction inflation is running well ahead of the consumer prices index which will have an impact on the major capital projects going forward.
- 6.3 Any additional investment proposed by political groups would require a funding mechanism agreed with the Executive Director, Finance and Corporate Services.

List of Appendices

Appendix 1 – Capital Strategy 2023-33
Appendix 2 – Capital Investment Plan
Appendix 3 – Prudential Indicators

Report Contact

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Fife Council Capital Strategy 2023



Contents

1	Investment for Recovery & Renewal	2	Strategic Context	3	The Plan for Fife
4	Asset & Infrastructure Investment	5	Capital Investment Plan	6	Funding Strategy
7	Capital Strategy Risk	8	Governance	9	Appendices

1 Investment for Recovery & Renewal

Investment for Recovery & Renewal

Fife is ambitious for the future; we want to improve the lives of everyone who lives here. This will not be easy at a time of significantly increased challenge in terms of reducing resources, increasing demand, increasing costs, a growing and ageing population as well as increased economic and market uncertainty. Achieving our ambitions will require dedication and targeted investment in assets. Such investment drives strategic change while providing the context for communities to be involved in local improvement.

The Labour Administration has set out three over-arching priorities for the Council and these are reflected in the Plan4Fife:

- Tackling Poverty and Supporting Vulnerable People
- Supporting the Local Economy
- Addressing the Challenge of Climate Change

These priorities set the broad direction for our Capital Strategy and have broad cross-party support across the Council.

When planning to achieve major improvement it is also extremely important to maintain and invest in existing infrastructure. For this reason, a large part of our capital investment involves maintaining and enhancing key existing infrastructure such as roads and schools. It is

also important we make best use of investment opportunities across Fife arising from a variety of sources, most significantly, the Edinburgh and South East Scotland and Tay City Region Deals which Fife is part of.

While we know it will be challenging to achieve our ambitions, particularly when faced with significant external challenges such as market and economic volatility, inflation and supply chain challenges, we believe it is possible. Key to this is how we work in partnership across all Fife agencies and ensure that all activity is co-ordinated to give the maximum impact for our communities. This is a guiding principle in aligning our capital strategy with the Plan for Fife.

- *Steve Grimmond | Chief Executive, Fife Council*
- *Cllr David Ross | Co-leader, Fife Council*

Capital strategy approach

- Our capital strategy is unique to Fife Council and its area – taking account of unique challenges, such as Mid Fife inequality and deprivation
- We recognise the geography of Fife – aiming to align the city and town challenges with the coastal and rural challenges
- Our Capital investment planning stretches over a 10-year period with a robust planning approach
- We plan at a strategic level and our investment priorities are being influenced by our climate change commitment and the stark economic realities we face
- Partnership and collaboration with other local authority and public partner opportunities is essential
- Our capital investment is restricted in terms of affordability and our investment need goes beyond the resources we have available to us – we prioritise use of resources and continue to review all funding options and models available to us
- This strategy provides a strong base for business case development, improving recognition of revenue impact, measurement of benefits, outputs and outcomes, and aiding decision making
- Longer term strategic planning stretching 20-30 years is an ambition but will take some time to achieve



2 Strategic Context

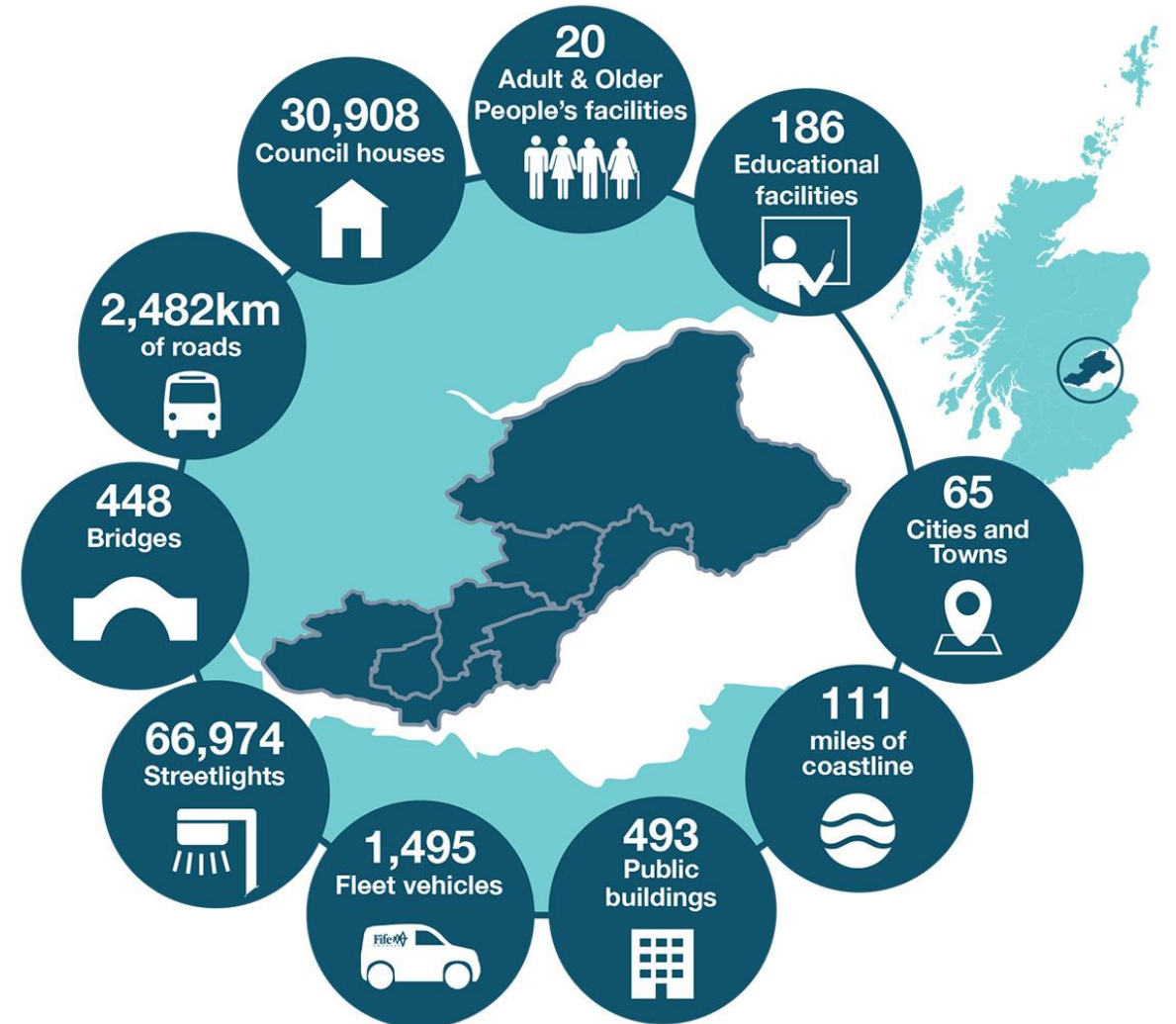
Setting the Scene

The 3rd largest Council in Scotland, Fife Council has ambitious plans to continue to ensure that the services provided are fit for purpose and meet the needs and aspirations of its residents. The Council needs to balance increasing demand through demographic changes with pressure on both revenue and capital resources. Changes to how we do things and how we operate will require a level of investment in facilities to deliver sustainable services in the coming years.

The Capital Strategy 2023-2033 outlines the Council's corporate priorities and the considerations required relating to funding, governance and assessing affordability. There is recognition that there is a need to balance investment in maintaining and enhancing existing infrastructure against the ambition for developing new assets.

The Council currently has ambitious plans to deliver over £986m of investment in assets over a ten-year period, including significant expenditure on schools, infrastructure, housing and net zero. The investment is vital in the provision of services and to achieve the Council's ambitious outcomes detailed in the Plan for Fife.

Key to the strategy is making the best use of the capital resources available to us. There is a requirement to demonstrate that capital expenditure and investment decisions are taken in line with corporate aims and objectives and take account of stewardship, value for money, prudence, sustainability and affordability. Our Recovery and Renewal Plan4Fife update introduced three cross cutting priorities: Supporting Fife's Economy, Tackling Poverty and Preventing Crisis, and Addressing the Climate Emergency and our investment plans will be reflective of these priorities.



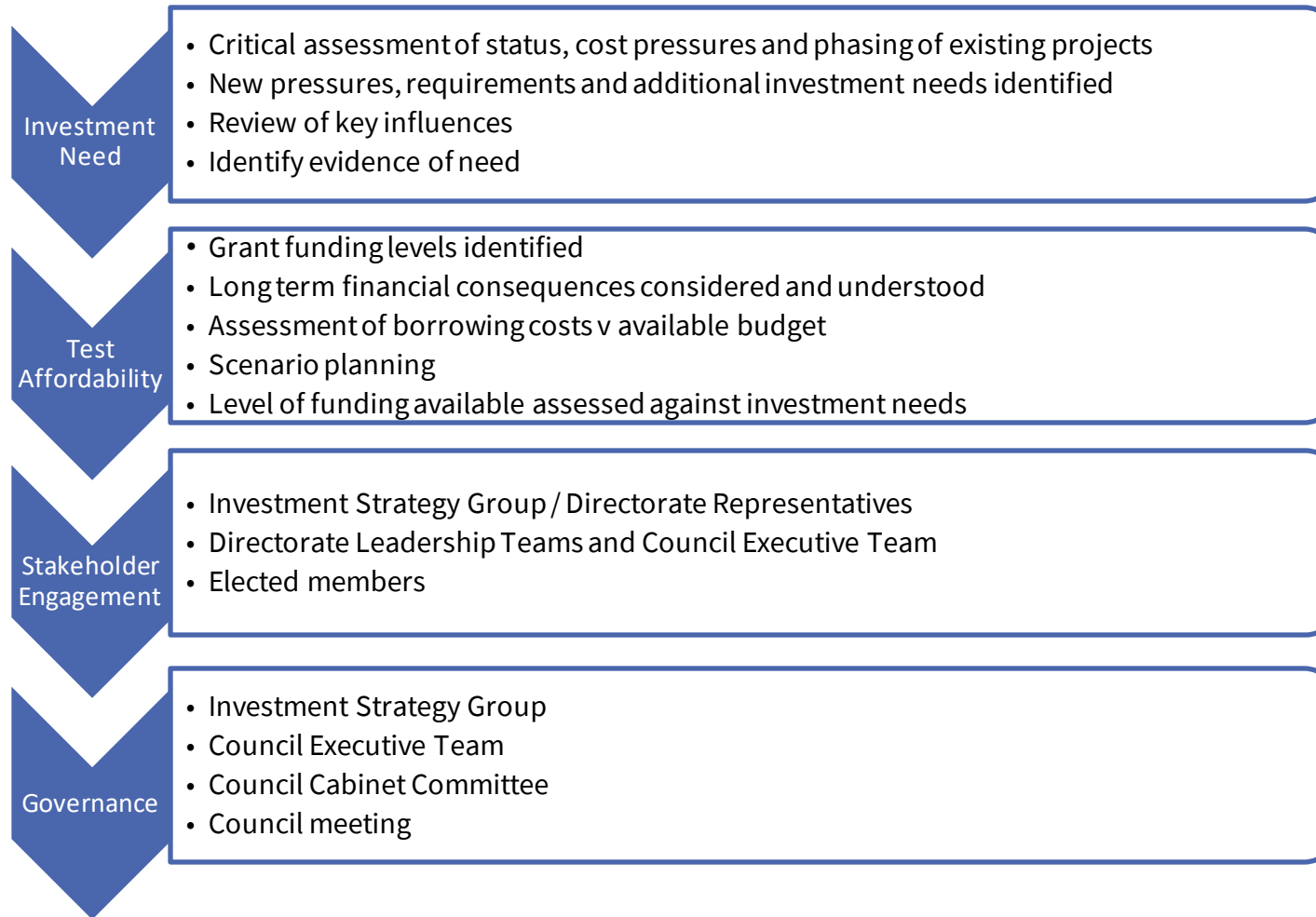
Associated Strategies and Plans

- Plan 4 Fife Recovery and Renewal
- Medium Term Finance Strategy
- Treasury Management Strategy
- Edinburgh & South East Scotland Regional Prosperity Framework
- Edinburgh & Tay City Region Deals
- Fife Economic Strategy
- Fife Local Transport Strategy
- Fifeplan (Local Development Plan)
- Draft Local Housing Strategy
- Property Asset Strategy
- Building Fife's Future: the School Estate
- Climate Fife: Sustainable Energy and Climate Action Plan
- Digital Strategy
- Health & Social Care Strategic Plan



Capital Plan Review Process

The Capital Plan Review Process will involve a series of steps and dialogue with relevant stakeholders before approval by the Council.



Key Influences

External, Internal and Partner

There are many influences that will impact on the way we invest for the future. Some of the key influences include:

External

- The Scottish Government is a key external influencer of this strategy, with a number of significant policies and ambitions influencing what we plan to do. There are many aspects of government policy where there is a role for investment by both the private and public sector.
- A major influence is the level of resources provided to Local Authorities, with the Scottish Government's Medium Term Financial Strategy suggesting a flat cash revenue settlement until 2025/26. Affordability of any increased borrowing beyond that planned will be a challenge.
- Further significant commitments such as delivering the response to the Climate Emergency, plans for a National Care Service and the new National Planning Framework 4. There are also significant expectations in relation to delivery of new affordable housing and adaptations to meet climate related ambitions.
- Some of these priorities will be challenging given the impact on existing assets, future assets being developed and the resources available.

Internal

- We have a number of internal strategies that influence our investment plans, and these are considered in the Capital Investment planning process.
- Examples of the key internal influences include our Climate Fife: Sustainable Energy and Climate Action Plan, our emerging Fife Local Housing Strategy, and our Local Transport Strategy.
- Our Medium Term Financial Strategy recognises that the Council is operating with finite resource and that affordability and sustainability associated with capital investment and the associated revenue consequences will continue to be challenging over the coming decade.
- The scale of our asset base has a large influence on the level of resource and investment needed to keep existing assets maintained and operational.
- Our school estate planning is mature with collaboration by internal partners continuing to ensure strong partnership focus and delivery of cross cutting priorities and bridging infrastructure to Education.
- We have an ambitious Capital Investment Plan, and we will need to ensure we continue to support the necessary internal capacity and resource required to deliver a plan of this size.

Key Influences - continued

Internal, External and Partner

Partner Influences

- Our Recovery and Renewal Plan for Fife 2021 – 24, developed in conjunction with our Community Partners, is a major influence on this strategy, with an increased focus on economic recovery, tackling poverty and preventing crisis and addressing the climate emergency.
- The Capital Strategy also re-affirms the links with the Plan for Fife themes (Opportunities for All, Thriving Places, Inclusive Growth and Jobs, and Community Led Services) and sets out how our investment plans will be directed to support these ambitions. We will demonstrate where our investment plans link to these key themes.

Other partner influences include:

- City Region Deal Partners
- Fife Health & Social Care Partnership
- Arms Length External Organisations
- SEStran
- Scottish Futures Trust
- Hub East Central Scotland
- Scottish Cities Alliance

More information relating to the major influences on our Capital strategy is outlined in more detail in Appendices 1 – 4 of this document

3 The Plan for Fife

The Plan for Fife

The Plan for Fife is Fife’s Local Outcome Improvement Plan. It aims to deliver real improvements for the people of Fife. It doesn’t cover everything we aim to do over the ten-year period, but it provides a clear focus for all our other plans. We also have seven local community plans – one for each of our local committee areas.

The Plan for Fife set out our vision for Fife and by 2027 we want Fife to be a place where all residents live good lives, make informed choices and have a sense of control so that they can reach their full potential, and where all children are safe, happy and healthy.

We also want Fife to be a place where we make best use of our assets and facilities, while sustaining them for future generations. We are responding to the Fairness Matters’ challenge to be ambitious for Fife by putting a Fairer Fife at the heart of our plan. We aim to reduce inequalities and to promote fairness in everything we do. This involves a big effort by all our partners, including the Third Sector and the business community. All our partners recognise that having a Fairer Fife will benefit everyone.

Within this overall vision, we have identified four priority themes to direct our work in the coming years. These are:

- Opportunities for All
- Thriving Places

- Inclusive Growth and Jobs
- Community-Led Services

The Plan for Fife 2021-24 update reviewed the plan as we came out of the COVID-19 pandemic and set out the key recovery and renewal priorities to be reflected throughout the Council’s plans and strategies. It recognised that while our ambitions remain, we needed to change the way we work and identified three cross-cutting priorities that should underpin the ambitions.

- Supporting Fife’s economy
- Tackling poverty and preventing crisis
- Tackling the climate emergency

Figure 1: Our Journey Towards a Fairer Fife



Opportunities for All

Opportunities for All is about ensuring that no-one is left behind. We aim to ensure that every Fifer can access opportunities in education, training, jobs and wider society, and that all Fifers have equal access to the support and advice they might need to support a fulfilling and decent life.

Key investment priorities within this theme include:

- Improving access to learning opportunities by improving the condition, sustainability and suitability of our school estate and ensuring that our schools continue to meet the needs of learners and the communities we serve. Building on the recent delivery of a number of community campus models, we will continue to develop the school estate as multi service facilities, working in collaboration with other Council services as well as our partners and communities.
- Our investment has a strong link with the Local Development Plan and will see us continue to work with developers and others to ensure that as Fife continues to grow, we will have sufficient capacity within our schools, including the provision of new primary schools and additional secondary capacity to meet the needs of these new communities.
- Investing in technology to support people to live independently at home or in a homely setting in their community and where this is not practical, ensure we have adequate community provision available across Fife.
- Early learning and childcare - additional capacity continues to be created across Fife to deliver the increase in entitlement to Early Learning and Childcare. A programme of work to deliver against 1140 hour commitments is nearing completion in line with Scottish Government expectations.
- Investing in digital opportunities for all so everyone has the support, motivation, skills and confidence to use technology safely in their daily lives to improve their health and wellbeing.
- Working hard to keep all Fife children within the Fife boundary, working with key partner organisations and investing appropriately to achieve this aim.
- Embracing complex partnerships and addressing many service needs, for example the Dunfermline Learning Campus and replacing care facilities with care villages.

Thriving Places

Thriving Places are safe, well designed and maintained places that promote wellbeing, where people are proud to be, and where they have access to the services and facilities they need at different stages of their lives.

Key investment priorities within this theme include:

- Meeting our climate change and net zero obligations is one of our top priorities. Activity will focus on decarbonising our buildings and fleet, working with our communities and customers to reduce the waste we create and working with partner organisations in helping to tackle climate change, to include flood resilience. Working with our communities to improve Fife's biodiversity is also an important aspect of our work on climate change.
- Increasing the supply of housing, including social care housing, improving the conditions in the private rented sector and improving access to information and advice on housing. This will include working with developers to unlock funding to support transport and educational infrastructure, as well as the delivery of our Phase III affordable housing programme of 3,500 houses and a transitional affordable housing programme (TAHP-2022-24), and a partnership agreement between the council and FHAA to build a further 1,200 new properties.
- Maximising the benefits arising from city status for Dunfermline, developing a city plan and a smart city approach.
- Investing in our key city and town centres through a 'town centre first' principle. Town centre capital investment will be used to attract external funding to improve the environment and built heritage. We will also promote investment in digital towns, including free public Wi-Fi.
- Facilitating new investment that is consistent with FifePLAN and align public sector capital investment to unlock developer funding for transport and education infrastructure.
- Investing in sport, leisure, cultural and learning activities incorporating an integrated approach where feasible.
- Targeting investment in Fife's green and public spaces, play parks, and promote sustainable management solutions.
- Investing in adapting to climate change/flood alleviation. Improving the flooding resilience of our communities is a key requirement of climate change adaptation. We have made commitments to undertake the feasibility/design options for flood related projects.
- Build on strong partnerships with partner bodies to continue the success of investing in environmental projects.
- Build on strong partnerships to continue the delivery of sustainable transport infrastructure including walking, wheeling and cycling routes, bus priority measures, and rail links and stations.
- Enabling community groups to be involved in co-design of community assets.

Inclusive Growth and Jobs

Growth in the local economy should benefit everyone and shouldn't pass people and places by. We will therefore focus on improving investment, growth and participation by businesses, people and communities, particularly in the mid- Fife area. We aim to support businesses to grow and to make sure that communities benefit from new business investment.

Key investment priorities within this theme include:

- Investing in a modern business infrastructure and in developing national and international markets for Fife's businesses. This work will be supported by Edinburgh and Tay City Region Deals.
- Investing in connectivity, particularly transport and digital infrastructure, and workforce mobility. This will include developing business cases for investment in transport infrastructure and an investment plan for Fife's digital assets.
- Making more of Fife's natural, cultural and historical assets to improve year-round visitor opportunities and accelerate the growth of tourism in Fife. A new Fife's Tourism Strategy sets out the potential opportunity for investment in visitor infrastructure, supported by access to Strategic Transport Infrastructure Funding from VisitScotland. Investment priorities are also being identified across FC/FCCT assets, to include for example investment in Adam Smith Theatre.
- Investment plans are linked to the Local Development Plan where the evidence of need underpins future requirements for infrastructure.
- The announcement of a Forth Green Freeport provides an opportunity for inward investment and the creation of up to 50,000 jobs across the freeport area. Work on the designation business case is being developed by FGFP partners for completion by the end of 2023.
- Continued investment in new and refurbished business infrastructure through the Fife Industrial Innovation Investment programme, including the development of tranche 3.
- Maximising the award of city status for Dunfermline through investment promotion. Focus on a smart city approach.

Community Led Services

Community Led Services means putting communities and service users at the heart of how we design services, and building on the strengths and assets we have in our workforce and in our communities in order to deliver valued services.

Key investment priorities within this theme include:

- Investing in community capacity to get involved and develop confidence to support Community Asset Transfer.
- Making better use of digital opportunities to improve service responsiveness, support independent living and better connect communities and individuals.
- Integrating community facilities.

The Plan for Fife prioritises improving the way that the Council and partners work with people and communities in delivery of Community Led Services. The development of new buildings requires communities to be engaged to support the delivery of outcomes. Communities also have views and ideas as to what is best for their communities. We will continue to engage with communities relevant to community investment.

Approaches to the use of Participatory Budgeting with capital funding have already shown the benefits of allowing communities to directly influence and decide on priorities and this approach will be used more widely going forward.

Underpinning delivery against and across these priorities will be our investment in new and improved digital solutions that will improve the

quality of life for people who live in, work in or visit Fife. Over the next ten years, we have committed to putting people and communities at the heart of everything we do. Increasingly our service offer will include a large component of digital provision, catering for both direct needs and to ensure we make the best of the knowledge and resources available to us.

Local plans and neighbourhood plans provide good visibility of investment need at a local level and can bring together services and communities through the local people and Place Groups as part of partnership working in Fife.

Community Buildings across Fife range from historically significant and older significant community buildings, to newly developed and completed facilities. Many of these older buildings will pose a significant challenge to adapt to meet net zero requirements but present opportunities for local communities to be involved in their future.

Fife has significant infrastructure in physical activity, sport, leisure and culture ranges from greenspace to modern sport and renewed cultural facilities. The changing nature of society and its use of outdoor space and sporting and cultural assets will present demands for future investment.

4 Asset & Infrastructure Investment

Assets & Infrastructure Investment

In order to maintain or improve service provision it is imperative that we recognise the need to invest in our significant existing assets and infrastructure to ensure they remain viable and sustainable. There are further key investment priorities as follows:

Roads and Transportation

Fife's roads and transportation infrastructure is critical to supporting our communities with affordable, seamless and sustainable access to all aspects of their daily lives. Effective asset management and maintenance of this significant infrastructure is a statutory duty. Our asset management strategies support sustained capital investment in roads and transportation infrastructure with continued funding essential to preserve the resilience of the transport network; ensure fair access for daily activities; provide safe and secure travel for all; and support the just transition to net zero and the Council's climate action plan. These cover the following key investment priorities:

- Roads Infrastructure: (maintenance of carriageways, footways, footpaths, cycle tracks, verges, drainage, traffic signals, driver information signs & street furniture) Projects to sustain network condition and prevent growth of road defects.
- Structures Infrastructure: (maintenance of bridges & retaining walls) Key replacement or strengthening projects on critical elements of the transportation network.
- Street Lighting: (column replacement) Following a period of investment, further investment is now required to replace columns which are beyond the expected service life.
- Traffic Management & Road Safety: Local road projects improving road safety, reducing congestion, tackling parking problems and reducing traffic speeds.
- Sustainable Transport: (new walking, wheeling and cycling infrastructure) It is both the Scottish Government's and Fife Council's objective to support the transition to net zero, increase walking, wheeling and cycling trips and reduce transport emissions.
- Property Assets: Harbours & Piers: (Maintenance of critical marine infrastructure supporting Fife's tourism and fishing industries), Bus Stations and Interchanges (Maintenance of bus station and terminus buildings and operational areas to maintain accessibility to employment, tourism and social opportunities).
- Dunfermline Strategic Transport Intervention Measures: Delivery of transport infrastructure to support the Strategic Development Areas in Dunfermline.

Assets & Infrastructure Investment

In order to maintain or improve service provision it is imperative that we recognise the need to invest in our significant existing assets and infrastructure to ensure they remain viable and sustainable. There are further key investment priorities as follows:

Property Estate

Fife Council has a strategic approach to property asset management. It is based on the principles of **improving efficiency** (doing more with less); **the effectiveness of our activities** (achieving better outcomes); and **improving leverage** through driving inclusive growth and working in partnership. It supports and aligns with the Recovery and Renewal Plan4Fife.

Recent years have seen unprecedented challenges through external factors and changes in social expectation, to include (but not limited to) a much greater focus on net zero and environmental sustainability. We have adapted and continue to evolve in meeting these challenges. However, the need to make the most effective use of our resources whilst supporting recovery to build resilient communities has never been greater. The evidence of our delivery against the Council's priorities is in the class leading buildings and facilities we provide. From new high schools and early learning settings, care villages, energy efficiency projects, housing improvement and investment in new affordable homes, integrated community facilities, net-zero projects, sport, and recreational facilities, blended working facilities; these projects contribute directly to improved services and outcomes for the people of Fife and the overarching Council priority of **Community Wealth Building**.

While much has been achieved, the Council still has a large and ageing estate and we need to continue to innovate and manage change in the way we develop new approaches to the governance, coordination and use of assets so that we make best use of our resources and support delivery of outcome priorities. To help meet these objectives our **Property Strategy** is currently being refreshed, with the aim of:

- **Improving Stewardship** – having the right assets in place to support future needs and priorities. We will have a smaller network of modern fit for purpose, integrated community and operational facilities that are sustainable, energy efficient and maintained to a high standard.
- **Alignment with the Plan for Fife** – all our resources collaborate to meet the needs of our communities and customers. We will continue to invest in assets and facilities that support the delivery of our policy priorities, make it easier for our customers to access the services they need, and add value to our communities.
- **One Fife Approach (No Wrong Door)** – adopting a collaborative approach with local partners and our communities to ensure public assets are viewed as part of a joined-up service offering. We will make it easy for our customers to access the services they need and empower our staff to work more flexibly and efficiently in terms of frontline service delivery.
- **Addressing the Climate Emergency** - by continuing to reduce the size of our estate and investing in proven and sustainable solutions to meet our climate change and net zero obligations.

Changing planning and building control regulations (that support improved building performance and environmental safety) alongside innovation in building materials and methods of construction will be reflected within the delivery of our property strategy.

Assets & Infrastructure Investment

Cemeteries and Crematoria

Fife Council is responsible for 115 cemeteries of which approximately half still take interments. Of the cemeteries that take interments, about 20 have limited remaining burial capacity. A consultation exercise has recently been completed on a future strategy, with the aim of ensuring that our cemeteries remain safe, well looked after and provide fitting places for contemplation and remembrance. Reflecting feedback, the strategy will seek to balance investment to improve and enhance existing provision with the need for a small number of new cemeteries.

The strategy will also seek to accommodate other needs and opportunities, such as the contribution cemeteries can make to local biodiversity as well as accommodating social changes, such as an increased interest in 'green burial'.

Technology

The need for investment in technology has grown significantly in recent years, with investment in systems moving from one off capital investment to cloud based systems that incur an ongoing revenue cost. The shift to home working has grown substantially, bringing with it new investment need. Technology underpins everything we do and demands have never been higher for reliable, usable, trusted and innovative digital public services and infrastructure.

Our strategy and approaches to technology and digital investment seek to right-size and optimise our investments, through a continual focus on ensuring we can deliver the widest possible benefits, while also harnessing opportunities which deliver change at a local level. We will be innovative and look at opportunities where technology can fulfil more than one objective.

We will also invest to ensure that current digital infrastructure and services can be maintained, supported, upgraded and protected and that old or obsolescent technology can be retired or replaced. Seeking to reach at least 4G standard across our digital infrastructure.

Our strategy recognises the need to remain adaptable to ensure that new opportunities from technological change can be quickly evaluated and harnessed where they can improve outcomes for those who visit, live, work or learn in Fife.

Fleet, Plant and Equipment

The Scottish Government committed to decarbonising local authority commercial road transport fleet by 2025, with all sales of new petrol and diesel cars and vans ceasing in Scotland by 2025. Progress has been limited due to inadequate alternative fuel supply arrangements, infrastructure and fleet supply challenges. We have trialled a range of alternative fuel powered vehicles with varying degrees of success. Until the supply of hydrogen is stable, and hydrogen powered vehicles are manufactured to a reliable standard, an electric fleet is likely to be the direction of travel.

We have made significant changes to the size and management arrangements for our fleet of vehicles. We have also invested in sustainable vehicles to include hydrogen, electric and hybrid powered vehicles.

Our strategy for managing our Fleet going forward includes:

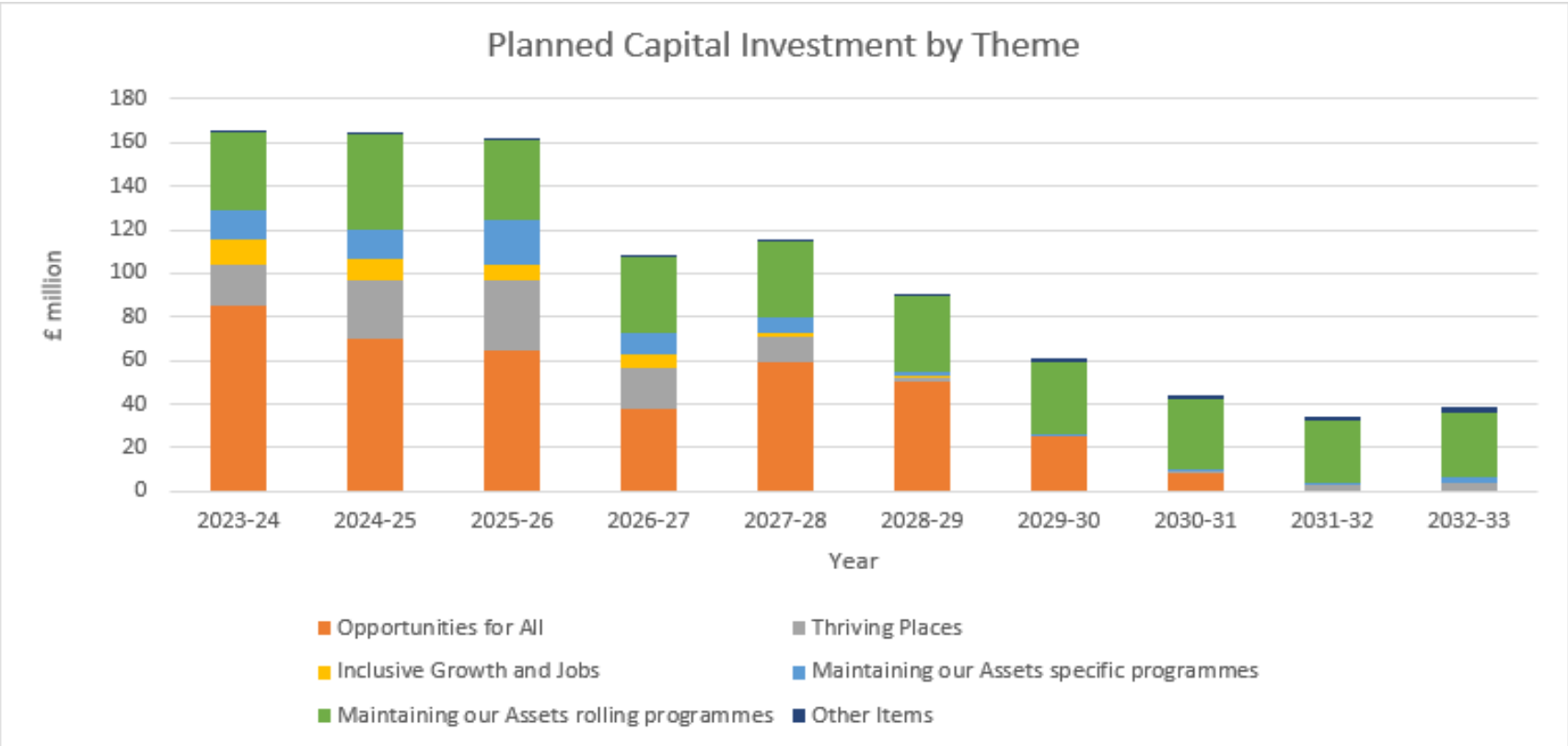
- Carrying out a review to reprofile and prioritise the vehicle replacement programme, recognising the age of some of the fleet as well as the maintenance and downtime this can create for essential services.
- We will maximise vehicle utilisation and promote environmentally responsible practices to reduce fuel consumption and carbon footprint.
- We will continue to invest in low carbon vehicles and other technology that will make our fleet sustainable into the future.

The Council also owns and operates a significant amount of plant and equipment which also requires to be maintained and replaced on a scheduled basis.

5 Capital Investment Plan

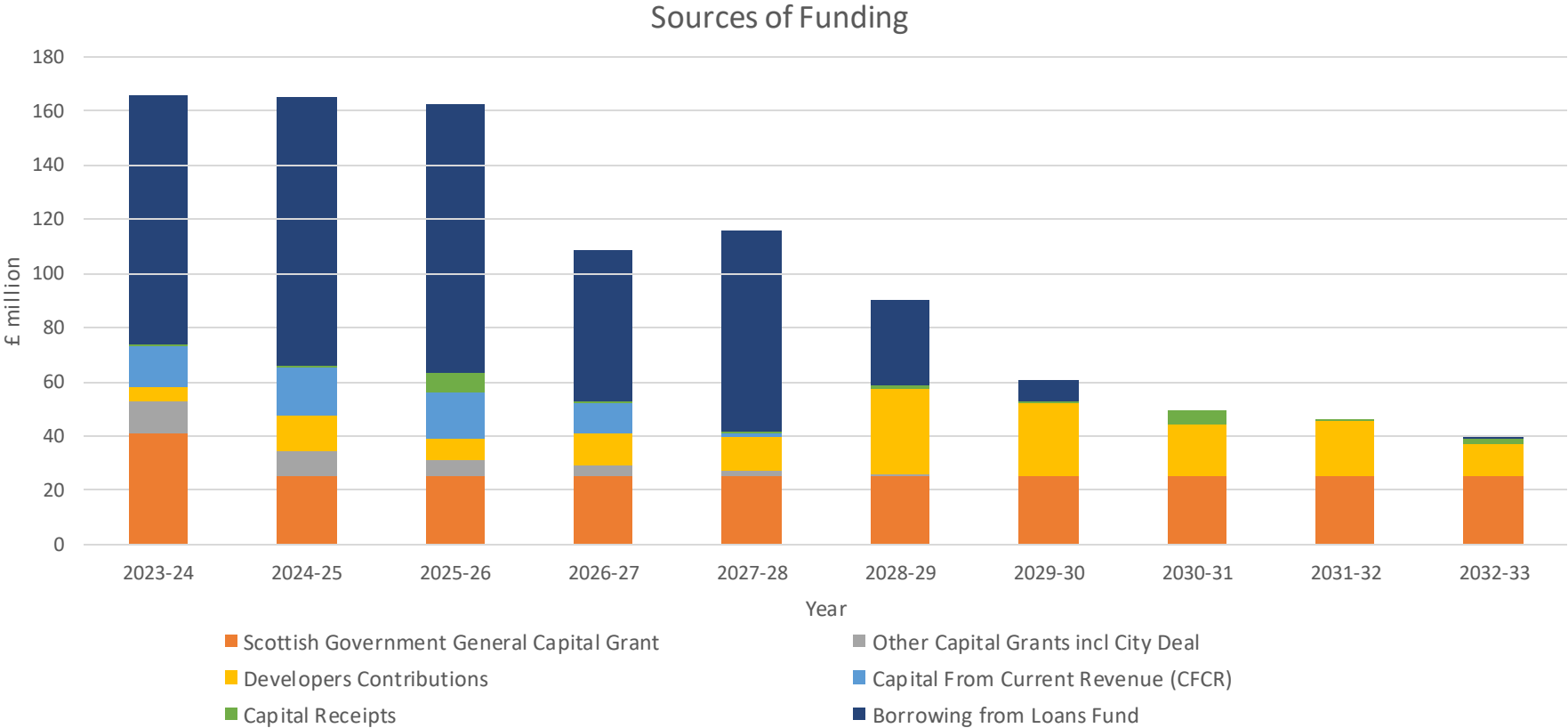
Capital Investment Plan 2023-33

Planned investment over the period of the Capital Investment Plan underpins the delivery of our ambitions contained within this Capital Strategy. The graph demonstrates that investment is high in the early years of the plan and reducing in the later years, indicating uncertainty in the future and is reflective of current affordable investment over the ten years.



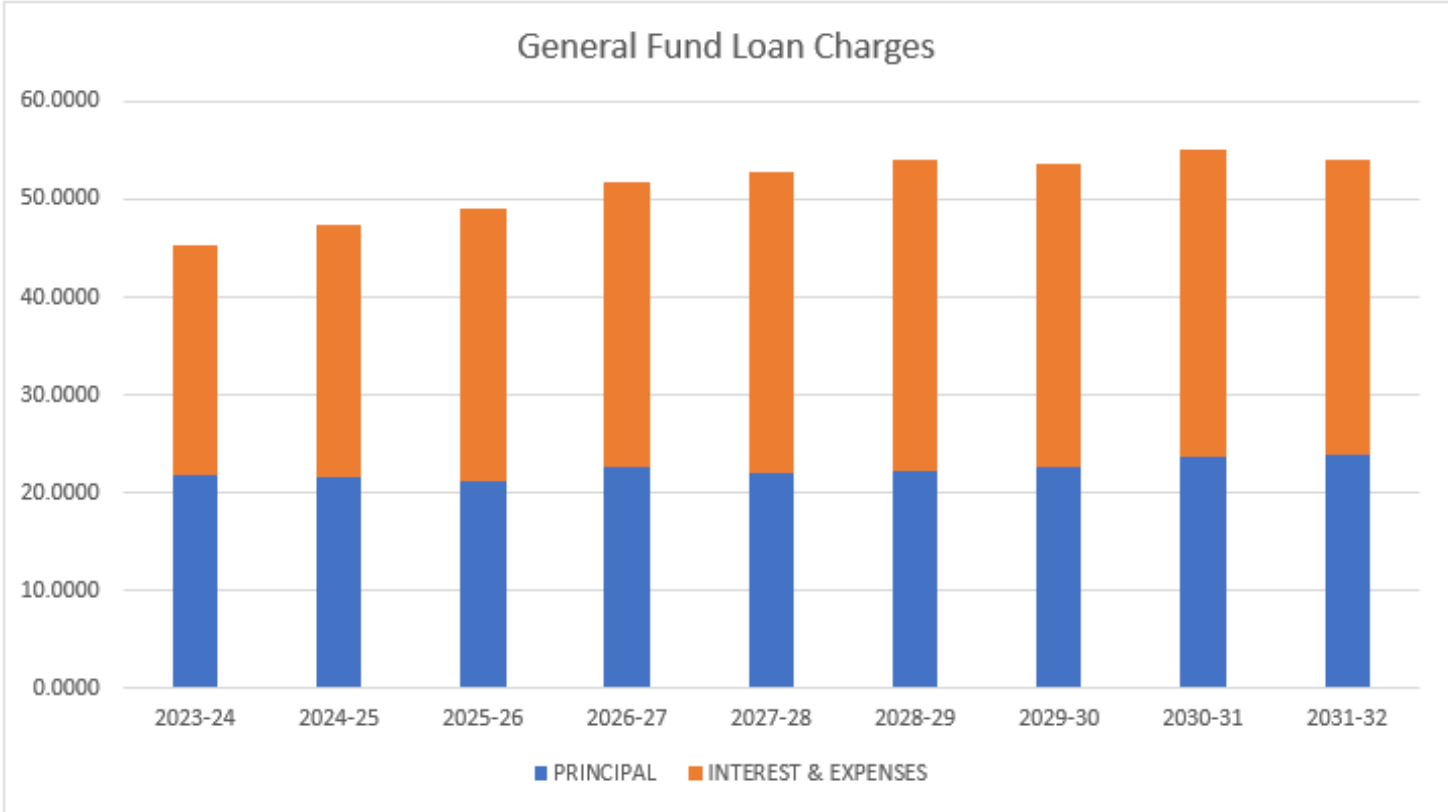
Capital Investment Plan 2023-33 – Sources of Funding

In order to support the planned investment over the period of the Capital Investment Plan a number of sources of funding are used. The graph demonstrates the different sources of funding and highlights the high level of borrowing supporting the plan in the early years.



Capital Investment Plan 2023-33 – Loan Charges

In order to support the planned investment over the period of the Capital Investment Plan borrowing will need to take place. Charges are made to the General Fund to reflect the cost of borrowing, these have 3 elements; principal, interest and expenses. Details of the Loans Fund policy are included in the Treasury Strategy.



Capital Investment Plan 2023-33

Following the biennial Capital Plan Review and approval of the Capital Investment Plan in June 2023, the levels of investment and funding are summarised in the following table:

FIFE COUNCIL
CAPITAL INVESTMENT PLAN 2023-33
GENERAL FUND

Capital Theme	2023-24 Em	2024-25 Em	2025-26 Em	2026-27 Em	2027-28 Em	2028-29 Em	2029-30 Em	2030-31 Em	2031-32 Em	2033-33 Em	TOTAL Em
Opportunities for All	85.528	70.256	64.996	37.606	59.687	50.735	24.886	8.492	0.363	-	402.549
Thriving Places	18.707	26.507	31.996	18.845	10.955	1.250	0.150	0.981	2.260	3.877	115.528
Inclusive Growth and Jobs	11.116	9.799	7.353	6.307	2.205	1.003	0.133	-	-	-	37.917
Maintaining Our Assets Specific Programmes	13.387	13.888	20.610	9.582	6.727	2.203	0.839	0.962	0.801	2.821	71.818
Maintaining Our Assets Rolling Programmes	36.231	43.890	36.269	35.015	35.455	34.084	32.850	31.429	28.796	29.369	343.387
Other Items	1.097	1.000	1.000	1.000	1.000	1.000	2.000	2.000	2.000	3.000	15.097
TOTAL EXPENDITURE	166.066	165.339	162.224	108.355	116.029	90.275	60.858	43.864	34.220	39.066	986.297
Income											
Other Capital Grants	(3.660)	-	-	-	-	-	-	-	-	-	(3.660)
City Deal and Growth Deal Grants	(6.603)	(7.359)	(5.427)	(3.926)	(2.004)	(0.896)	-	(0.012)	-	-	(26.228)
Contributions	(1.576)	(1.808)	(0.833)	-	-	-	-	-	-	-	(4.218)
Developer Contributions	(5.786)	(13.459)	(7.448)	(11.829)	(12.490)	(31.807)	(27.401)	(19.296)	(20.789)	(11.983)	(162.288)
Capital From Current Revenue (CFCR)	(14.476)	(17.925)	(17.400)	(11.601)	(1.500)	-	-	-	-	-	(62.903)
Total Income	(32.101)	(40.552)	(31.109)	(27.356)	(15.995)	(32.704)	(27.401)	(19.308)	(20.789)	(11.983)	(259.296)
Net Expenditure	133.965	124.787	131.116	80.999	100.034	57.571	33.457	24.555	13.431	27.084	727.000
Funding											
Scottish Government General Capital Grant	(40.776)	(25.000)	(25.000)	(25.000)	(25.000)	(25.000)	(25.000)	(25.000)	(25.000)	(25.000)	(265.776)
Capital Receipts	(0.639)	(0.696)	(7.225)	(0.357)	(0.657)	(1.074)	(0.265)	(5.419)	(0.073)	(1.871)	(18.275)
Borrowing from Loans Fund	(92.551)	(99.091)	(98.891)	(55.642)	(74.377)	(31.497)	(8.192)	5.863	11.642	(0.213)	(442.950)
Total Funding	(133.965)	(124.787)	(131.116)	(80.999)	(100.034)	(57.571)	(33.457)	(24.555)	(13.431)	(27.084)	(727.000)

6 Funding Strategy

Funding Strategy

Funding the Capital Investment Plan

We will develop a funding strategy that will determine the likely level of investment over the ten-year period. The funding strategy will determine how the investment will be funded. The plan will continue to be subject to review on a biennial basis. Affordability and sustainability will be a key feature of this assessment and in the coming years is likely to remain challenging whereby investment needs are likely to continue to outweigh the affordable level of funding available.

There are a number of funding sources that contribute to financing the Capital Investment Plan. When preparing the ten-year capital plan, a number of assumptions are made in relation to each of the possible funding streams:

- An estimate is made of general and specific capital grants from Scottish Government
- Capital receipts are estimated based on the likely assets which may be disposed of over the life of the plan
- All known contributions from revenue budgets
- An estimate is made of the affordable and sustainable level of borrowing, taking cognisance of the long-term nature of the cost of borrowing
- Other innovative funding sources including Tax Incremental Finance and City Region Deals
- Developer contributions are a significant funding source given the predicted level of strategic growth across Fife
- Any planned commitments from reserves
- Each time the Capital Investment Plan is reviewed we will assess the available level of funding compared to the investment needs.

The associated borrowing requirement will be calculated and the impact will be reported in the Treasury Management Strategy alongside the prudential indicators annually.

The review will also consider the running costs associated with Capital Investment. The Council's Medium Term Financial Strategy states that Services themselves must make budget provision for these costs. This will form part of the affordability assessment carried out as part of the review.

Whilst a robust funding strategy will be developed each time the Capital Investment Plan is reviewed, there remains the challenge that investment needs are likely to continue to outweigh the available resource, leaving a capital investment gap. Available resources will need to be carefully balanced and prioritised.

Funding Strategy – Capital Plan Review

Funding the Capital Investment Plan

To determine the level of investment required the Council will continue to undertake the biennial Capital Plan Review process. This process is robust, comprehensive and designed to critically review the existing investment plan as well as considering future investment needs of the Council to ensure these are in line with the key investment priorities set out in this strategy. The process involves:

- Critical assessment of the current plan to identify cost pressures, phasing and status of project
- Assessment of new pressures, requirements and additional investment needs
- Financial modelling and affordability testing
- Scenario planning
- Consultation with relevant stakeholders including Services, Council Executive Team and Elected Members
- Elected Members approve the Capital Investment Plan

Following approval of the Capital Investment Plan, regular monitoring is undertaken and reported to Committee. Rephasing of capital expenditure is carried out on an annual basis.

During the biennial Capital Investment Plan review, consideration is given to the overall affordability and costs of borrowing. This is assessed in line with the Council's Medium Term Financial Strategy and the revenue budget process.

Careful consideration of phasing and financing capital expenditure is given during this process to ensure that the Council can continue to operate affordable levels of borrowing, maximise our grant levels and contain costs at a sustainable level.

Controls around the level of borrowing will be assessed and agreed. We will also consider the impact on the Council's balance sheet in relation to liquidity and sustainability.

Funding Strategy – Guiding Principles

Development of the Capital Investment plan operates within a set of guiding principles:

- Planning over at least a 10-year planning horizon
- Review of the plan is undertaken on a biennial basis
- Priority is given to rolling programmes to secure investment in the maintenance and enhancement of existing assets
- Revenue budget for loan charges is assumed at a steady future level when assessing affordability
- The Capital Investment Plan must remain fully funded throughout its lifetime
- The Capital Investment Plan must be evidenced to be affordable and sustainable
- Costs should be contained within existing budgets by critical evaluation, value engineering and economies of scale
- Where costs cannot be contained funding options will be considered by Directorates and the Investment Strategy Group prior to consideration by the Cabinet Committee
- External Borrowing and sources of external borrowing will be evaluated, considered and undertaken by the Investment Team having regard to the Council’s Treasury Strategy and affordability criteria

Funding Strategy - Financing

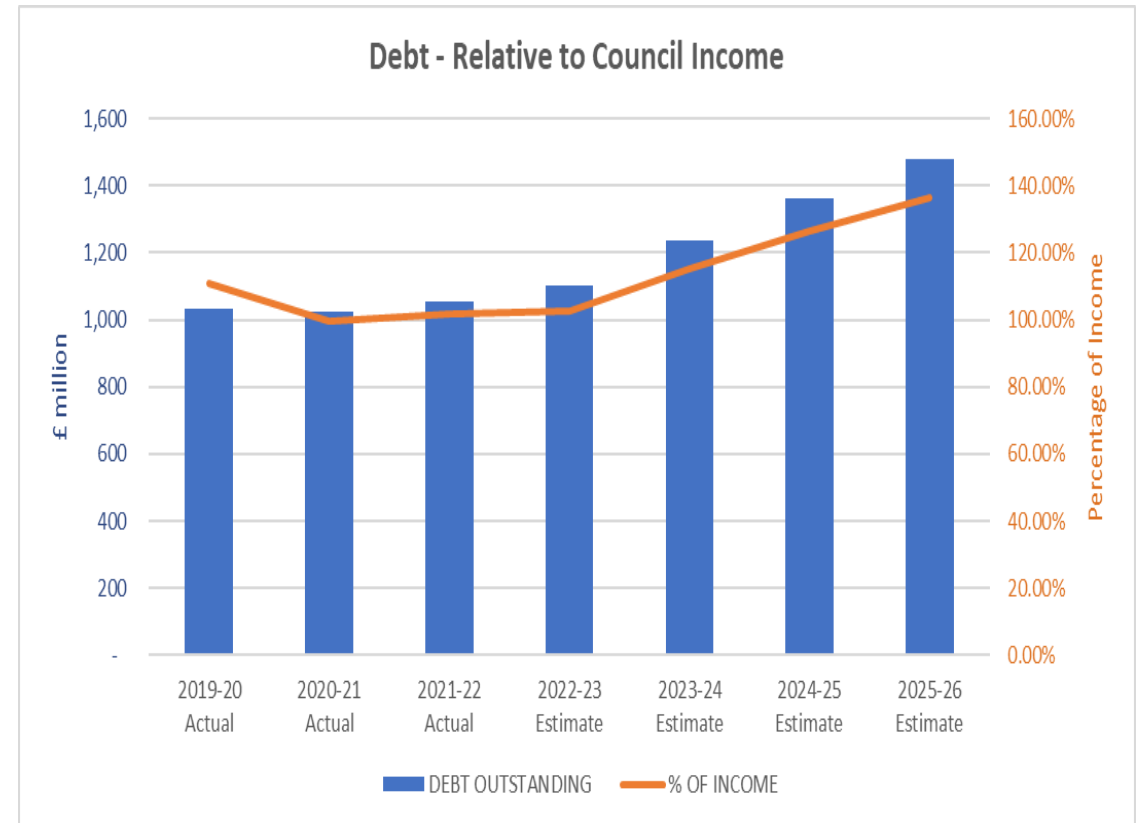
Changing Nature of Financing

The graph demonstrates the growing trend for increased borrowing requirements to fund the Capital Plan. While the level of government grant has been reducing, the level of debt outstanding is estimated to increase over time. Increasing debt levels impacts on the revenue budget as there is a requirement to repay debts and the associated interest costs.

Currently, the cost of servicing outstanding debt represents 6% of the Council's revenue income for general fund. This is predominantly a fixed cost, given the long term nature of borrowing. In the context of reducing revenue resources and a financially challenging environment there will be a limit to what the Council can afford to borrow in the future.

The forecast debt outstanding figures includes borrowing required for 3 large school projects at a cost of in excess of £300m, as well as projects where the Council will invest but income will be received over a long period of time. In these instances, the Council will undertake the borrowing to finance the investment with either revenue grant or S75 contributions being received over a long period of time to cover the costs in the future. It is recognised that the changing nature of financing heightens the level of risk for the Council.

The coming years will see the level of debt increasing significantly in the first few years of the plans, illustrating the ambitious investment in the medium term. Over the past few years Fife Council has been well above the Scottish average in terms of the level of financing costs compared to its net revenue stream. It may be challenging in future to increase borrowing to a significant degree without additional revenue to cover the costs.



Capital investment mapping

Main aspects	Details
Mapping investment requirement against priority themes and outcomes	<ul style="list-style-type: none">➤ As part of developing our capital strategy our Plan for Fife priority themes and outcomes have been mapped to our capital investment requirement over a 10-year period➤ We aim to develop this further to our wider strategic priorities based on our view of external, partner and other internal influences – in particular, mapping to the medium term actions in the Recovery and Renewal Plan➤ We recognise that we need to represent the Council’s capital strategy requirement in a way that is understandable to a much wider audience of interested stakeholders – for this purpose we will also visually represent some of our key areas of investment
Benefits, outputs and outcomes	<p>Throughout our capital planning and reporting processes it is our ambition that we report on the emerging capital investment requirement to benefits, outputs and outcomes, as follows:</p> <ul style="list-style-type: none">➤ Benefits – consider the impact of emerging capital investment to both financial and non-financial benefits, such as savings, new funding streams and reduction in CO2 emissions➤ Outputs – report capital investment to outputs, such as new houses, new school places and new active travel routes➤ Outcomes – consideration of reporting emerging capital investment to planned outcomes, such as contribution to housing target, achievement of climate action plan commitments and improved connectivity
Enabling investment and delivery investment	<ul style="list-style-type: none">➤ In developing the capital strategy, we will examine enabling investment (‘business as usual’) to ensure that the initial 10-year planned investment is based on detailed supporting plans – this includes investment in existing infrastructure / assets, ICT / digital refresh and business transformation➤ In developing the capital strategy, we are continuing to strengthen our business case approach to emerging capital investment proposals for new infrastructure, assets and digital solutions

7 Capital strategy risk

Capital strategy risk

Main aspects	Details
Articulation of risk appetite	<ul style="list-style-type: none"> ➤ Although the Council is not focused on investment for commercial return, it is still necessary to examine and define the Council’s risk appetite as part of the emerging capital strategy ➤ The defined risk appetite needs to have a longer-term focus, which is challenging when considering the short to medium term nature of the democratic cycle and the lack of longer-term approach from Government
Alignment with risk management framework	<ul style="list-style-type: none"> ➤ Any examination of risk in the emerging capital strategy will need to align with the Council’s risk management framework ➤ This will ensure that any risk assessment follows the corporate approach and can successfully link to individual business case, proposal and project risk assessments
Risk assessment	<p>The Council will need to undertake a high-level risk assessment, to include risks such as:</p> <ul style="list-style-type: none"> ➤ continuing and potentially worsening revenue position, outside of the control of the Council ➤ potential further reduction in external capital funding from Government and other external funding opportunities ➤ lack of focus to date on link of capital investment to revenue impact, both negative and positive, and benefits, outputs and outcomes ➤ lack of investment demonstrated by capital investment requirement gap, potentially resulting in threat to public health and poor climate resilience ➤ negative impact of investment in potentially obsolete technology and solutions, particularly when looking at green initiatives ➤ financial impact of the current and future pressures on the construction industry, both locally and nationally ➤ Impact of general cost inflation, market volatility and supply chain issues potentially leading to abortive and / or delayed projects ➤ Local Development Plan, Regional Prosperity Framework, and Regional Spatial Strategy

High level risk assessment

There will be risks inherent in the Capital Investment Plan and we will assess these as part of the capital plan review process and as part of our programme and project management processes. We will assess both strategic and financial risks including uncertainty of funding, inflation, interest rate risk, and exchange rate risk in uncertain economic times. This will ensure that future financial consequences are understood and risk is managed.

Following our review of risk, a recommendation will be made in relation to the planned level of funding to provide for future risk.

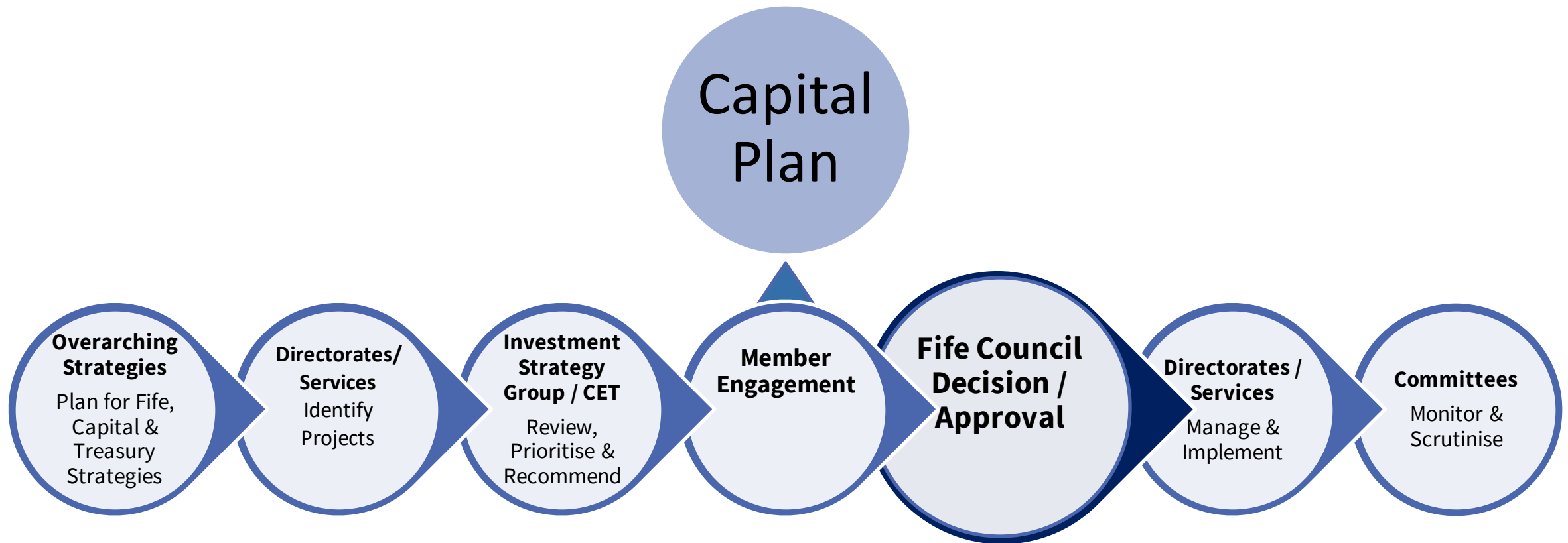
We will also factor in an assessment of future maintenance costs and liabilities associated with the assets currently in our control, namely around our property estate and roads and transportation infrastructure.

Category	Risk and potential consequences
Political	Delay in the implementation of Scottish Government policies such as Net Zero or National Care Service. Increased cost pressures for the Council on delivering on Scottish Government priorities without funding has the consequence of increased borrowing costs for the Council or reduced capacity to deliver on Fife priorities. Changes in political landscape during the planning period may change the investment priorities included in the plan.
Economic	Construction prices could rise above the level assumed and provided for in the investment plan resulting in planned projects being deprioritised and/or delayed. Shortage in materials and Labour Market could result in increased costs and projects being delayed. Continued increases in interest rates could result in increased cost of borrowing meaning that the plan will need reviewed as affordability could come under pressure, resulting in pressure on revenue budgets. Private housing developments not being achieved and/or developers having financial difficulty could impact on the level of developer contributions being used to fund the investment plan, resulting in increased borrowing levels or projects being stopped or delayed.
Social	Population growth greater than anticipated meaning that the level of provision of Schools and other assets is insufficient. House building higher or lower than anticipated putting additional pressure on Council Services and budgets.
Technological	Technological advancement not being sufficient to meet Net Zero and Low Carbon targets meaning that investment is required for longer periods and pressure to maintain aging fleet and buildings.
Legal	Council Plans and strategies being subject to legal challenges or regulatory changes resulting in delay of capital projects. Non-compliance with legislative requirements in terms of Net Zero and other legislation could mean increased investment required and/or fines/penalties resulting in financial pressures.
Environmental	Severe Weather events such as flooding could result in reactive and unplanned expenditure meaning capacity to fund other projects is reduced. Climate Change and associated legislation requires significant investment.

8 Governance

Governance

The diagram below summarises the arrangements through which the Capital Strategy is developed and the process followed and the influence the Capital Strategy will have in relation to the biennial review and ultimate engagement with and approval by members of Fife Council. The Capital Strategy is an overarching strategy which provides long term focus.



Governance

Main aspects	Details
Decision making and reporting	<ul style="list-style-type: none">➤ The capital strategy is approved through the democratic decision-making process by the members of Fife Council who understand and are responsible for stewardship, value for money, prudence, affordability and sustainability. The strategy is built around both the ambitions in the Plan for Fife and the policy intent underpinning these ambitions.➤ Whilst the Capital Strategy is inextricably linked to the financial planning process, it recognises that there are financial and affordability constraints. However, this does not constrain the ambition to deliver and invest to enhance and improve the services to the people of Fife.➤ Our capital strategy links with our revenue, capital and Balance Sheet planning and whilst we have made good progress towards this approach, we will continue to develop this by further integrating with our long-term financial planning.➤ The Capital Investment Plan is planned in line with the Capital Strategy and is reviewed biennially. The investment plan is set by the members of Fife Council and delivery of the investment plan is overseen by the Investment Strategy Group, an officer group chaired by the Head of Finance with additional Heads of Service representing each of the Directorates. Delivery of projects rests with responsible Services.➤ Governance is in place which is proportionate to the size of investment programmes or projects, with major projects (over £5m) having additional governance with business cases approved by the Cabinet Committee.➤ Business cases for major projects or programmes will also be approved by the relevant regional Joint Committee.

Governance

Main aspects	Details
Roles and responsibilities	<p>Our capital planning and decision making processes are governed through a number of layers, each with clear roles and responsibilities and documented remits.</p> <ul style="list-style-type: none">➤ The members of Fife Council are responsible for retaining a clear focus on delivering improvements in line with the priorities in the Plan for Fife. The plan sets clear ten year investment plans relevant to each of these priorities, identifies what needs to change in our approach and proposes actions over the period of the plan (Financial Regulations).➤ Our Cabinet Committee has a responsibility to exercise strategic leadership of the Council, recommend to the Council the budget strategy and also to monitor and control the Council's overall capital expenditure (including major capital projects), taking responsibility for all executive decisions within the budget and policy framework approved by the Council and considering all proposals or business cases which have increased financial consequences (Committee Terms of Reference).➤ S95 Officer is the Proper Officer in terms of the provisions of The Prudential Code for Capital Finance in Local Authorities, and, accordingly, shall be responsible for the administration of the financial affairs of the Council. In adherence with the Prudential Code, the S95 Officer will also facilitate the decision making process and support capital investment decisions, and monitor a number of prudential indicators including external borrowing limits, in order to assess the affordability, prudence and sustainability of the capital plan and will advise members of the Council accordingly. The S95 officer is also responsible for the treasury management functions underpinning the capital strategy.➤ The Council's Investment Strategy Group (ISG) has a responsibility to co-ordinate the estimates of capital expenditure for each of the Council's Policy Priorities for the planning period view to being submitted to Fife Council for approval (Financial regulations and ISG remit).➤ Directorates/Services are responsible for ensuring that all Capital Programmes & Projects follow, as a minimum, the Council's Programme and Project Management Framework procedures, as must Corporate Improvement programmes and associated projects. Executive Directors are required to identify the full revenue consequences of capital projects being proposed for funding when preparing proposed Capital Plans. In addition, they will be required to demonstrate from where the funding for the revenue consequences will be met. (Financial Regulations and Plan 4 Fife).

Governance

Main aspects	Details
Skills and training	<ul style="list-style-type: none">➤ Our capacity to plan and deliver an ambitious capital strategy could be impacted by any lack of appropriate skills and training, and could have serious consequences – we will undertake an ongoing review of any potential skills and training gaps associated with capital planning and identify actions for improvement.➤ We recognise that skills or training gaps, can lead to delay or scaling back of planned activity and this is a high-level risk that will need kept under review.➤ We will develop a capital strategy action plan to ensure this risk is managed and kept under review.
Consultation and stakeholder engagement	<ul style="list-style-type: none">➤ Our consultation approach is wide ranging and co-ordinated through the Investment Strategy Group and it's participants. Consultation is collated and built into the consideration of our capital investment requirement and, provides the basis for decision making by elected members.➤ Participatory Budgeting – the council is continuing to promote participatory methods for communities to shape public spending in their areas. Devolved budgets to Area Committees are supporting how the council and partners can improve places and meet local needs.

8 Appendices

Appendix 1 – Evidence of need

Main aspects	Details
Sources of evidence	<ul style="list-style-type: none">➤ We will undertake an initial review across Fife services, focusing on current sources of data, current methods for building future evidence of need and identify any concerns with the quality of supporting data.➤ This review will give an initial view of any risk areas that may need explored in more detail to establish if we can make internal improvements and / or seek external solutions.➤ We will work with our internal strategic partner network as part of this review – we will seek opportunities to make better links with existing data sources and identify opportunities to collaborate on improving available data sources.
Challenges to be addressed	<ul style="list-style-type: none">➤ If we determine any evidence gaps, we will seek to address these internally, and establish a methodology for gathering the relevant data or start to measure the required evidence.➤ Where we are unable to solve an evidence gap internally, we will speak to partner and peer organisations in the first instance to see if there is a good methodology that has been identified elsewhere.➤ Where external support is required, we will clearly articulate the evidence gap and the desired outcome to obtain appropriate support.
Spatial representation of need	<ul style="list-style-type: none">➤ In future we will explore new ways of examining and analysing the investment needs for the Fife population and area and whether different tools can be used to support scenario modelling and the future assessment of investment needs.➤ We will look for opportunities to share learning with other authorities and organisations that are also exploring this approach.

Appendix 2 - External influences

Influence	Source	Details
Scottish Government Programme for 2021/22 (Sep-21) and 2022/23 (Sep-22)	Scottish Government	<ul style="list-style-type: none"> ➤ Build a net zero economy that is fair for all, and create opportunities for new, good and green jobs, introducing Just Transition plans for all sectors and regions ➤ Provide at least £1.8 billion over the course of this Parliament to make our homes easier and greener to heat, and progress our commitment to decarbonise 1 million homes by 2030 ➤ Undertake the single biggest public service reform since the founding of the NHS – the creation of a National Care Service
Resource Spending Review (May-22)	Scottish Government	<ul style="list-style-type: none"> ➤ Recognition for the public sector to 'reset', 'including by returning to a pre-pandemic size' ➤ Acknowledgement of the impact of inflation on delivering public services and building public infrastructure, resulting in reduced purchasing power for the public sector ➤ No increase to the local government resource spending envelope from the current level of £10.6b until 2026/27 when the government has indicated an increase of £100m
MTFS 202-27 (May-22) & MTFS 2023-28 (May-23)	Scottish Government	<ul style="list-style-type: none"> ➤ The capital grant funding available to the Scottish Government is assumed to fall by 1.6% in cash terms over the period from 2023-24 to 2027-28 ➤ The revenue funding available to the Scottish Government over the period is assumed to increase, but the previous MTFS indicated the Local Government could anticipate flat cash. The new MTFS does not indicate the share of funding across the portfolios. This could impact on the ability to finance additional investment in the future
Capital Spending Review (CSR) 2023-26 (May-22)	Scottish Government	<ul style="list-style-type: none"> ➤ Reduce child poverty: £3.6b available for the affordable housing programme, and £220m of investment to support children and families ➤ Address climate crisis: £5b investment in rail infrastructure, £1.8b for Heat in Buildings Strategy, £150m Just Transition Fund ➤ Capital funding allocations to Local Government reducing from £649.6m in 2022/23 to average of £646.7m over the three years following

Appendix 2 - External influences cont.

Influence	Source	Details
Scottish Government Update to the Climate Change Plan (December 2020)	Scottish Government	<p>The update incorporates a number of priorities, including:</p> <ul style="list-style-type: none"> ➤ Recognising the role that both public and private investment must play in delivering the transition to net zero. ➤ Commitment to increase the number of good, green jobs, and to enable people to access these jobs through training and reskilling. ➤ Commitment to delivering a place-based approach.
Delivering on Scotland's response to the climate emergency (Sep-21)	Climate Emergency Response Group	<p>Immediate actions</p> <ul style="list-style-type: none"> ➤ Set aspiration to make every Scottish city 'vehicle emission free' as far as possible by 2030 ➤ Make greener non-domestic buildings to work, study and relax in ➤ Mobilise public sector expenditure to address the climate emergency ➤ Unite central and local government to deliver on net-zero and create resilient places ➤ Green Scotland's City Region and Growth Deals ➤ Make the climate emergency a guiding principle in all planning decisions
Response to Just Transition Commission (Sep-21)	Scottish Government	<p>Recommendations:</p> <ul style="list-style-type: none"> ➤ Implement Green Participatory Budgeting with agreed target levels of funding ➤ Empower and resource Local Authorities to deliver a just and green recovery. ➤ Scottish Government, Local Authorities and Developers must commit to creating communities that embed low-carbon lifestyles, while improving our health and wellbeing
Infrastructure Investment Plan 21-26 (Feb-21)	Scottish Government	<ul style="list-style-type: none"> ➤ Focus on three core strategic themes for guiding investment decisions in Scotland: <ul style="list-style-type: none"> • Enabling the transition to net zero emissions and environmental sustainability • Driving inclusive economic growth • Building resilient and sustainable places

Appendix 2 - External influences cont.

Influence	Source	Details
National Transport Strategy 2 (Feb-20)	Transport Scotland	<p>Vision: We will have a sustainable, inclusive, safe and inclusive transport system, helping deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors.</p> <p>Priorities:</p> <ul style="list-style-type: none"> ➤ Reduces inequalities ➤ Takes climate action ➤ Helps deliver inclusive economic growth ➤ Improves our health and wellbeing
National Planning Framework 4 (Scotland 2045) (Feb-23)	Scottish Government	<ul style="list-style-type: none"> ➤ Establishes national planning policy and is now part of Fife's Development Plan together with Fifeplan. The spatial principles and national policies will guide future development in a way which reflects our overarching spatial principles through which Scotland can be planned and developed to create: <ul style="list-style-type: none"> ▶ Sustainable places ▶ Liveable places ▶ Productive places ▶ Distinctive places ➤ In line with NPF4, Fife Council is developing a new set of checklists (energy, biodiversity, climate) to be applied in the determination of planning applications
Learning Estate Strategy (Sep-19)	Scottish Government	<p>Vision is a Learning Estate which supports Excellence and Equity for All.</p> <ul style="list-style-type: none"> ➤ Clear focus on delivering high quality, low carbon and digitally enabled learning environments and outcomes ➤ Encourages integrated experiences and locality-based services and activity ➤ Supports innovation ➤ Demonstrates collective leadership ➤ Adopts a sustainable, whole life approach

Appendix 2 - External influences cont.

Influence	Source	Details
Housing to 2040 (Mar-21)	Scottish Government	<p>The aim is for everyone to have a safe, high-quality home that is affordable and meets their needs in the place they want to be.</p> <p>We will:</p> <ul style="list-style-type: none"> ➤ Continue to invest in the supply of affordable homes so they are available for the people who need them. ➤ Attract private investment to help us to deliver more homes and ensure those homes are energy-efficient, use zero emissions heating, are adapted to our future climate and meet the needs of people who live in them. ➤ Take a place-based approach so that homes and places work together seamlessly and people can live in communities that meet their needs and support their health and wellbeing. ➤ Make changes so that the whole housing system works well to deliver affordable and good quality homes for everyone.
National Strategy for Economic Transformation and UK Levelling Up	Scottish and UK Governments	The Council will look to work within the NSET strategic priorities and UK Levelling Up missions when we seek to maximise grant funding for regeneration in Council and/or third party assets.
Regional Prosperity Framework		Collective infrastructure investment in advancing transport or strategic infrastructure investment priorities will be informed by the adopted Regional Prosperity Fund, taking into account local strategy and policy.

Appendix 2 - External influences cont.

Influence	Source	Details
National Care Service (Scotland) Bill (Jun-22)	Scottish Government	<ul style="list-style-type: none"> ➤ The Independent Review into Adult Social Care (IRASC) recommended the establishment of a National Care Service. ➤ Following these recommendations and our National Care Service consultation, we introduced the National Care Service (Scotland) Bill to Parliament on 20 June 2022. ➤ We have committed to establishing a functioning National Care Service by the end of this parliamentary term in 2026.
Digital Scotland – A Changing Nation: How Scotland will Thrive in a Digital World (Mar-21)	Scottish Government and CoSLA	<p>Principles of a Digital Nation</p> <ul style="list-style-type: none"> ➤ Inclusive, Ethical and User Focussed ➤ Digital Leadership and Culture ➤ Collaborative ➤ Data-Driven ➤ Technology-Enabled ➤ Innovative and Sustainable ➤ A Skilled Digital Workforce ➤ Secure By Design
Scotland’s Digital Health and Care Strategy (Oct-21)	Scottish Government and CoSLA	<p>Our Vision: ‘To improve the care and wellbeing of people in Scotland by making best use of digital technologies in the design and delivery of services.’</p> <p>To achieve our aims, and ultimately our vision, we will focus on six priority areas.</p> <ul style="list-style-type: none"> ➤ Digital access ➤ Digital services ➤ Digital foundations ➤ Digital skills and leadership ➤ Data-driven services and insight

Appendix 3 - Partner influences

Influence	Details
Scottish Cities Alliance	<ul style="list-style-type: none"> ➤ The Scottish Cities Alliance is the unique collaboration of Scotland’s eight cities – Aberdeen, Dundee, Dunfermline, Edinburgh, Glasgow, Inverness, Perth and Stirling – and the Scottish Government, working together to promote the country’s great economic potential. ➤ The Alliance was established in 2011 to progress the Agenda for Cities. Our aim is to achieve an economically stronger future for Scotland through the joint efforts of Scotland’s eight cities and our long-term investment promotion strategy, in a bid to attract capital investment to Scotland’s cities.
Scottish Futures Trust (SFT)	<ul style="list-style-type: none"> ➤ Our public sector partners include Scottish Government along with its many agencies and central bodies as well as local authorities and regional organisations. ➤ We want them to have long-term plans and effective delivery mechanisms for innovative and sustainable investment in new and existing infrastructure which underpin their wider organisational aims and create vibrant places across Scotland. ➤ Our activities are targeted toward progressing the ten infrastructure-related outcomes agreed upon in our 2019-24 Corporate Plan which are linked to Scotland’s National Performance Framework and the UN Sustainable Development Goals. ➤ SFT has been specifically commissioned by the Scottish Government to support the Learning Estate Improvement Programme and provide a delivery structure for local authorities to apply to their school projects.
Hub East Central Scotland	<ul style="list-style-type: none"> ➤ Hub East Central Scotland is the public/private partnership organisation delivering new community infrastructure across Falkirk, Stirling, Perth & Kinross, Fife, Dundee, Tayside and Angus. ➤ Our expertise in strategic development and value driven procurement and project management has so far delivered 50 construction projects in 7 years across the region which are living social, cultural and educational hubs within the communities they serve. ➤ We focus on supporting the local economy within communities through the supply chain. Around half of our project work is delivered by local residents and over £185 million of work has been undertaken by businesses within the hub territory.

Appendix 3 - Partner influences cont.

Influence	Details
Central Scotland Green Network	<ul style="list-style-type: none"> ➤ The CSGN is a national development within the National Planning Framework which will play a key role in tackling climate change and biodiversity loss. It includes Fife and has relevance in areas where there is development pressure as well as significant areas requiring regeneration to address past decline and disadvantage. It involves public agencies and stakeholders (those with an interest in our work) working together to align their policies, programmes and actions to achieve a common aim. The national development is needed to improve quality of place and create new opportunities for investment.
SEStran	<ul style="list-style-type: none"> ➤ The South East of Scotland Transport Partnership (SEStran) is the statutory Regional Transport Partnership for the South East of Scotland. SEStran encompasses eight local authorities: City of Edinburgh, Clackmannanshire, East Lothian, Falkirk, Fife, Midlothian, Scottish Borders and West Lothian. ➤ Within the partnership area there is a huge diversity of transportation issues, from urban congestion to rural public transport and from ferry ports to airports. SEStran aims to address these issues and work towards a more sustainable and efficient transport network.
City Region Deal – Edinburgh and South East Scotland	<ul style="list-style-type: none"> ➤ The Edinburgh and South-East Scotland City Region comprises six local authorities. 26% of the Scottish population live in this part of Scotland. ➤ The five themes in the City Region Deal and the total amount of capital investment (made up of Government and partner funding) are summarised below: <ul style="list-style-type: none"> • Research, Development and Innovation: £751 million • Integrated Regional Employability and Skills: £25 million • Transport: £156 million • Culture: £45 million • Housing: £313 million

Appendix 3 - Partner influences cont.

Influence	Details
Community Planning Partnership – Plan for Fife 2017-27	<ul style="list-style-type: none"> ➤ Our Vision for Fife - A Fairer Fife: By 2027 we want Fife to be a place where all residents live good lives, make informed choices and have a sense of control so that they can reach their full potential, and where all children are safe, happy and healthy. We also want Fife to be a place where we make best use of our assets and facilities, while sustaining them for future generations. ➤ Priority Themes: <ul style="list-style-type: none"> • Opportunities for All • Thriving Places • Inclusive Growth and Jobs • Community Led Services ➤ The Fife Partnership has also agreed a Recovery and Renewal Plan 2021-2024.
Fife Health and Social Care Partnership	<ul style="list-style-type: none"> ➤ In Fife we work with around 300 organisations across the Third and Independent sectors and they are a vital part of the Partnership in delivering services. ➤ Fife is one of the largest Health and Social Care Partnerships in Scotland, next to Edinburgh and Glasgow, with around 5,000 staff and a joint budget of around £470 million. ➤ The rapidly ageing population means many more people will need health and social care support in the future. We must continue to change, modernise and evolve services and the way we work to meet the challenges of the future. ➤ Our four key Strategic Plan themes are: <ul style="list-style-type: none"> • Prevention and Early Intervention • Integrated and Co-ordinated Care • Improving Mental Health Services • Reducing Inequalities.

Appendix 4 - Internal influences

Influence	Details
Recovery and Renewal – Plan for Fife 2021-2024 Update (Aug-21)	<ul style="list-style-type: none"> ➤ Focus for 2021-24 – Community Wealth Building <ul style="list-style-type: none"> • Leading economic recovery – following the unprecedented impact of the pandemic, recovering jobs and businesses will be key. • Tackling poverty and preventing crisis – poverty has stubbornly refused to decrease and is likely to become worse as a result of the pandemic and the cost of living crisis. • Addressing the climate emergency – we need to make Fife resilient to unavoidable climate change that is happening now, while reducing our contribution to this global emergency
Climate Fife: Sustainable Energy and Climate Action Plan 2020-2030 (Jan-20)	<ul style="list-style-type: none"> ➤ Vision: Climate Fife’s vision was in partnership and is underpinned by three core principles that by 2045, Fife will be: <ul style="list-style-type: none"> • Climate friendly – having transformed the economy, infrastructure, land use and energy system to decarbonise how we live. • Climate ready – with plans and projects to increase the resilience of Fife communities and the economy to help minimise the impacts from unavoidable climate change. • Climate just – ensuring that all Fifers and the Fife environment can benefit from this transition. ➤ Delivery is overseen by the Addressing the Climate Emergency Board, comprising Council and partner organisations.
Fife Local Development Plan (Sep-17)	<ul style="list-style-type: none"> ➤ This Local Development Plan – FIFEplan – sets out the policies and proposals for the development and use of land across Fife. ➤ FIFEplan has three main parts to it: <ul style="list-style-type: none"> • The strategy outlines what this Plan is intended to achieve over ten years from its adoption as Council policy. • The policies are the Council's statements on how land will be used and developed. • Proposals for towns and villages across Fife are listed in the settlement plan proposals with references which identify which areas or pieces of land are affected by these proposals. ➤ The council is preparing a new Local Development Plan which is programmed for adoption by 2027. LDP2 will reflect the National Planning Framework 4 requirements and will be place-centred identifying land use policies and proposals to meet the environmental, economic and social context and needs of Fife.

Appendix 4 - Internal influences cont.

Influence	Details
Local Transport Strategy for Fife 2023-2033 (draft for consultation)	<p>Vision: Fife's transport system supports communities with affordable, seamless and sustainable access to all aspects of our daily lives</p> <p>Priorities:</p> <ul style="list-style-type: none">➤ Fair access to daily activities➤ Safe and secure travel for all➤ Just transition to net zero➤ Transport network resilience
Draft Local Housing Strategy 2022-2027 (Sep-22)	<p>Strategic Vision and Outcomes: The Partnership supports the Scottish Government's Housing to 2040 vision for everyone in Scotland to have a safe, high-quality home that is affordable and meets their needs in the place they want to be. In line with this national vision, the Fife Local Housing Strategy 2022-2027 provides a range of housing outcomes.</p> <p>LHS Priorities 2022-2027:</p> <ul style="list-style-type: none">➤ Ending Homelessness➤ More Homes in the Right Places➤ A Suitable Home➤ A Quality Home➤ A Warm Low Carbon Home

Appendix 4 - Internal influences cont.

Influence	Details
Digital Strategy 2020-2023	<p>A Digital Vision for Fife We want a digitally inclusive Fife that ensures that everyone learning, living, visiting and working in Fife has the best digital experience possible.</p> <p>This Strategy aligns to the “Plan 4 Fife” and the 4 key outcomes:-</p> <ul style="list-style-type: none">➤ Digital opportunities for all so everyone has the support, motivation, skills and confidence to use technology safely in their daily lives to improve their health and wellbeing.➤ Digitally connected thriving places to make it easier and affordable for people to get online wherever they are.➤ Investment in Fife’s digital infrastructure and skills development to support the local economy through inclusive growth and jobs.➤ Broader participation in local decision making and community life to improve community led services using digital technology.
Community Wealth Building Policy Framework	<ul style="list-style-type: none">➤ This framework, approved by the Cabinet Committee agrees working towards the release of assets for community transfer and value added.➤ This will be considered in the Council’s approach to future disposal of assets



Capital Investment Plan 2023-33

For Consideration by Fife Council

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Proposed Capital Investment Plan 2023-33

Introduction

The biennial Capital Plan review process has taken place over the last 18 months and this paper draws together and presents the results of that process. It's fair to say that the Council is operating in a challenging financial environment faced with cost pressures as a result of increasing inflation and interest rates.

The proposed Capital Investment Plan builds on the previously approved plan but has been updated to take into account of rising costs resulting from significant construction inflation and revised phasing of existing projects. In addition, the plan recognises a number of pressures that have emerged since the previous review. Overall, the expenditure in the plan has increased by £204.097m to £986.297m.

The Plan continues to recognise the guiding principles outlined in the Capital Strategy including ensuring there is a balance of expenditure between new projects and investment in existing assets to ensure they remain fit for service provision. Services also continue to consider the on-going revenue costs of capital projects when business cases are developed.

Service Review/Increased costs

Throughout the review process existing projects were re-profiled and costings updated to take account of inflationary pressures. The overall increase in expenditure being £132.624m over the 10 years of the plan. This scale of increase in estimated costs highlights the significance that inflation has had on the overall affordability of projects already in the plan. The provision for these inflationary costs eases the pressure on the plan and will ensure that projects have adequate budgets to progress. The increased budgets which have been included in the Capital Review Plan as part of this process have been summarised per theme in the table below: -

	TOTAL
	£m
Opportunities for All	25.209
Thriving Places	20.871
Inclusive of Jobs and Growth	0.088
Maintaining our Assets – Specific Programmes	37.122
Maintaining our Assets – Rolling Programmes	55.526
Other Items	(6.192)
	132.624

The investment in Rolling Programmes has been increased for the first time to recognise the inflationary pressures being experienced.

Pressures

It is recognised that since the previous investment plan was approved some new pressures have emerged and now require to be included in the plan. The following table summarises the pressures included:

Project	£m
Primary Schools	17.000
Glenmar Children's Home	1.600
Broad Street Respite Re provision	2.000
Strategic Transport Intervention Measures	10.258
Site Servicing	6.600
Business Property Portfolio – maintenance	2.210
Net Zero	14.900
Path and Cycleways	0.750
Kingseat Road Railway Bridge	1.130
Catering Equipment	1.900
Landfill and Recycling Development	7.125
East Sand Leisure Centre	6.000
Total	71.473

Reflecting increased costs and pressures takes the revised capital investment plan to £986.297m as detailed in the proposed Capital Investment Plan outlined below.

Funding

The Capital Investment Plan reflects the various funding streams for capital expenditure and additional funding has been added for years 9 and 10. The balance of funding will be sourced from borrowing from the Loan Fund.

Conclusions

Despite challenging financial circumstances an affordable Capital Investment Plan is presented for consideration and facilitates additional investment which covers both inflationary pressures on existing projects and some additional pressures.

FIFE COUNCIL

CAPITAL INVESTMENT PLAN 2023-33

GENERAL FUND

Capital Theme	2023-24 Em	2024-25 Em	2025-26 Em	2026-27 Em	2027-28 Em	2028-29 Em	2029-30 Em	2030-31 Em	2031-32 Em	2033-33 Em	TOTAL Em
Opportunities for All											
Childrens Homes Re provision	0.200	1.225	1.100	-	-	-	-	-	-	-	2.525
Building Fife's Future	0.300	2.991	8.049	20.445	36.187	25.553	8.171	0.913	-	-	102.609
Early Learning and Childcare	0.300	-	-	-	-	-	-	-	-	-	0.300
Primary School Development	4.267	24.058	3.652	13.660	22.500	22.749	12.675	5.244	0.363	-	109.168
Secondary Schools West Fife	66.018	32.869	45.500	3.400	1.000	2.433	4.040	2.335	-	-	157.595
Nursery Refurbishment	0.750	0.800	0.600	0.101	-	-	-	-	-	-	2.251
Free School Meals Expansion	5.450	-	-	-	-	-	-	-	-	-	5.450
Re-provision of Care for Older People	7.931	7.994	5.956	-	-	-	-	-	-	-	21.882
Telehealth Care	0.312	0.318	0.139	-	-	-	-	-	-	-	0.769
Total Opportunities for All	85.528	70.256	64.996	37.606	59.687	50.735	24.886	8.492	0.363	-	402.549
Thriving Places											
Regeneration of Town Centres	2.509	0.267	-	-	-	-	-	-	-	-	2.777
Joint Venture Properties	-	1.000	0.569	-	-	-	-	-	-	-	1.569
Place Based Investment Programme	2.156	-	-	-	-	-	-	-	-	-	2.156
Sustainable Transport	1.150	1.618	1.250	-	-	-	-	-	-	-	4.018
Strategic Transport Interventon Programme - Dunfermline	1.930	6.953	11.204	10.570	5.763	0.200	0.100	0.931	2.260	3.877	43.788
Strategic Transport Interventon Programme - Glenrothes	-	-	0.540	2.381	2.737	-	-	-	-	-	5.658
Strategic Transport Interventon Programme - St Andrews	-	-	0.800	1.900	1.900	-	-	-	-	-	4.600
Community Facilities Programme	2.793	1.975	-	-	-	-	-	-	-	-	4.768
Countryside Programme	0.253	-	-	-	-	-	-	-	-	-	0.253
Adam Smith Creative Hub	1.561	-	-	-	-	-	-	-	-	-	1.561
Sports and Golf Programme	1.143	1.000	0.500	-	-	-	-	-	-	-	2.643
Improving Health through Leisure and Sport	0.615	-	-	-	-	-	-	-	-	-	0.615
Area Community Facilities	0.588	6.810	11.050	3.000	-	1.000	-	-	-	-	22.448
Area Capital Investment	0.491	0.487	-	-	-	-	-	-	-	-	0.978
Sports and Leisure Facilities	2.929	5.265	5.652	0.800	0.555	0.050	0.050	0.050	-	-	15.351
Fife Tourism Infrastructure Programme	0.332	0.631	0.431	-	-	-	-	-	-	-	1.394
Sports, Leisure and Communtiy Assets	0.250	0.500	-	0.194	-	-	-	-	-	-	0.944
Total Thriving Places	18.707	26.507	31.996	18.845	10.955	1.250	0.150	0.981	2.260	3.877	115.528
Inclusive Growth and Jobs											
City Deal Regeneration	0.350	2.650	-	-	-	-	-	-	-	-	3.000
Growing the Economy	0.962	-	-	-	-	-	-	-	-	-	0.962
Industrial Investment Programme	9.804	7.149	7.353	6.307	2.205	1.003	0.133	-	-	-	33.955
Total Inclusive Growth and Jobs	11.116	9.799	7.353	6.307	2.205	1.003	0.133	-	-	-	37.917

FIFE COUNCIL

CAPITAL INVESTMENT PLAN 2023-33

GENERAL FUND

Capital Theme	2023-24 Em	2024-25 Em	2025-26 Em	2026-27 Em	2027-28 Em	2028-29 Em	2029-30 Em	2030-31 Em	2031-32 Em	2033-33 Em	TOTAL Em
Maintaining Our Assets - Specific Programmes											
Business Premises Refurbishment Programme	0.691	0.010	-	-	-	-	-	-	-	-	0.701
Structures Infrastructure Programme	5.116	6.898	15.630	4.602	1.339	0.945	0.689	0.812	0.651	0.671	37.352
Cafeteria Refurbishments	0.125	-	-	-	0.150	0.150	0.150	0.150	0.150	0.150	1.025
Glenrothes Heat	0.850	-	-	-	-	-	-	-	-	-	0.850
Burial Provision	1.500	1.500	1.500	1.500	0.631	-	-	-	-	-	6.631
Pathway to Net Zero	1.480	2.980	3.480	3.480	3.480	-	-	-	-	-	14.900
Landfill Sites	0.750	-	-	-	-	-	-	-	-	2.000	2.750
Recycling Centres	1.875	2.500	-	-	-	-	-	-	-	-	4.375
Business Technolgy Solutions	1.000	-	-	-	1.127	1.108	-	-	-	-	3.234
Total Maintaining Our Assets Specific Programmes	13.387	13.888	20.610	9.582	6.727	2.203	0.839	0.962	0.801	2.821	71.818
Maintaining Our Assets - Rolling Programmes											-
Looked After Children Programme	0.100	0.100	0.100	0.100	0.100	0.100	0.100	0.100	0.050	0.050	0.900
Business Technolgy Solutions Programme (Education)	0.519	0.172	0.483	1.102	2.547	1.817	0.903	0.999	-	-	8.542
Education Rolling Programme	6.067	8.293	10.767	8.171	6.000	6.000	6.000	4.263	4.260	4.260	64.081
Primary School Structural Pressures	-	1.500	1.500	1.500	1.500	-	-	-	-	-	6.000
Health and Social Care Minor Works Programme	0.123	0.108	0.108	0.128	0.100	0.125	0.250	0.250	0.160	0.160	1.510
Health and Social Care Minor Works Programme	0.093	0.108	0.108	0.128	0.100	0.125	0.250	0.250	0.160	0.160	1.480
Business Property Portfolio Programme	0.128	0.428	0.428	0.296	0.296	0.296	0.085	0.085	0.085	0.085	2.210
Site Servicing Programme	0.800	0.800	0.800	0.600	0.600	0.600	0.600	0.600	0.600	0.600	6.600
Contaminated Land Programme	0.214	0.284	0.285	0.285	0.285	0.285	0.285	0.285	0.285	0.285	2.778
Roads Instrastructure Programme	11.410	11.410	6.424	6.770	7.170	7.630	7.912	8.200	8.440	8.735	84.100
Traffic Management Programme	0.850	0.850	0.700	0.750	0.800	0.850	0.900	0.950	1.000	1.050	8.700
Streetlighting Programme	2.210	2.210	1.850	1.945	2.040	2.142	2.250	2.363	2.481	2.610	22.100
Climate Change Programme	2.717	1.969	1.050	1.150	0.650	1.150	1.000	0.910	0.510	0.510	11.615
Public Conveniences Programme	0.025	0.025	0.025	0.025	-	-	0.025	0.025	0.010	0.010	0.170
Vehicle Purchase Programme	2.740	6.860	4.240	4.240	5.240	5.240	5.240	5.245	3.990	3.990	47.025
Purchase of Bins Programme	0.201	0.201	0.201	0.201	0.201	0.201	0.201	0.201	0.210	0.210	2.029
Assets, Transport & Envion Plant & Machinery Replacement Programme	0.243	0.243	0.203	0.203	0.203	0.203	0.203	0.182	0.170	0.170	2.025
Property Maintenance Programme	2.633	2.711	2.711	2.711	2.711	2.711	2.711	2.711	2.660	2.660	26.930
Crematoria and Cemeteries Programme	0.071	0.071	0.071	0.011	0.011	0.011	0.011	0.011	0.040	0.040	0.348
Recycling Centres Plant & Machinery Replacement Programme	0.150	0.140	0.140	0.140	0.140	0.140	0.140	0.138	0.110	0.110	1.348
Fife Resource Solutions Programme	1.850	1.600	1.365	0.830	0.830	0.830	0.830	0.830	0.356	0.355	9.676
Business Technolgy Solutions Programme (Corporate)	0.528	1.671	0.918	1.937	2.138	1.855	1.262	1.141	1.380	1.480	14.309
Disability Adaptations Programme	0.993	0.993	0.990	0.990	0.990	0.990	0.990	0.990	0.990	0.990	9.903
Libraries, Museums, Galleries and Theatre Programme	0.625	0.010	0.010	0.010	0.010	0.010	0.010	0.010	0.110	0.110	0.915
Communities Plant & Machinery Replacement Programme	0.385	0.365	0.023	0.023	0.023	0.023	0.023	0.021	0.030	0.030	0.946
Allotments Programme	0.070	0.070	0.070	0.070	0.070	0.070	0.070	0.070	0.070	0.070	0.700
Parks Development Programme	0.487	0.700	0.700	0.700	0.700	0.680	0.600	0.600	0.640	0.640	6.447
Total Maintaining Our Assets Rolling Programmes	36.231	43.890	36.269	35.015	35.455	34.084	32.850	31.429	28.796	29.369	343.387

FIFE COUNCIL
CAPITAL INVESTMENT PLAN 2023-33
GENERAL FUND

Capital Theme	2023-24 Em	2024-25 Em	2025-26 Em	2026-27 Em	2027-28 Em	2028-29 Em	2029-30 Em	2030-31 Em	2031-32 Em	2033-33 Em	TOTAL Em
Other Items											
Inflation / Contingency Fund	1.097	1.000	1.000	1.000	1.000	1.000	2.000	2.000	2.000	3.000	15.097
TOTAL EXPENDITURE	166.066	165.339	162.224	108.355	116.029	90.275	60.858	43.864	34.220	39.066	986.297
Income											
Other Capital Grants	(3.660)	-	-	-	-	-	-	-	-	-	(3.660)
City Deal and Growth Deal Grants	(6.603)	(7.359)	(5.427)	(3.926)	(2.004)	(0.896)	-	(0.012)	-	-	(26.228)
Contributions	(1.576)	(1.808)	(0.833)	-	-	-	-	-	-	-	(4.218)
Developer Contributions	(5.786)	(13.459)	(7.448)	(11.829)	(12.490)	(31.807)	(27.401)	(19.296)	(20.789)	(11.983)	(162.288)
Capital From Current Revenue (CFCR)	(14.476)	(17.925)	(17.400)	(11.601)	(1.500)	-	-	-	-	-	(62.903)
Total Income	(32.101)	(40.552)	(31.109)	(27.356)	(15.995)	(32.704)	(27.401)	(19.308)	(20.789)	(11.983)	(259.296)
Net Expenditure	133.965	124.787	131.116	80.999	100.034	57.571	33.457	24.555	13.431	27.084	727.000
Funding											
Scottish Government General Capital Grant	(40.776)	(25.000)	(25.000)	(25.000)	(25.000)	(25.000)	(25.000)	(25.000)	(25.000)	(25.000)	(265.776)
Capital Receipts	(0.647)	(0.696)	(7.233)	(0.357)	(0.662)	(1.082)	(0.265)	(5.427)	(0.073)	(1.871)	(18.313)
Cost of Sales	0.008	-	0.008	-	0.006	0.008	-	0.008	-	-	0.038
Borrowing from Loans Fund	(92.551)	(99.091)	(98.891)	(55.642)	(74.377)	(31.497)	(8.192)	5.863	11.642	(0.213)	(442.950)
Total Funding	(133.965)	(124.787)	(131.116)	(80.999)	(100.034)	(57.571)	(33.457)	(24.555)	(13.431)	(27.084)	(727.000)



FIFE COUNCIL MEETING

THURSDAY 22 JUNE 2023

AGENDA ITEM NO 9 (b) – CAPITAL INVESTMENT PLAN 2023-33

MONITION OF BEHALF OF THE ADMINISTRATION

“That the Council –

- 1) Note the report by the Executive Director Finance & Corporate Service presenting the proposed Capital Investment Plan 2023-33
- 2) Approve the Capital Strategy at Appendix 1 of that report
- 3) Agree the revised Capital Investment Plan 2023-33 at Appendix 2 of that report
- 4) Approve the terms of the Administration’s statement and the attached investment proposals to commit £19m available one-off funding
- 5) Approve prudential indicators at Appendix 3 of the report
- 6) Agree that a further review of the capital plan be carried out during 2024-25

Proposed by : Cllr David Ross

Seconded by : Cllr Altany Craik



Capital Investment Plan 2023-33

Administration Statement

Contents

Page	Description
1 - 3	Capital Plan Proposals 2023-2033

Administration Capital Plan Proposals 2023-2033

This paper sets out the Administration's response to the proposed capital expenditure plan for the coming 10 years with the next regular two-yearly review to take place in 2024-25. These proposals build on the previous plan but have been updated to take into account additional pressures, revised phasing and costings.

The proposals also continue to recognise the need to invest in maintaining existing facilities and infrastructure.

Services are directed to consider the on-going revenue costs of capital projects when developing their business cases. The timing of some projects is indicative and could be subject to a degree of flexibility, particularly in the later years of the programme, depending on circumstances and funding availability.

In a time of reducing resources, the review of the Council's capital plan this year has also been undertaken in the context of numerous uncertainties relating to costings and funding of projects. Even with the agreed move of final consideration of the revised plan from February to June, many of these uncertainties still remain. As well as the impact of construction inflation, there are specific uncertainties relating to:

- Scottish Government funding for a new secondary school in Glenrothes to replace the ageing Glenrothes High School and Glenwood secondary schools.
- The future of swimming and leisure provision in West Fife in the context of the current statutory consultation on the move of the existing Inverkeithing Secondary School to Rosyth, the move from Woodmill to the new Dunfermline Learning Campus, and the agreed feasibility study for a new Dunfermline sports centre.
- Possible Scottish Government funding for 1:1 devices for school pupils.
- The ongoing review and long term strategy for maintenance and replacement of the Council's vehicle fleet.
- Future funding for major flood prevention and mitigation projects.
- Climate change requirements including the upgrading of insulation and carbon reduction measures relating to Council buildings and operations, and uncertainties around national funding for the EESH2 programme for upgrading of council housing.

These continuing uncertainties mean that we will have to delay decisions on some major investments until the Autumn and it is likely that a significant revision of the plan will be required as we come to the next scheduled review in 2024-25.

However, it is important that we agree a firm plan at this point in time, including some of the known pressures we must respond to, in order to give certainty to Services as they plan their operations for the coming period.

The plan will be central in addressing our three overarching priorities of tackling poverty and supporting vulnerable people, supporting the local economy and addressing the challenges of climate change. The significant level of investment the Council will be making through its capital plan will make a major contribution towards community wealth building.

The report by the Executive Director for Finance and Corporate Services sets out proposals to reach a balanced position for the capital plan, including a range of pressures identified by Services. This report also highlights headroom of £19m that is available for one off investment in capital or revenue projects. The Administration accepts this report as the starting point for the revised capital plan.

This information has been shared with all political groups and the Administration has had discussions on the capital plan with all political groups. Informed by these discussions there are a number of pressures included for funding in the Executive Director's report that we would highlight and there are also a number of additional investments we are proposing to be funded at this point by means of the headroom identified. We believe these proposals have broad cross party support.

Taking the Executive Director's report as the starting point, including the pressures identified in that report, at this stage, we propose to retain £13.5m earmarked to help address some of the major investments likely to be required as these are clarified over the course of this year. These are:

- The possible need for investment in new or existing swimming and leisure facilities in West Fife.
- Investment in 1:1 devices for school pupils as options are developed and Scottish Government funding is clarified.
- Investment in the Council's vehicle fleet once the current review and development of a long term strategy is completed. In the meantime, £4m in the current capital plan will be advanced from later years to provide immediate investment in the fleet.

In addition to these investment priorities, there may be a need to adjust the plan to take account of Scottish Government funding decisions on the school estate. Related to this, it is recognised that investment is required in the refurbishment or replacement of Balwearie High School, the remaining secondary school in need of major investment on grounds of accessibility. £8.3m is included for Balwearie within the Education Rolling Programme for upgrading of the building in the short to medium term, but a long term solution will need to be considered in a future review of the plan.

Some of the specific projects included in the plan set out as pressures in the Executive Director's report include the re-siting of Cupar Recycling Centre, Glenrothes and St Andrews Strategic Transport Initiatives, improvements to East Sands Leisure Centre, improvements to the Business Property Portfolio and reprovisioning of Broad Street Respite provision.

The plan also includes additional investment related to addressing climate change issues, including £14.9m for the pathway towards net zero in both non-domestic buildings and in the Business Property Portfolio.

The Council is currently refreshing its climate change action plan, and this will guide future investment priorities. In the short term, it is proposed to invest £0.500m in a flood fund through the Flood Forum, to assist residents severely impacted by regular flooding. Flood studies will be advanced for Rosyth and Valley Gardens, Kirkcaldy in addition to studies currently in the plan, and investment to bring forward work to address flooding at Freuchie Mill is included in the overall climate change programme of £11.6m.

Significant investment is being made on roads over the next two years. The next review of the capital plan will need to consider options to maintain this level of investment over the longer term.

Additional investment of £2m each will be allocated to the development of the planned community hubs for Dalgety Bay and Glenwood (Glenrothes) as part of the regeneration initiative. It is hoped that this investment will allow the leverage of additional external funding into these projects.

New investment of £0.500m and £0.250m respectively will be made in upgrading and required additional car parking for Sandy Brae and Kelty community centres. The current

allocation for Rockgelly will be redesignated for community facilities in Lochgelly as these have to be relocated from the Town Hall and £250k will be invested in completion of outstanding environmental improvements in Kirkcaldy town centre.

We will continue to work with the Executive Director of Finance and Corporate Services and the Finance Team to identify possible sources of additional headroom for capital investment in the future.

Summary of Additional Investment	£m
Glenwood Community Hub	2.000
Dalgety Bay Community Hub	2.000
Flood Fund	0.500
Community Centre Parking and Upgrading (Sandy Brae and Kelty)	0.750
Completion of Environmental Improvements (Kirkcaldy)	0.250
Retained for major investments	13.500
Total	19.000

22 June 2023

Agenda Item No. 10

Religious Representatives Voting Rights and Appointment

Report by: Executive Director Finance and Corporate Services

Wards Affected: All

Purpose

To allow Council to determine its position in relation to religious representatives' voting rights at Committee and to invite Council to appoint a new representative for the Church of Scotland position.

Recommendation

It is recommended that Council

1. Note that it is a legal requirement to appoint three religious representatives to a committee advising the authority on, or discharging, functions of the education authority;
2. Consider the content of this report and then determine its position in relation to the voting rights of religious representatives;
3. Delegate authority to the Head of Legal & Democratic Services to make any consequential changes to Standing Orders (includes those approved at this meeting) and the List of Committee Powers, following Council's determination;
4. note the resignation of Mr Brian Blanchflower effective from 26 May 2023 and the subsequent nomination of Ian Macaulay as the Church of Scotland religious representative; and
5. agree the appointment of Ian Macaulay.

Resource Implications

There are no direct resource implications arising from the content of this report.

Legal & Risk Implications

This paper includes a dedicated section on the legal framework of the religious representatives voting position. In summary, the legal advice to Council is that it must continue to appoint three religious representatives to its Committee/s which

discharge the functions of the education authority, but Council is free to determine whether those members have voting rights.

There is a risk of legal challenge to any decision to remove voting rights from religious representatives particularly in the absence of any specific legislative provision which requires (or otherwise) religious representatives to be able vote. The advice provided on the legal position in this paper is a matter of interpretation and it is possible that a court could reach a different view. It is equally possible that, in the future, the Council may face a challenge to any decision to retain voting rights for religious representatives.

Impact Assessment

An EqIA and summary form have been completed – the summary form is attached to the report.

Consultation

The Head of Legal and Democratic Services met with Mrs Mary Caldwell, Mr Brian Blanchflower and Mr Alastair Crockett, the then current religious representatives, to ascertain their views in relation to the issue of voting rights in February 2023. These views are summarised below.

The Church of Scotland, Roman Catholic Church and all churches and denominational bodies having places of worship in Fife have been consulted in relation to this report through a survey. This survey was also made available to others who expressed an interest in completing it. The responses to the survey, and other representations received, are summarised below.

The Leader of the Council, the Spokesperson for Communities and Leisure, Councillor Erskine and the Head of Legal & Democratic Services met with representatives of the Roman Catholic Church in May 2023 in response to a request for engagement in relation to the process and timescale for this report and decision.

1.0 Background

- 1.1 At the meeting of Fife Council on 9 June 2022, the Council considered its first report on religious representatives for the new session and agreed to reappoint Mr Haggerty of the Roman Catholic Church and to appoint Mr Blanchflower of the Church of Scotland, as nominees from their respective religious organisations and as persons interested in the promotion of religious education. Council also agreed to defer the appointment of a third person interested in the promotion of religious education to allow further information to be sought and consultation with religious groups in Fife.
- 1.2 At the meeting of Fife Council on 29 September 2022 the Council noted the resignation of Mr Haggerty and appointed Mrs Caldwell as the nominated representative of the Roman Catholic Church. The Council voted to appoint Mr Crockett of the Baptist Church as the third religious representative by 27 votes to 10 votes, with 33 abstentions. Council was advised that the third religious

representative should be appointed on the basis of the comparative strength in the local area of the denomination/s applying for appointment. The most recent census data for Scotland (2011) indicates that "other Christian" was the next most identified with religion in Fife (after Church of Scotland and Roman Catholic denominations). Mr Crockett had also been appointed as the third religious representatives in previous administrations. It is anticipated that census information for 2021 will begin to be published in Autumn 2023 and it may be that Council will be required to review the third representative if there is a change in relation to the comparative strength of denominations in Fife.

- 1.3 At the meeting of Fife Council on 8 December 2022 the Council agreed a motion from Councillor Boubaker-Calder seconded by Councillor Dillon to have a report brought back to full Council in 2023 to consider the voting rights of religious representatives, including consideration of the option to remove those rights. An amendment from Councillor Neal, seconded by Councillor Steele, called for the immediate removal of those voting rights. Following a vote the motion was carried by 40 votes to 30, with two abstentions.
- 1.4 In the current committee structure religious representatives are members of the Cabinet Committee and the Education Scrutiny Committee. They also are members of the panel for Education Appeal and Education Appointment Committees. There have only been two occasions where Mr Crockett has voted – once at Cabinet Committee and once at Education Scrutiny Committee. The other representatives have not voted to date. Religious representatives have been much more likely to attend the Education Scrutiny Committee than the Cabinet Committee.
- 1.5 The Church of Scotland's Faith Impact Forum produced guidance in April 2022 on participating in decisions making which provided the following advice "even when Church of Scotland representatives are invited to take part in decision-making on matters of policy, they should normally decline or abstain. Voting on matters of policy or on controversial decisions should be for the democratically elected members of the committee." It may be that other organisations have also produced guidance for their members.

2.0 Religious Representatives voting consideration

2.1 Current Standing Orders and Committee Powers

- 2.1.1 Fife Council's current Standing Orders (approved in May 2022 at the first meeting of Council after the local government election in May 2022) provide that religious or other persons appointed as voting members of Committees shall be entitled to speak, vote or move or second an amendment in the same way as other full members of the Committee (SO 2.3). Aside from elected members and the three religious members there are no other voting members in Fife Council's structure. Religious representatives are specifically given the right to vote on education matters only in the Cabinet Committee and Education Scrutiny committee.
- 2.1.2 Standing Order 2.3 also provides that religious representative members shall not be entitled to participate in the call-in process (they would not be entitled to vote on any matter called in by the Education Scrutiny committee by virtue of their membership of the Cabinet Committee in accordance with Committee Powers). These provisions ensure that only elected members can use the call-in process to consider a decision of another committee and that religious representatives are treated the same as

elected members of the Cabinet Committee, in that they do not have a right to vote at the Scrutiny Committee on (education) matters called in from the Cabinet Committee.

- 2.1.3 As indicated above, there are two other committees which include the religious representatives within their membership: Education Appeals Committee (where religious representatives count as a member of Council for the purposes of the panel) and Education Appointment Committee (where religious representatives may be one of two Council members on an appointment panel). The pool of elected members appointed to these two committees is politically balanced but the individual panels are not. These panels should take decisions on the merits of the matter being considered and it would not be appropriate for voting rights to be withdrawn from religious representatives acting as panel members in these circumstances. This is considered to be a distinct issue from that of voting rights on policy matters at Committee.
- 2.1.4 Committee Powers does include a provision which permits co-option of members to Committee where Council is of the view that such co-option would be beneficial to the work of the committee. These members would be non-voting unless otherwise provided for.
- 2.1.5 Fife Council will be invited to approve a revised set of Standing Orders at the same meeting as this paper is considered. The draft version of those Standing Orders replicates the current position providing for voting rights for religious representatives, but could be amended by delegated authority should Council take a different decision.

2.2 *Legal position*

- 2.2.1 Section 57 of the Local Government (Scotland) Act 1973 (the 1973 Act) provides that a local authority may appoint a committee for the purpose of discharging any of its functions. This includes its functions as education authority. Fife Council has appointed the Cabinet Committee and Education Scrutiny Committee to discharge its education functions. The section goes on to provide that a Council shall also fix the number of members appointed to a committee and can make provision for the inclusion of non-elected members on committees.
- 2.2.2 Paragraph 5 of Schedule 7 to the 1973 Act states that questions arising before committees are to be decided by a majority of those members present and voting at that meeting. It is this paragraph that is relied upon by those in favour of retaining voting rights for religious representatives. Paragraph 8 of Schedule 7 to the 1973 Act states that a council may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders. This is subject to any other provisions of the 1973 Act.
- 2.2.3 Section 124 of the 1973 Act makes provision for the membership of committees discharging education functions, requiring that at least half of the membership of the committee must be elected members and there must also be three non-members of the authority who meet the requirement of the religious representative criteria. These individuals cannot also be elected members. The criteria for Fife Council are a) one representative of the Church of Scotland, nominated in such manner as may be determined by the General Assembly of the Church; b) one representative of the Roman Catholic Church, nominated in such manner as may be determined by the Scottish Hierarchy of the Church; and c) one person in the selection of whom the

authority shall have regard to the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there. In accordance with section 124 an education authority may also appoint persons who are not members of the authority to be members of a committee (and section 57 of the 1973 Act). Other authorities have chosen to co-opt members such as young people or teacher representatives.

- 2.2.4 The 1973 Act is silent on the voting rights of members of an education committee who are not elected members of a local authority both in section 124 and 57. Schedule 7 Paragraph 5 provides that question should be decided by majority but the paragraph does not address who is entitled to express a vote. As councils are empowered to regulate their own proceedings by way of standing orders, it is the view of those who consider that voting requirements are matters for the discretion of councils that this can be justified through Schedule 7 Paragraph 8 on standing orders, allowing local authorities to determine the voting rights of religious representatives in the absence of other provisions.
- 2.2.5 Section 14(1) of the Local Government and Housing Act 1989 (the 1989 Act) is the only other statutory provision that appears to relate to this issue. However, this section is currently only in force to the extent that the Secretary of State has been given power to make regulations under it and therefore the following is not a statement of the current law. Notwithstanding, it is useful to review the parliamentary intention expressed in the 1989 Act. Section 14(1) provides that, subject to certain exceptions, a person who is a member of a committee appointed under Section 57 of the 1973 Act by a relevant authority and is not a member of that authority, shall for all purposes be treated as a non-voting member of that committee. This would include the non-elected non-religious members of an education committee appointed under Section 124 of the 1973 Act, such as young people or teacher representatives.
- 2.2.6 However, in relation to religious representatives, Section 14(6) of the 1989 Act provides that “nothing in this section shall prevent the appointment as a voting member of a committee such as is mentioned in subsection (1) of section 124 of the 1973 Act; or of a person such as is mentioned in subsection (4) of the said section 124.” It is possible, therefore, to interpret that the intention behind these sections would more explicitly give councils the *discretion* to allow religious representatives on its committees to have voting rights and, by definition, where voting rights have been conferred, it is within the power of a council to subsequently revoke such voting rights.
- 2.2.7 Finally, returning to section 56 of the 1973 Act, would revoking religious representatives voting rights still allow the Council to discharge its functions? In terms of section 56 of the 1973 Act discharge of functions of a local authority includes “*the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions*”. It is clear that there is a statutory requirement for councils to appoint religious representatives in order to discharge its education functions. There does not appear to be any authority which requires those religious representative to vote in order for those functions to be properly discharged, where instead the provision of advice or guidance would facilitate, or be conducive, to decision-making and the discharge of functions.

2.3 Consultation

This section summarises the responses from the consultations with then current religious representatives, the survey that was carried out and other emails engagement since the Council decision in December.

2.3.1 Perspective of then current religious representatives – key themes

Roman Catholic representative on behalf of the Catholic Church

- Representatives have the same rights and work to the same code as elected members
- The role is taken seriously by the representative
- The Council gains an advantage from the relationship in terms of the knowledge and experience of the representative and the partnership working
- There are very few votes that take place
- Each religious representative has the responsibility to represent their own religious community
- There is a stringent process for nomination
- The process has the support of the Catholic community
- The representative is a tool to cascade education matters

2.3.2 Church of Scotland representative – personal view

- Religious representatives should not be entitled to vote
- Religious representatives have a privileged position
- There is no statutory requirement to have voting rights
- Religious representatives have much to offer but voting is for democratically elected members

2.3.3 Third representative- personal view

- Voting rights were given at the start of the appointment and should not be revoked
- Has been elected and would be disenfranchised by having the vote removed

2.3.4 Results from the survey

A survey was issued to faith leaders across Fife and was also made available to others who wished to participate. There were 14 responses from both groups and individuals, 12 of which indicated religious affiliation. The other responses were from branches of the humanist society. Of the 12 responses with some religious affiliation only two responders thought that religious representatives should not be able to vote, a position which both of the humanist responders agreed with. Below is a summary of the key themes from the responders who were in favour and against religious representatives voting at committee.

2.3.5 In favour of retaining vote

- If we have faith schools it is only fair that faith communities have a say on decisions relating to those schools
- Having a say without a vote is tantamount to having no say at all

- Religious representatives represent a constituency of voters – the faith community - which is the largest voluntary community in Scotland
- Meaningful participation requires a right to vote
- Three members cannot overturn party political votes
- Faith representatives are well placed to contribute to the holistic view of the child as required by GIRFEC, SHANARRI and the UNCHC

There were also a number of responses that replicated the points made above on behalf of the Roman Catholic church.

2.3.6 Against allowing vote

- The representatives are not democratically elected and are unaccountable
- Their decisions may have a profound effect on the electorate and all children – not only those with a religious association
- Religious representatives should have an opinion but not a vote

2.3.7 **Emails**

There were a number of other communications, including one directing engagement with the secular society which advocates for the removal of religious representatives from local authority decision and advocates against those representatives voting.

2.3.8 View of Secular Society

- Citizens of all faiths and beliefs can contribute to decisions about education through the democratic processes of seeking election
- reserving a special role in policymaking for representatives of specific religious institutions runs counter to principles of equality (excluding the majority of Scottish citizens based on their protected characteristics of religion and belief) and creating a hierarchy of inequity, caused by one place each being provided for Catholics and members of the Church in Scotland, while representatives of all other religions must compete for the remaining one
- They don't represent the interest of religious citizens but organisations
- They don't have special moral insight – and if they do decision makers could still seek their insight as part of an information gathering process before the elected member votes
- Recognising the history of the church in educational matters but do not consider that this holds in modern society
- Insulated from protection of the ballot box as nominated not elected members
- Removal is not an attack on faith

2.4 *Additional Considerations*

2.4.1 This paper covers religious representative voting rights only. The operation of denominational schools will not be directly affected, other than by a potential change in who is eligible to vote on policy matters relating to those schools.

2.4.2 In addition, there will be no change to the process for the teacher appointment requirements. The Education (Scotland) Act 1980 states that “A teacher appointed to any post on the staff of any such school by the education authority shall be required to be approved as regards religious belief and character by representatives of the

church or denominational body in whose interest the school has been conducted” and this process will continue. The current process for approval for Catholic education is understood to require the teacher to make an application including a statement referring to the distinctive features of Catholic schools and to provide referees who can testify to the applicant’s religious beliefs and character. The teacher must also have a certificate of religious education. The Bishop then determines whether the teacher is suitable for a particular post. There is a right of appeal. Local authority appointments should only be made when the approval is confirmed.

- 2.4.3 It is also anticipated that regardless of the outcome of the Council decision on voting matters, religious representatives would continue to count towards a quorum at a meeting. Religious representatives would not be permitted to use a substitute, as the nomination (for two of the posts) and the appointment for all three is a personal appointment based on either nomination from the church or the Council’s assessment of the comparative strength in the local area of the denomination/s applying for appointment. Regardless of the outcome of the Council decision on voting matters, religious representatives would also continue to have the ability to ask questions, participate in debate and bring forward or second a motion. They would continue to be eligible to receive confidential papers where necessary.
- 2.4.4 However, removal of voting rights would result, in terms of the current Standing Orders, in religious representatives being unable to vote, should there be a motion to suspend standing orders. That is considered to be in line with Committee Powers which provides that Standing Orders are reserved to full Council and therefore a matter for elected members only. In addition, under the current Standing Orders, a religious representative without voting rights would be unable to bring forward a notice to rescind.
- 2.4.5 The Code of Conduct for Councillors is also directed at co-opted members of committees who are not elected members, including religious representatives on Education Committees. The voting position of religious representatives will not alter the standard of conduct expected of them in terms of the Code.

2.5 *Other Councils’ approach*

- 2.5.1 The majority of Scottish local authorities have retained voting rights for elected members. Sometimes those voting rights extend to every item considered by the Committee to which the religious representatives are appointed and some, like Fife Council, interpret the voting right to be restricted to education functions and invite the religious representatives only for those items. It is understood that some local authorities take the view the membership of a committee brings with it a right to vote and that therefore membership and voting rights are inalienable.
- 2.5.2 The Scottish Government appears to take a different view (according to a Scottish Government spokesperson in a media release several years ago) and considers that voting rights for religious representatives are a matter for each authority to take a decision on and that it is therefore competent for local authorities to remove voting rights. This position statement is often quoted by elected members in other authorities moving motions seeking the removal of voting rights but does not appear to be set out in any formal Scottish Government paper.
- 2.5.3 The first authority to remove religious representatives’ right to vote is believed to be Perth & Kinross Council on 24 April 2019. The decision came about by way of

motion to the full Council. It is understood that this followed a committee meeting considering a school closure proposal at which two of the religious representatives voted – with the outcome of the item not representing the (slim) majority view of elected members. It is believed that Perth & Kinross Council’s committee may also have had members including youth members, teachers and parents who could not vote.

- 2.5.4 On 30 June 2021, Moray Council considered a paper reviewing its governance arrangements following some changes which had been implemented in response to the covid pandemic. One of the suggestions for their council to consider was the removal of voting rights for elected members. This was one of only two proposals which attracted a vote at the meeting of Moray Council and the removal of voting rights was supported by a majority of councillors.
- 2.4.5 On 3 May 2023 Orkney Council also considered a motion to end voting rights for religious representatives on its Education, Leisure, and Housing committee. This motion also received majority elected member support.
- 2.4.6 Most recently, on 11 May 2023, The Highland Council considered a motion to remove voting rights and again this was passed by the majority of elected members.
- 2.4.7 All of these decisions to remove voting rights have come mid-way in the local government election cycle (rather than with the approval of the first set of standing orders and before the religious representatives are appointed) with only one decision being made as a result of a formal review of governance report recommendation. It is understood that other local authorities, including City of Edinburgh Council may be considering the issue, but to date, no reports or motions have been forthcoming.

2.6 *Risks*

- 2.6.1 As indicated above, there is the possibility of legal challenge in relation to any decision regarding religious representatives voting. Other authorities who removed, or contemplated removing, voting rights had anticipated being judicially reviewed although that has not come to pass.
- 2.6.2 It is likely that any decision taken will result in media coverage and commentary, as decisions of other local authorities have done recently. Publication of the Council agenda may result in increased lobbying of Councillors.
- 2.6.3 A decision to remove voting rights could be perceived negatively by the currently appointed religious representatives and has the potential to damage positive working relationship. That concern has been addressed in the meeting with the religious representatives and it should be made clear that any decision to remove voting rights does not reflect on any individual’s contribution to the Council.

2.7 *Church of Scotland nominee*

- 2.7.1 The Council has received a nomination for Mr Ian Macaulay from the Fife Presbytery of the Church of Scotland. It is understood that Mr Macaulay has agreed to the nomination on a meeting by meeting basis.

3.0 Conclusion

- 3.1 This paper provides information for members to consider when reaching a view on religious representatives voting rights.

List of Appendices

1. Summary form EqIA

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Equality Impact Assessment Summary Report

Which Committee report does this IA relate to (specify meeting date)?

Fife Council on 22 June 2023

What are the main impacts on equality?

Fife Council is under a duty to consider the impact of policies on people who share protected characteristics. The protected characteristic which is central to this paper is “religion and belief”. In this context, religion means any religion and a reference to religion includes a reference to a lack of religion. Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief. A protected belief must be more than an opinion or a viewpoint, and it should be serious, genuinely and sincerely held, and worthy of respect in a democratic society. It should also be compatible with human dignity and should not conflict with the fundamental rights of others. The law protects adherents to all the generally recognised religions. It also protects people without any religion or belief, including humanists and atheists.

The Council is being invited to consider its position on voting rights for religious representatives. Currently three religious representatives have voting rights, two because of their nomination from nationally recognised religious in Scotland – the Church of Scotland and the Roman Catholic Church. A third representative is drawn from the next largest religious denomination in Fife which is “other Christian” according to the census.

One of the arguments against removing voting from religious representatives is that it would not foster good relations (which Fife Council must have due regard to as part of its general equality duty) with those religions that currently enjoy voting rights. The contrary position is that there may a negative impact on good relations with other religions or beliefs who do not enjoy a vote on Fife Council’ committees (or indeed with members of the public who have no religion or belief and are also not provided with a vote because they have an absence of religion or belie)f, if the Council decide that religious representatives should retain their vote. It is suggested that there could be both a positive and a negative impact on those with the protected characteristic of religion and belief in relation to this matter.

The Council must also advance equality of opportunity between people who share a protected characteristic and those who do not. Council should consider this when establishing its position on voting rights.

In relation to a strategic decision, how will inequalities of outcome caused by economic disadvantage be reduced?

There are no inequalities of outcome caused by economic disadvantage in relation to this decision.

What are the main recommendations to enhance or mitigate the impacts identified?

This decision is a matter for Council and there no recommendations made at this point as the impact will depend upon the decision Council make. During the consultation, it has been advanced that the existing situation where voting rights are provided to religious representatives impacts on the Council's responsibility to have due regard to equality of opportunity and fostering good relationships with all religions and beliefs and those with none. It's anticipated that any removal of voting rights, while potentially addressing issues raised by some with particular religions or beliefs, could then have a negative impact on others with different religions or beliefs although it would result in parity with those who have no religion or belief.

The Council is required by law to consider the impact of policy decision on those with protected characteristics such as religion and belief. The EqIA process, for future policy decisions, should enable Council to consider the impact of future policy decisions on those with a religion or belief protected characteristic.

If there are no equality impacts on any of the protected characteristics, please explain.

Not applicable

Further information is available from: Name / position / contact details:

Lindsay Thomson
Head of Legal & Democratic Services

22 June 2023

Agenda Item No. 11

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 23 June 2023, (subject to any changes required by the Council's determination on the voting position of religious representatives); and
- (2) note that it is intended that updated Lists of Committee and Officer Powers will be submitted to the meeting of Fife Council, on 21 September 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.
- 1.2 The Council at its meeting on 16 March 2023 agreed to defer consideration of the report to a future meeting of the Council to allow for further consultation with political groups, which has now been undertaken.

2.0 Issues and Options

- 2.1 The Council, at its meeting on 19 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 9 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 provided on membership
 - **Section 5 (Ordinary Meetings)** - clarification on scheduling of meetings
 - **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)** – Explanation on Petitions process and clearer narrative and consistency in the timings for speakers and those attending. Deputations can also be heard by Cabinet Committee
 - **Section 16 (Substitute Members)** – added, for ease of reference, originally detailed in Committee Powers and deadline for substitutes extend to 4pm on the day before the relevant meeting or 9am on the day of the meeting if this falls on a Monday
 - **Section 17 (Failure to Attend Meetings)** – updated to provide further clarification on process
 - **Section 19 (Quorum)** – Committees will no longer formally 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 explanation on process is set out within Appendix 5 of the Standing Orders
- **Section 27 (Procedural Motions)** – new section to explain the process
- **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, subject to the Provost’s discretion
- **Section 29 (Motions and Amendments (General))** – amended so that any motion proposing to alter the recommendation(s) of the report will be dealt with as an amendment and where there is agreement to conjoin a motion and amendment there will be no debate
- **Section 33 (Quasi-judicial Items of Business)** – guidance 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 September 2023 meeting of Fife Council.

2.7 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 23 June 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	23 June 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 ten working 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, or, if the meeting is convened at shorter notice, then at the time it is convened.

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) Question Time
- (9) Statutory or other competent business
- (10) Notices of motion
- (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) Members should consider the following criteria:-
- That members be given equal opportunity to ask questions
 - The same or similar question cannot be asked again within twelve months, unless new or relevant information has come to the attention of the member/council.
- (3) The member will advise the Proper Officer of their question in writing not later than 12noon, seven working 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 substantive 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/Cabinet or Area Committee) and/or Petitions (Area or Cabinet Committee only)
 - (4) Public Questions (refers to Area Committees only)
 - (5) Minute of the previous meeting
 - (6) Statutory or other competent business
 - (7) Notices of motion (if permitted in terms of Standing Order No. 10.1)
 - (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 All Notices of Motion should be submitted to the Proper Officer in writing not later than 12noon, eight working days prior to the meeting.
- 10.6 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.
- 10.7 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.

- 10.8 When determining the competency of the Notice of Motion, the Proper Officer may have regard to the following (not exhaustive):
- (1) the judgement of the Chief Executive, the relevant Executive Director(s) and the Proper Officer is that the matter is already being considered by Council or Committee. 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 proposes expenditure and does not identify a source of funding.
- 10.9 Notices of Motion will be considered incompetent if the Proper Officer determines that the motion is unlawful.
- 10.10 If the Proper Officer rules the motion incompetent, it will not appear on the agenda for the meeting.
- 10.11 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.
- 10.12 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).
- 10.13 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.
- 10.14 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.
- 10.15 A member can make non-material alterations to their motion, with the consent of the Convener.
- 10.16 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.
- 10.17 Members submitting amendments to any Notice of Motion placed on the agenda should consult with the relevant Service prior to submitting the amendment to assist with determination of competency.

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 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
- 11.2 Any motion for removing an Area Convener or a member of a Committee or Subcommittee- (excluding Area Committee) may be brought forward at a relevant meeting of the Area Committee, Committee or Sub Committee as appropriate and be carried by a majority vote by those members present and eligible to vote at the meeting at which the motion is put. If a majority decision cannot be reached the matter will be referred back to full Council for determination.
- 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, Cabinet, 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, Cabinet 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 by 12noon 10 working days before the relevant meeting. Any documentation that a deputation may wish to circulate to the Council, Cabinet 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 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 relevant Area or Cabinet Committee.
- 13.5 The lead petitioner will be invited to the meeting of the relevant Area or Cabinet 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 Where a petition has been accepted, the outcome of the Committee consideration shall be reported to the lead petitioner on publication of the minute.

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, or 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 ten working 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 (unless the Convener exercises their discretion) 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 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 12noon, 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 12noon, two working 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, Planning or Area Committees.
- 16.2 Political groups can consider nominating designated substitutes members for those Committees where PVG membership is required. Those substitute members will be deemed to be members of the Committee but will only be able to attend when substituting for the original member. Nominated substitute members must hold the requisite PVG membership for the Committee for which they are nominated substitute.
- 16.3 Political Groups should advise the Proper Officer of any substitutes by 4pm on the day before the relevant meeting, except where meetings are held on a Monday, in which case notification should be submitted by 9am 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 a 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 12noon, six working 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 12noon, three working 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) unless otherwise determined by the Provost in consultation with the Proper Officer.

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 In order to allow for an assessment of competence motions (where they relate to reports on the agenda) or amendments should be provided to the Proper Officer and Committee Officer in advance of the item to which they relate where possible 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 A motion or amendment is not competent if it would require the incurring of expenditure and the source of funding is not identified.
- 29.5 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.
- 29.6 The Convener may suggest an adjournment to offer any relevant officer an opportunity to assess the competency of any motion or amendment.
- 29.7 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.
- 29.8 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.
- 29.9 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.
- 29.10 Where there is agreement to conjoin a motion and amendment, there will be no debate.
- 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 unless otherwise determined by the Provost in consultation with the Proper Officer. 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 12noon, 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 in a fair and reasonable manner 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(s) 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 should not last longer than seven hours (said duration including, for the avoidance of doubt, any break(s) in proceedings), subject to the Convener's effective management of the meeting.

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 and Leaders of Political Groups, 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.

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 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 23rd June 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 outwith 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.

Where possible, members should consult with the relevant Service prior to submitting the motion to assist with determination of the motion.

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?
- 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.

22 June 2023

Agenda Item No. 12

Contract Standing Orders Scheme of Tender Procedures

Report by: Les Robertson, Head of Revenue and Commercial Services

Wards Affected: All

Purpose

The purpose of this report is to seek the approval of Fife Council to adopt the proposed revised Contract Standing Orders Scheme of Tender Procedures.

Recommendation(s)

Council is asked to accept and approve the adoption of the proposed new Contract Standing Orders Scheme of Tender Procedures.

Resource Implications

Increasing the thresholds above which Fife Council Contract opportunities require to be advertised (Works) should reduce overall resource requirements from carrying out full regulated procurement activity (in Fife Council this is currently anything over £500,000 for Works requirements) for procurements that are regulated at £2m.

Legal & Risk Implications

The Council's Contract Standing Orders Scheme of Tenders are required to comply with the following procurement legislation:

- The Public Contracts (Scotland) Regulations 2015
- The Procurement Reform (Scotland) Act 2014
- The Procurement (Scotland) Regulations 2016

Doing nothing risks that procurements undertaken by Fife Council Officers do not fully reflect current legislation and procurement practices/organisation within the Council and Public Sector in general and take recognisance of Council Policies.

Impact Assessment

The general duties section of the impact assessment and the summary form has been completed – the summary form is attached to the report.

Informal consultation took place with key stakeholders throughout the review process, namely colleagues from Legal Services and Services with Delegated Procurement Authority. Formal consultation took place between January 2023 and April 2023 via Council Executive and Leadership Team, and Elected Members.

1.0 Background

- 1.1 The contract Standing Orders Scheme of Tender Procedures is one of the Schemes of Administration that the Council is required by statute to have in place.
- 1.2 The current Scheme of Tender Procedures (SoTP) was implemented in October 2018. This was amended at the time to comply with significant changes to legislation governing public procurement including the introduction of The Procurement Reform (Scotland) Act 2014, The Public Contracts (Scotland) Regulations 2015 and The Procurement (Scotland) Regulations 2016.
- 1.3 It has been necessary to undertake a thorough review of the SoTP to ensure it is a document that is practical, fit for purpose, meets legislative requirements, and supports the Council to meet its aims.
- 1.4 This report informs the Council of the main changes proposed to the SoTP and presents the revised document that the Council is asked to approve and adopt. A list of changes made is contained in Appendix 1 to this report, and it should be noted that most changes are technical and procedural in their nature.

2.0 Issues and Options

- 2.1 The Council has been required to review our stated procurement policies to ensure they are compliant with current legislation. There is a need to ensure that our SoTP fully meet regulations, Fife Council specific aims and values, and reflect practical and controlled operations of the Council.
- 2.2 The document presented supports the Council to work towards aims set out in the current organisational Procurement Strategy which is aligned to the Recovery and Renewal Plan for Fife 2021 – 24.
- 2.3 The document presented is purely a policy and governance document. A separate suite of “Procurement Processes” are maintained by the Corporate Procurement function to ensure that those undertaking procurement on behalf of the Council do so in a way that meets the requirements set out in the SoTP and that procurement is done consistently, and where appropriate, using standard forms, templates and systems etc. Consistency and familiarity with documentation helps suppliers engaging with the Council and the wider Scottish public sector.
- 2.4 The “Procurement Processes” will be a repository of tools and information to be used and followed by those undertaking procurement on behalf of Fife Council. The principal source of information will be the Scottish Government’s Procurement Journey tool. This ensures consistency and familiarity for both buyers and suppliers across the public sector. There will be links to Scottish Procurement Policy Notes, procurement legislation, advertising and tendering tools (Public Contracts Scotland and Public Contracts Scotland Tender), Fife Council specific procurement policy, guidance and procedures, templates,

Contract Information, Delegated Procurement Authority information, information about training opportunities, useful resources and contacts.

- 2.5 Increasing the thresholds (Works) up to which Council Services can undertake below regulated procurements will allow the procurement professionals within the procuring services (Corporate Procurement, Building Services, Property Service and Transportation Service) to concentrate their efforts upon the collective picture, i.e., encouraging local tenderers and higher value/higher risk requirements rather than the open tendering of anything above £500k and day to day tactical and operational activity. They will be able to use their procurement skills and knowledge to add more value and get a better return for the Council's money and contribute more effectively towards achieving savings.
- 2.6 The works thresholds at which we presently, as a Council, have required contracts to be advertised to date are generally much lower than the regulations require and are far below the £2,000,000 at which legislation requires contracts to be advertised. Allowing Services to undertake their own procurements up to these values, but in line with requirements stated in the Scheme of Tender Procedures, will have benefits including:
 - allowing more flexibility;
 - more responsiveness and capacity for rolling-up of repetitive contract opportunities;
 - reducing timescales and administration; and
 - increasing the opportunity for spend with local suppliers and SME's, all important elements of the Plan for Fife and the Recovery and Reform Agenda.
- 2.7 The revised SoTP includes a requirement for the procuring officer to consider, regardless of value, the impact of the procurement exercise on the environment and economy will support Addressing the Climate Emergency and the Plan for Fife.
- 2.8 The Corporate Procurement Service will provide training and guidance to staff undertaking procurement to ensure they have familiarity with the document and are equipped with knowledge and tools to assist them in undertaking effective procurement.
- 2.9 Whilst a Service might have been delegated the authority to contract, if the Head of Revenue and Commercial Services is in agreement with the Executive Director of the Service that the Service is not equipped or best placed to undertake the process themselves at that time, the Procurement Service may undertake the procurement on their behalf.
- 2.10 Training may include face to face or virtual sessions with the Corporate Procurement Service and Legal Services staff, or access to online/e-learning tools, and the provision of templates and guidance documents.
- 2.11 The Supplier Development Programme with support from Economic Development (and Business Gateway) will provide training and support to Fife based suppliers to ensure they are registered with the Public Contract Scotland Portal and in particular Quick Quote facility.
- 2.12 Informal consultation took place with key stakeholders throughout the review process including Services with Delegated Procurement Authority. Formal consultation took place between January 2023 and April 2023 via Council Executive and Leadership Team, and Elected Members.

- 2.13 Additionally, the Procurement Service Manager and other Procurement colleagues has been engaged with an ongoing dialogue with Legal Services, in regard to the drafting of the document to ensure it meets with current requirements of the procurement and contract legislation.
- 2.14 Comments received were considered and the Contract Standing Orders were updated as appropriate. Feedback was also provided.

3.0 Conclusions

- 3.1 The Contract Standing Orders Scheme of Tender Procedures required to be updated to ensure compliance with legislation and alignment with current Fife Council aims and values.
- 3.2 Although it is being recommended that Delegated Procuring Services be empowered to undertake their own procurement to a higher value, the activity will still be governed by robust procedure and process. The increase in threshold is proposed to align with the regulated value stated in the Regulations.
- 3.3 The proposed SoTP includes requirements to consider local procurement as well as impacts to the environment and economy at the planning stage of each procurement. This effort shall support the Recovery and Renewal Plan for Fife.

List of Appendices

1. Summary of main changes
2. Proposed Contract Standing Orders Scheme of Tender Procedures
3. EQIA Summary

Background Papers

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

Fife Council Procurement Strategy 2019-2024

Fife Council Key Governance Documents ([Governance Documentation | Fife Council](#))

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FIFE COUNCIL

CONTRACT STANDING ORDERS Scheme of Tender Procedures

2023

Effective Date: TBA

1. EXTENT AND APPLICATION

- 1.1 These Contract Standing Orders are made under Section 81 of the Local Government (Scotland) Act, 1973 and shall apply to all contracts made by or on behalf of the Council for the procurement of:
 - a. the execution of works; or
 - b. the supply of goods and materials; or
 - c. the provision of services (including consultancy services);
- 1.2 Any disputes or queries regarding legal issues, including the extent to which these Contract Standing Orders apply to any Contract, shall be referred to the Head of Legal & Democratic Services, whose decision on such issues shall be final;
- 1.3 These Contract Standing Orders apply to the Council carrying out its own procurement activity and any activity the Council conducts on behalf of other parties such as ALEOs and the Health and Social Care Partnership;
- 1.4 Where the procurement is to spend funds raised by third parties including, but not limited to: Parent Council, School Fund and in some cases Pupil Equity Fund for example, those funds may be subject to the application of Procurement Legislation where the Contract is entered into by the Council. The prior consent of the Council must be obtained where the expenditure of Parent Council monies will result in alterations to Council land or buildings or require equipment to be fixed to Council land or buildings or have health or safety or ICT implications or maintenance obligations. See 12.1 and 12.2 for further guidance.
- 1.5 This clause applies where it is intended to make use of a contract, framework agreement or other procurement arrangements which comply with the relevant procurement legislation entered into by a consortium, partnership, collaboration, company or similar body which exists for the purpose of joint purchasing arrangements and of which the Council is a member or registered user.
 - 1.5.1 The thresholds related to delegated procurement authority detailed in Table 1 in clause 9.1 shall still apply;
 - 1.5.2 The processes for contract awards detailed by such organisations and/or the relevant contract or framework agreement shall take priority over the processes specified in Tables 2 and 3 in clause 10.2.
- 1.6 These Standing Orders shall not apply to any of the following:
 - 1.6.1 commercial arrangements between Fife Council and other public bodies such as COSLA, Scotland Excel, CIPFA etc;
 - 1.6.2 contracts of employment (this does not include consultancy services as this is considered a service contract);

- 1.6.3 contracts solely relating to the transfer, acquisition or disposal of an interest in heritable property including the lease, purchase, disposal of, and a licence to occupy or use, heritable property;
- 1.6.4 the allocation of direct payments or personal budgets under options 1, 2 or 4 of the Social Care (Self Directed Support) (Scotland) Act 2013;
- 1.6.5 appointed guardians or legal services designated by a court of tribunal, any persons appointed under The Curators ad Litem and Reporting Officers (Panels) Scotland Regulations 2001 and the appointment of board members required by statute;
- 1.6.6 except for the obligation to seek Best Value in terms of clause 4.1.1, contracts with statutory or public bodies on the basis of an exclusive right enjoyed by law; and
- 1.6.7 except for the obligation to seek Best Value in terms of clause 4.1.1, those contracts excluded by the 2015 or 2016 Regulations for example arbitration or conciliation services;
- 1.6.8 Subject to the Council's List of Officer Powers and/or Financial Regulations, where in the Head of Legal & Democratic Services' opinion it is essential that the contract is entered into for the settlement of any claim or litigation raised by or against the Council; such matter to be reported to the appropriate Committee;
- 1.6.9 The award by the Council of a Grant.
- 1.7 If Council Officers are uncertain as to the effect of these Standing Orders or concerns about the processes to be followed, they should seek advice from the Council's Procurement Service.
- 1.8 Where a Service plans to undertake a strategic review of their service provision, the Head of Revenue and Commercial Services should be contacted at the outset of any such review to ensure that any relevant procurement issues are identified and addressed.
- 1.9 Where officers are listed then this may be delegated as appropriate.

2. DEFINITIONS AND INTERPRETATION

In these Standing Orders the following terms shall have the corresponding meanings:

ALEO (Arm's Length Organisations)	Arm's Length External Organisation is a body which is formally separate from the Council but subject to its control and influence and is used to deliver services on the Council's behalf. They may have charitable status, but this is not an essential requirement.
Annual Procurement Report	A report which discloses how the Council's procurement activity in has complied with its published procurement strategy. See this link in the procurement journey : Annual Procurement Report (APR)
Best Value	(1) The legal duty to secure continuous improvement in the performance of the Council's functions as set out in section 1 of the Local Government in Scotland Act 2003 and which shall also include the optimum combination of whole life cost and quality (or fitness for purpose) to meet the customer's requirements.
Consultant / Consultancy	A specialist who charges a fee for providing advice or services such as but not limited to Education, Environmental and Sustainability, Financial, Health and Social Care, Housing, HR and Business Change, Estate Management, IT and Digital, Planning, Infrastructure, Economy, Tourism and Leisure and Project Management but excluding: (i) agency, secondments and temporary workers, (ii) professional services provided by solicitors, counsel and actuaries, and (iii) technical or specialist services required in connection with works contracts or proposed works contracts such as quantity surveyors, cost consultants, design engineers and architects.
Contractor	The supplier engaged by the Council to provide the goods/ supplies/works/services required.
Contract Notices	Notices (including Prior Information Notices) for Council contract opportunities and contract awards published in accordance with the Procurement Legislation.
Contract Register	The register maintained by the Council of all contracts entered into as a result of a Regulated Procurement as required by the Procurement Reform (Scotland) Act 2014 and as detailed in Standing Order 23.
Delegated Procurement Authority	A Service with Delegated Contracting is authorised to undertake its own procurement as long as the Council Officer doing the procurement is on the DPA (Delegated Procurement Authority) List.
Direct Purchasing	Procurement of requirements that are below the Regulated Contracts values or above the Regulated and

	FTS Contract Values. This is procurement of Goods, Services or works without competition. This is sometimes known or described as a Direct Award.
DPA List	List of Council Officers outside the Corporate Procurement Service with delegated procurement authority to undertake procurements for Regulated and GPA (Government Procurement Agreement) Thresholds and enter into contracts on behalf of the Head of Revenue and Commercial Services. This list shall be maintained by the Head of Revenue and Commercial Services.
Framework or Framework Agreement	An arrangement under which the terms and conditions are agreed, but where there is normally no commitment to subsequently place orders or call off contracts.
Fundamental Principles	<ul style="list-style-type: none"> • Transparency - procedures must be transparent and opportunities should generally be publicised; • Equal treatment - potential suppliers must be treated equally; • Non-discrimination • Proportionality - procurement procedures and decisions must be proportionate
Grants	<p>are financial contributions to a third party which help to meet the Council's objectives in the wider community.</p> <ul style="list-style-type: none"> • They will not be for critical service requirements or those the Council has a statutory responsibility to deliver. • Grant funding is for discretionary objectives • Grant funds will normally be given subject to desired outcomes being met but, the Council will not normally receive services in return. • a grant will normally be out with the scope of VAT
Government Procurement Agreement or GPA	Means the World Trade Organisation's Government Procurement Agreement
GPA Threshold(s)	The prescribed threshold values set for the supply of goods, services, works, social and other specific services or concession contracts set under the GPA. GPA Threshold values are issued by the Scottish Government every two years and take effect from 1 st January as appropriate. The values are issued in the form of a Scottish Procurement Policy Note (SPPN) .
Health & Social Care Services	The health, social and related services listed in Schedule 3 of the Public Contracts (Scotland) Regulations 2015.
In-House Provider	Any Council service, department or ALEO which is tasked with providing the sorts of services, supplies or works which may form the subject matter of a proposed contract.

Most Economically Advantageous Tender (MEAT)	The Most Economically Advantageous Tender is assessed on the basis of the best price-quality ratio using criteria linked to the subject matter of the contract and must include criteria that reflect qualitative (including but not limited to technical and sustainable) aspects and price.
Procurement Documents	Documents relating to a procurement requirement. This may include (but not limited to): <ul style="list-style-type: none"> • Procurement Strategy Report (PSR), • Single Procurement Document, • Invitation to Tender, • Terms & Conditions of Contract • Contract Notices placed by the Council on Public Contracts Scotland, • Tenders and Quotations received, • Acceptance letter(s).
Procurement Legislation	The Public Contracts (Scotland) Regulations 2015 (“the 2015 Regulations”) The Procurement Reform (Scotland) Act 2014 (“the 2014 Act”) The Public Contracts (Scotland) Regulations 2016 (“the 2016 Regulations”) The Utilities Contracts (Scotland) Regulations 2016 The Concession contracts (Scotland) Regulations 2016
Procurement Processes	Those processes maintained by the Head of Revenue and Commercial services in accordance with Standing Order 13 which shall provide all Procuring Officers with instructions and guidance on best practice for conducting procurement exercises, including templates and contract condition to be used as appropriate. The Procurement Processes will contain information from sources including the following: the Scottish Government’s Procurement Journey, Scottish Procurement Policy Notes (SPPNs), any procurement information, guidance and/or documentation issued by the Head of Revenue and Commercial Services specific to Fife Council.
Procurement Review Board (PRB)	A forum convened by Corporate Procurement to promote strong governance and commercial excellence throughout all Council procurement activity.
Procurement Summary Report or PSR	A report to be prepared by the Procuring Officer detailing all stages of the procurement process for procurement requirements. (Procurement - Procurement Templates - All Documents (sharepoint.com))
Procuring Service	The Council Service undertaking the procurement.
Procuring Officer	Council Officer in the Procuring Service undertaking the Procurement.

Public Contracts Scotland	The advertising portal provided by the Scottish Government for publishing Contract Notices. (Public Contracts Scotland (PCS))
Public Contracts Scotland- Tender or PCS-T	The online tendering tool commissioned and promoted by the Scottish Government.
Quick Quote	The online request facility operated through the Public Contracts Scotland web-portal to invite quotes for low value/low risk procurement exercises or for mini competitions within framework agreements.
Regulated Contracts /Procurements	As defined in the 2014 Act and implemented through the The Procurement (Scotland) Regulations 2016 .
Regulated Contracts Thresholds	As set in the 2014 Act and implemented through the The Procurement (Scotland) Regulations 2016 .
Scottish Procurement Policy Note(s) or SPPN(s)	SPPNs provide advice to public sector organisations and other relevant bodies on procurement policy. (Scottish Procurement Policy Note)
Small and Medium-sized Enterprises (SMEs)	Businesses with no more than 250 employees. As defined in Guidance under the Procurement Reform (Scotland) Act 2014
Supported Business	An economic operator whose main aim is the social and professional integration of disabled or disadvantaged persons and where at least 30% of the employees of the economic operator are disabled or disadvantaged persons.
Tenderer	The organisation or individual which has applied for inclusion in a specific procurement process or submitted a tender.
Third Sector	Organisations (excluding ALEOs (Arm's Length Organisations) of Fife Council) and bodies established under an enactment, which exist wholly or mainly to provide benefits for society or the environment e.g., community groups, voluntary organisations, charities, social enterprises, co-operatives, and individual volunteers.

3. REVIEW OF CONTRACT STANDING ORDERS

- 3.1 The financial thresholds contained in these Contract Standing Orders will be reviewed in accordance with changes to financial thresholds stated in Procurement Legislation;
- 3.2 These Contract Standing Orders will be reviewed at least every three years.

4. PRINCIPLES OF PROCUREMENT

- 4.1 All procurements undertaken by the Council shall take account of the following:
 - 4.1.1 All contracts let by or on behalf of the Council, shall be subject to an obligation to seek Best Value for the Council;
 - 4.1.2 All contracts let by or on behalf of the Council must be done so in a proportionate manner which complies with these Standing Orders and the Fundamental Principles must not be designed with the intention of unduly favouring or disadvantaging any potential tenderer;
 - 4.1.3 The requirements of the applicable Procurement Legislation;
 - 4.1.4 Council staff must comply with the List of Officer Powers, the Financial Regulations and the Council's Procurement Processes.
- 4.2 Where there is any discrepancy these Standing Orders shall take precedence.

5. SUSPENSION, VARIATION AND REVOCATION OF THESE STANDING ORDERS)

- 5.1 These Standing Orders may be suspended, either in whole or in part, with regard to the proposed award of any Contract(s) upon the joint decision of the Executive Director of the Procuring Service, the Head of Legal & Democratic Services and the Head of Revenue and Commercial Services where:
 - 5.1.1 there are exceptional circumstances justifying the suspension;
 - 5.1.2 the suspension is within the legal powers of the Council; and
 - 5.1.3 the decision and the circumstances justifying it are reported to the Council's Cabinet Committee (or such other Council Committee as may succeed to its responsibilities/remit) at the next available opportunity.
- 5.2 In the circumstances described at Standing Orders 5.1 a report detailing the exceptional circumstances proposed to justify the suspension must be completed by the Procuring Officer for consideration by the parties stated in Standing Order 5.1;

- 5.3 Where the contract is being funded by money provided by the European Union, UK and Scottish Governments or other public body or other funders, e.g., National Lottery, and the award of that money to the Council is subject to such conditions which make it impractical for the Council to comply with these Contract Standing Orders in letting the contract. However, in such circumstances, the Executive Director of the Procuring Service shall, after consultation with the Head of Revenue and Commercial Services and the Head of Legal & Democratic Services, submit a report to the appropriate Committee explaining the procedure to be used and why these Contract Standing Orders could not be complied with. The report shall be submitted in advance of the contract award unless, in the opinion of the Head of Revenue and Commercial Services, the time limit for acceptance or use of the funds makes this impractical. In these circumstances the report shall be submitted to the next meeting of the appropriate Committee.
- 5.4 Where appropriate, all relevant information that falls within the scope of standing order 5.1 to 5.3 shall be reported in the Council's Annual Procurement Report.
- 5.5 The Head of Revenue and Commercial Services and the Head of Legal & Democratic Services acting together shall have power to vary these Standing Orders but only in the following circumstances:
- 5.5.1 To reflect changes in job titles, reorganisations of committees, departments and vacancies in posts;
 - 5.5.2 To reflect changes in the GPA Threshold or to the Regulated Contracts Threshold; or
 - 5.5.2 To make such changes as are necessary to comply with changes in legislation or in response to judicial decisions.
- 5.6 Any variations or revocation of the Contract Standing Orders will be effective on the first working day after the conclusion of the Council meeting at which it was approved or, as the case may be, from the date of the decision made in terms of 5.5.

6. BREACH OF CONTRACT STANDING ORDERS AND/OR PROCUREMENT PROCESSES

- 6.1 Failure to comply with these Standing Orders when awarding contracts to which they apply may result in disciplinary action.
- 6.2 Any failure to comply with Standing Orders and/or the Procurement Processes must be reported immediately to the Head of Revenue and Commercial Services and the Head of Legal and Democratic Services;
- 6.2 Any incidents of suspected fraud must be directed to the Corporate Fraud team immediately using the [whistleblowing procedure](#);

7. HEAD OF REVENUE AND COMMERCIAL SERVICES

- 7.1 Subject to paragraph 7.4, only the Head of Revenue and Commercial Services shall be authorised to undertake the procurement of any Contracts and to make Contract awards;
- 7.2 The Head of Revenue and Commercial Services may delegate procurement activity to any of the staff working within Corporate Procurement, and to any other Council Officer who has been added to the DPA List and is in a Service with Delegated Contracting Authority. See Standing Order 9;
- 7.3 The Head of Revenue and Commercial Services shall:
- 7.3.1 Make arrangements for the provision of advice, if requested, in respect of tendering arrangements for any proposed Contracts;
 - 7.3.2 Take all reasonable steps to ensure all staff responsible for procurement have read and understood and are familiar with these Contract Standing Orders and the Procurement Processes, undertake relevant training, and have Delegated Procurement Authority (are on the DPA List) where appropriate;
 - 7.3.3 Maintain the DPA List and ensure that all officers on the list are appropriately trained and equipped to enable them to carry out the tasks delegated to them;
 - 7.3.4 Consult with the Head of Legal & Democratic Services to establish Fife Council Standard Terms and Conditions of Contract where appropriate, and to consider alternate terms where required;
 - 7.3.5 Maintain a list of contracts for the purposes of meeting the Council's duty to publish a Contracts register;
 - 7.3.6 Compile and issue the organisational Procurement Strategy and subsequent Annual Procurement Report;
 - 7.3.7 Take all reasonable steps to ensure duplication of tendering procedures and Contracts for the same works, goods/ supplies and services is avoided. See also Standing Order 8.1;
 - 7.3.8 Take all reasonable steps to ensure all procurements above the GPA Thresholds or Regulated Procurements Thresholds are conducted in accordance with the requirements of the relevant legislation;
 - 7.3.9 Take all reasonable steps to ensure documents relating to procurements shall be retained in accordance with the requirements of The Council's document retention schedule for procurement documents.

- 7.4 The Head of Legal and Democratic Services shall be authorised to execute contracts, contract variations and contract assignments or novations and any other legal documents relating to the conclusion, variation, or discharge of a contract.

8. THRESHOLDS AND PROCUREMENT VALUES

8.1 Contract Values

When estimating the value of a Contract the Procuring Officer must consider the total aggregate value across the Council of all similar requirements for the works/goods/supplies/services. If the aggregate value for all similar requirements over the Contract term (or if no contract term, with acknowledgement of ongoing need) equals or exceeds the relevant Regulated or GPA Threshold, then the appropriate Procurement Legislation applies to the award of each Contract;

- 8.2 Breaking down or disaggregating requirements in order to avoid the necessity of exposing them to competition is prohibited as being contrary to Procurement Legislation and must not be knowingly carried out under any circumstances.

8.3 VAT

8.3.1 Value Added Tax (VAT) must be included in the estimate of the Contract value to determine if it falls above the GPA Threshold. Unless the Procuring Officer has advice to the effect the contract's subject matter is exempt from VAT, zero rated or charged at a lower rate, they should apply VAT at the UK standard rate to determine the estimated value and the appropriate threshold.

8.3.2 Value Added Tax does need to be applied to contracts which fall above the Regulated Contracts Threshold, but under the GPA Threshold, so:

8.3.2.1 Where the contract is likely to be nearing the GPA Threshold the Procuring Officer should include VAT to ensure the correct threshold is applied.

9. DELEGATION OF PROCUREMENT ACTIVITY

9.1 Council Services may undertake procurement activity as set out in Table 1;

Table 1 - Delegated Procurement Authority

Service	Type & Value (excluding VAT)
All Services (including those with Delegated Procurement Authority)	Tenders for goods or services with a value below £50,000, with the exception of the following: <ul style="list-style-type: none"> • Contracts for Consultancy services with the potential to exceed £5,000. (See Standing Order 13); and • ICT requirements (these must be procured in accordance with Standing Order 12).
Procurement Service	All Tenders (supplies, services, or works) of any value
Building Services	Works (including materials for supply and installation) and works-related services of any value. This does not include the procurement of supplies for general inventory.
Property Services	Works (including materials for supply and installation) and works-related services of any value. This does not include the procurement of supplies and materials for general inventory.
Housing Services	Works Tenders relating to Occupational Therapy Adaptations below £25,000
Roads & Transportation Services	Works (including materials for supply and installation) and works-related services of any value. This does not include the procurement of supplies and materials for general inventory.
Protective Services (Building Standards and Public Safety)	Works and related services and supplies Tenders of any value for specialist works relating to Public Safety and Dangerous Buildings

9.2 Where a Service has Delegated Contracting Authority:

9.2.1 Officers outwith Corporate Procurement undertaking procurement activity must be on the DPA List except for requirements for goods or materials, or services with a value below £50,000;

9.2.2 If the Officer undertaking a procurement activity is unsure of the appropriate course of action to follow, they should seek advice from the Procurement Service and follow any such advice received.

9.3 Where a proposed contract involves paying a fee to the supplier to manage any scheme which involves the management of, and/or payments to, third parties, it is the value of the management fee which shall determine the threshold value and appropriate procurement route to be followed. In all cases these should be directed to Corporate Procurement.

9.4 **MIXED PROCUREMENTS**

The application of these Standing Orders to a procurement which has as its subject a mixed contract including works, supplies and/or services, shall be determined by that part of the contract which characterises the main subject of the contract in question. In the case of a mixed contract:

9.4.1 consisting partly of services of the kind referred to in Standing Order 11 (HEALTH AND SOCIAL CARE SERVICES) and partly of other services; or

9.4.2 consisting partly of services and partly of supplies,

If a works requirement includes a supplies or service element, and if that element exceeds the corresponding Regulated Contracts Threshold, the Head of Revenue and Commercial Services must be consulted to determine the most appropriate threshold/process that would be applied.

10. PROCUREMENT PROCEDURES

10.1 Internal Providers, Existing Contracts and Frameworks:

- 10.1.1 Where a requirement could be delivered by a Council internal provider, the appropriate internal provider must be contacted in the first instance, and it shall fulfil the requirement unless the Head of the Client Service(s) and the Executive Director, Enterprise and Environment (in relation to works) or the Head of the internal provider's Service agree an alternative arrangement represents Best Value;
- 10.1.2 Where an internal provider needs to engage subcontractors to deliver requirements, any procurement activity required to fulfil this shall be in accordance with the Procurement Processes and these Standing Orders.
- 10.1.3 The Procuring Officer must check if there is a suitable existing Contract or Framework (e.g., Fife Council, HUB East Central Scotland Limited, Scotland Excel, Scottish Government, Crown Commercial Services etc.) which could be used to fulfil the requirement. Where such a Contract or Framework exists, and upon clarifying that the Council is eligible to utilise, this should be used unless an alternative procurement route represents Best Value and is compliant with the Procurement Legislation.
- 10.1.4 Information about existing Contracts and Frameworks can be found in the Council's Contract Register.
- 10.1.5 When using a pre-existing Contract or Framework the procedures set out for use of that Contract or Framework must be followed;
- 10.1.6 Any identified or known omissions must be notified to Procurement for inclusion where appropriate on the Contract Register;
- 10.1.7 Tables 2 and 3 set out the processes which must be followed by Officers except contracts to which paragraph 11 **HEALTH AND SOCIAL CARE SERVICES** applies.

10.2 Table 2 - Goods/ Services Thresholds

Before a procurement exercise is undertaken (regardless of value) the procuring officer must consider the environmental and economic impact of the goods/services.

Consideration should be given to

- **Whether there is a need to buy (reduce/reuse/recycle)**
- **What is being bought (are there more sustainable alternatives)**
- **How much is being bought**
- **What route to market is being utilised**

In all cases the availability (regardless of value) of existing contracts or frameworks must be utilised. Only where no contract/framework exists should a procurement exercise be undertaken.

VALUE	PROCESS
<p>Below Regulated Contracts Threshold –</p> <p>Up to £5,000</p>	<ul style="list-style-type: none"> • Where no contract exists, it is good practice to obtain a minimum of three quotations, seeking local companies where best value can be served. • Documentary evidence of the quotes and the decision should be retained either by the Procuring Officer or centrally within the team
<p>Below Regulated Contracts Threshold –</p> <p>£5,000 to £49,999</p>	<p>In an effort to support the Recovery and Reform Agenda and increase Fife Council’s Local Spend procuring officers should obtain at least three quotations seeking local companies where it is best value (Documentary evidence must be retained either by the Procuring Officer or centrally within their team).</p> <ul style="list-style-type: none"> • Obtain at least three quotations. Where at all officers should use the Quick Quote facility on PCS. • Officers should make best efforts to ensure at least one Fife – based SME (Small and Medium sized Enterprise), Supported Businesses, Social Enterprises or Third Sector organisation, or a business which is a significant employer within Fife is invited to quote. <p>Documentary evidence must be retained either by the Procuring Officer or centrally within their team) must follow the Low Value Order process</p>

	<p>Alternatively, the procuring officer may elect to Tender the contract opportunity. Should this route be taken, the procuring officer must provide details to Corporate Procurement.</p> <p>In an effort to Address the Climate Emergency (ACE) officers should consider the following in any procurement exercise (Fife Action on Climate Change Fife Council).</p> <ul style="list-style-type: none"> • Energy Efficiency/Consumption • Low Carbon/Renewable Energy • Resilience to climate change impacts • Resource Efficiency (Reduce/Reuse/Recycle) • Bio – Security • Heritage Materials • Carbon Sequestration • Environmental Nuisance (noise, traffic etc) • Human Health & Wellbeing
£50,000 to GPA Threshold*	Follow the Procurement Process for a Regulated Procurement.
Above GPA Threshold*	Follow the Procurement Process for a GPA Procurement.

***Note – Below GPA Threshold calculation may need to include VAT where applicable as it may determine that the value exceeds the GPA threshold and associated process should then apply.**

10.3 Table 3 - Works Thresholds

Before a procurement exercise is undertaken (regardless of value) the procuring officer must consider the environmental and economic impact of the goods/services.

Consideration should be given to

- **Whether there is a need to buy (reduce/reuse/recycle)**
- **What is being bought (are there more sustainable alternatives)**
- **How much is being bought**
- **What route to market is being utilised**

In all cases the availability (regardless of value) of existing contracts or frameworks must be utilised. Only where no contract/framework exists should a procurement exercise be undertaken.

VALUE THRESHOLD	PROCESS
Up to £10,000	<ul style="list-style-type: none"> • Where no contract exists, exists it is good practice to obtain a minimum of three quotations, seeking local companies where best value can be served. • Documentary evidence of the quotes and the decision must be retained either by the Procuring Officer or centrally within the team
£10,000 to £1,999,999	<p>In an effort to support the Recovery and Reform Agenda and increase Fife Council's Local Spend procuring officers should obtain at least three quotations seeking local companies where it is best value (Documentary evidence must be retained either by the Procuring Officer or centrally within their team).</p> <ul style="list-style-type: none"> • Obtain at least three quotations. Where at all possible officers should use the Quick Quote facility on PCS. • Officers should make best efforts to ensure at least one Fife based SME (Small and Medium sized Enterprise), Supported Businesses, Social Enterprises or Third Sector organisation, or a business which is a significant employer within Fife is invited to quote. <p>Documentary evidence including a justification if above is not possible must be retained either by the Procuring Officer or centrally within their team.</p> <p>Alternatively, the procuring officer may elect to Tender the contract opportunity. Should this route</p>

	<p>be taken, the procuring officer must provide details to Corporate Procurement.</p> <p>In an effort to Address the Climate Emergency (ACE) officers should consider the following in any procurement exercise (Fife Action on Climate Change Fife Council).</p> <ul style="list-style-type: none"> • Energy Efficiency/Consumption • Low Carbon/Renewable Energy • Resilience to climate change impacts • Resource Efficiency (Reduce/Reuse/Recycle) • Bio – Security • Heritage Materials • Carbon Sequestration • Environmental Nuisance (noise, traffic etc) <p>Human Health & Wellbeing</p>
£2,000,000 to GPA threshold value *	Follow the Procurement Process for a Regulated Procurement
GPA threshold value *	Follow the Procurement Process for an GPA Procurement

***Note – Below GPA Threshold calculation may need to include VAT where applicable as it may determine that the value exceeds the GPA threshold and associated process should then apply.**

10.4 Where a requirement is likely to be close to any threshold, advice should be sought from Procurement as to which process it is most appropriate to apply.

10.6 Direct Purchasing

10.6.1 **For requirements below the Regulated Contracts Threshold**, direct purchasing is permitted where the Procuring Officer is satisfied the award meets Best Value.

10.6.2 Evidence justifying such direct purchasing must be provided to and agreed in writing by the Head of the Procuring Service or their delegated representative;

10.6.3 Subject to paragraph 10.6.4, direct purchasing for **requirements above the Regulated Contracts Threshold values** is only permitted where the Procuring Officer has satisfied the Head of Revenue and Commercial Services that either:

10.6.3.1 one or more of the circumstances set out in [Section 4](#) of the 2014 Act apply to the procurement;

- 10.6.3.2 one or more of the circumstances set out in [Regulation 6](#) of the 2016 Regulations apply to the procurement;
- 10.6.4 **For requirements above the GPA Threshold value** direct purchasing is only permitted where the Procuring Officer has satisfied the Head of the Procuring Service as well as the Head of Revenue and Commercial Services (and Head of Legal Services if deemed appropriate) that either one or more of the circumstances set out in Regulations [7 to 18](#), and [Regulation 33](#) of the 2015 Regulations apply to the procurement;
- 10.6.5 Any awards made in terms of 10.6.3 or 10.6.4 shall also be subject to the obligation to seek Best Value in terms of clause 4.1.1.

11. HEALTH AND SOCIAL CARE SERVICES

11.1 This section shall apply to the procurement of specific Health and Social Care Services as defined in [Schedule 3 to the Public Contracts \(Scotland\) Regulations 2015](#)

11.2 Contracts for Health and Social Care Services must be procured having due regard to:

- a. The Procurement Legislation;
- b. The statutory "[Guidance under the Procurement Reform \(Scotland\) Act 2014](#)" issued by the Scottish Government;
- c. The statutory "Guidance on the [Procurement of Care and Support Services 2016 \(Best-Practice\)](#)" issued by the Scottish Government.

11.3 Table 4 – Procurement of Health and Social Care Services by value.

The following table summarises the different rules which apply to health and social care Contracts at different thresholds:

Values	Processes	
£663,540* and above (Note – Indicative value excluding 20% VAT is £552,950)	Must be advertised in GPA and the light touch provisions in the Public Contracts (Scotland) Regulations 2015 apply	
£50,000 - £663,539 (Note – Indicative GPA value excluding 20% VAT is £552,950)	May award without seeking offers but should consider the Fundamental Principles where relevant. For Contracts over £50,000, an award notice must be published on PCS. Certain other rules also apply (see paragraph 8.12 of Guidance on the Procurement of Care and Support Services 2016 (Best Practice)	May choose to seek offers: in which case all provisions of the Procurement Reform (Scotland) Act 2014 apply
Below £50,000		Non-Regulated Procurements (under the value for Regulated Procurements)

* or the applicable GPA Threshold for Social and other specified services as defined in Schedule 3 of the Public Contracts (Scotland) Regulations 2015;

11.4 Where a requirement is likely to be close to a threshold, advice should be sought from Procurement as to which process is most appropriate to apply;

11.5 Any competitive process must be carried out in line with the requirements of these Standing Orders of Tender Procedures and the Procurement Processes.

12. INFORMATION COMMUNICATIONS TECHNOLOGY (ICT) RELATED REQUIREMENTS & REQUIREMENTS AFFECTING COUNCIL ASSETS AND INFRASTRUCTURE (BUILDING MAINTENANCE/WORKS)

12.1 ICT

12.1.1 The Council's ICT Category Contract(s) should be used for any Council requirement unless it can be demonstrated that it will not provide Best Value;

12.1.2 Where there is no existing contractual arrangements in place, a request should be submitted via First Contact to BTS for advice and recommendations prior to being procured.

12.2 COUNCIL ASSETS AND INFRASTRUCTURE (Building Maintenance/ Works)

12.2 Where a proposed purchase of any value involves the works to or the installation of goods or equipment which may have an impact on Council buildings, sites or infrastructure, or have health and safety implications or maintenance obligations, the advice of Property Services must be sought before any the purchase is made;

12.3 Advice, as required by Standing Orders 12.1 and 12.2, must be also obtained where the expenditure of third-party funds (see Standing Order 1.4) will result in the purchase of IT equipment, alterations to Council land or buildings or require equipment to be fixed to Council land or buildings, have health or safety implications or maintenance obligations.

13. CONSULTANCY REQUIREMENTS

13.1 Any requirements for Consultancy with the potential to exceed £5,000 in value should initially be directed to Corporate Procurement Service, even if the Service would otherwise have Delegated Procurement Authority. In all cases these should be directed to Corporate Procurement to determine the appropriate procurement route.

The Procurement Service may delegate the authority to carry out the procurement process for consultancy requirement between £5,000 and and £49,999.

13.2 When the procurement of Consultancy is undertaken the [Procedure for Engaging Consultants](#) shall be followed by the Procuring Officer.

14. GRANTS

- 14.1 Where the procurement is funded using monies received in the form of a grant to the Council, not only must the procurement comply with these Contract Standing Orders, but also any additional requirements imposed by the body awarding the grant.

15. GENERAL PROCUREMENT GUIDANCE AND PROCUREMENT PROCESSES

- 15.1 The Procurement Processes shall be maintained by the Head of Revenue and Commercial Services in consultation with the Head of Legal & Democratic Services as necessary;
- 15.2 The Procurement Processes shall provide instructions and guidance on best practice for conducting procurement exercises (including templates) to be used as appropriate to all officers with Delegated Procurement Authority;
- 15.3 The Procurement Processes shall be deemed to form part of these Standing Orders for the purpose of determining whether any action is a breach of these Standing Orders.
- 15.4 For Regulated Procurements and above GPA Threshold procurements, the Procuring Officer must complete the relevant section of a Procurement Summary Report (PSR) for the consideration and approval of the Procurement Review Board at each applicable gate-review point. No tender can be advertised/no contract can be entered into until express approval is granted at the relevant stages.
- 15.4.1 Except for procurements falling within 15.4.2, the Procuring Officer must submit the PSR for approval prior to advertising, inviting quotes, negotiating with suppliers, or awarding of contract.
- 15.4.2 In the case of urgent requirements, the Procuring Officer must submit the PSR for noting at the earliest reasonably possible opportunity notwithstanding preapproval by the Head of Revenue and Commercial Services.

16. TENDER DOCUMENTS

16.1 Only the latest version of templates issued by the Head of Revenue and Commercial Services and as contained in the Procurement Processes should be employed. No variations or other documents should be used without the agreement of the Head of Revenue and Commercial Services and the appropriate Procuring Service;

16.2 TERMS AND CONDITIONS OF CONTRACT

16.2.1 All Contracts/ frameworks entered into by the Council should be on the basis of the appropriate Fife Council Terms and Conditions. No amendment to these conditions should be adopted without the agreement of the Head of Legal & Democratic Services.

16.2.2 For works Contracts recognised industry terms and conditions of Contract e.g J.C.T, NEC and SBCC may be used.

17. ELECTRONIC PROCUREMENT

17.1 Requests for quotations with a value between £5,000 to £49,999 for goods and services, and £10,000 to £1,999,999 for Works contracts should be issued via PCS Quick Quote where at all possible and retained in accordance with the council's Records Management Policy.

17.2 Contract Notices (including PINs (Prior Information Notice), advertisements, and award notices), and Invitations to Tender should be issued and/ or received by through PCS and/or PCS-Tender unless otherwise agreed by the Head of Revenue and Commercial Services.

18. LATE AND INCOMPLETE TENDERS

18.1 Tenders and quotations received after the closing date and time stipulated for return of Tenders must not be opened, except with the express approval of the Head of Revenue and Commercial Services and the Head of Legal & Democratic Services.

18.2 Tenders which are incomplete or in an incorrect format must not be considered, nor should tenderers be invited to submit missing commercial or qualitative parts or to resubmit in the correct format, without the approval of the Head of Revenue and Commercial Services and the Head of Legal & Democratic Services. Minor clarifications can be sought, so long as it can be justified that competition is not being distorted, and equality of tenderers is maintained at all times. Any such clarifications must be documented within the associated PSR for governance and audit trail purposes.

19. EVALUATION OF TENDERS AND QUOTATIONS

- 19.1 Tenders and quotations for procurements with values above the Regulated Contracts Thresholds must be evaluated on the basis of Most Economically Advantageous Tender (MEAT) and the criteria shall be stipulated in the contract notice and associated tender documents;
- 19.2 Lowest cost will only be permitted for Contracts below Regulated Contracts Thresholds and Contracts placed under frameworks where the Procuring Officer can demonstrate that Best Value has already been established.
- 19.3 The evaluation process must be conducted in accordance with all relevant guidance in the Procurement Processes, fully and appropriately documented, and records retained in accordance with the Council's Records Management Policy.

20. FORM, ACCEPTANCE, AWARD AND TERMINATION OF CONTRACTS

- 20.1 No Contract subject to the Procurement Legislation shall be entered into without a Procurement Summary Report (PSR) being approved at the Procurement Review Board (or by exception by the Head of Revenue and Commercial Services in accordance with 15.4.2).
- 20.2 Except in circumstances where the Head of Revenue and Commercial Services and the Head of Legal & Democratic Services agree otherwise, every Regulated Contract shall be:
 - a. In the name of The Fife Council; and
 - b. Awarded by an officer in Corporate Procurement or on the DPA list; and
 - c. Entered on the Contract Register;
- 20.3 The Procuring Officer shall retain a copy of the Contract, keep proper records of all Contracts and Tenders all in accordance with the Council's Records Management Policy and record where they are stored, and ensure the Contract Programme and PCS and/or PCS-Tender are updated.
- 20.4 Only the Head of the Procuring Service in consultation with the Head of Revenue and Commercial Services, and the Head of Legal & Democratic Services, may terminate or suspend a Contract, where termination or suspension is not expressed or implied within the terms of the Contract.

21. CONTRACT VARIATION/EXTENSION

- 21.1 The Head of Revenue and Commercial Services may authorise an extension to a Contract, or any other variation, including a consequent change in price, provided such extension or variation has been provided for in the initial Procurement Documents including the Contract Notice, and is not contrary to the Procurement Legislation;
- 21.2 A Contract shall not be extended, modified or amended if such extension or variation is not expressly permitted by the Contract without seeking advice from the Head of Revenue and Commercial Services and, if applicable, the Head of Legal & Democratic Services;
- 21.3 No Contract subject to the Procurement Legislation shall be varied or extended without a Procurement Summary Report being subject to the relevant approvals.

22. CONTRACT NOVATION AND ASSIGNATION

- 22.1 The assignment, novation, or sub-contracting of any part of a Contract except to the extent permitted in writing by the Head of Revenue and Commercial Services, in consultation with the Head of Legal & Democratic Services, shall be prohibited. Agreement to the novation or assignation must be received prior to any reports or actions being undertaken.
- 22.2 The Head of Revenue and Commercial Services, in consultation with the Head of Legal & Democratic Services and the Head of the Procuring Service shall have the power to consent on behalf of the Council to the assignation of a Contract;
- 22.3 The assignment, novation, or sub-contracting of any part of a Contract except to the extent permitted in writing by the Head of Revenue and Commercial Services, in consultation with the Head of Legal & Democratic Services, shall be prohibited. Agreement to the novation or assignation must be received prior to any reports or actions being undertaken.
- 22.4 No Contract subject to the Procurement Legislation shall be novated or assigned without a Procurement Summary Report being subject to the relevant approvals.

23. CONTRACTS REGISTER

- 23.1 The Head of Revenue and Commercial Services shall maintain a register of all Contracts awarded by Fife Council as required by the Procurement Reform (Scotland) Act 2014;
- 23.2 The Contracts Register shall be available publicly;
- 23.4 Services with Delegated Procurement Authority must provide all information required for maintaining the Contracts Register and Contract Programme to the Head of Revenue and Commercial Services.

Equality Impact Assessment Summary Report

(to be attached as an Appendix to the committee report or for consideration by any other partnership forum, board or advisory group as appropriate)

Which Committee report does this IA relate to (specify meeting date)? Fife Council (22 nd June 2023)
What are the main impacts on equality? N/A
In relation to a strategic decision, how will inequalities of outcome caused by economic disadvantage be reduced? N/A
What are the main recommendations to enhance or mitigate the impacts identified? N/A
If there are no equality impacts on any of the protected characteristics, please explain. No impact as this is a revision and update to the existing Scheme of Tender Procedures
Further information is available from: Name / position / contact details: Derek Hamilton, Category Manager Derek.hamilton@fife.gov.uk

22 June, 2023

Agenda Item No. 13

Appointment of Returning Officer

Report by: Executive Director (Finance and Corporate Services)

Wards Affected: All

Purpose

To appoint Ken Gourlay, Chief Executive Officer as the Returning Officer for Fife Council.

Recommendation(s)

It is recommended that the Council appoint Ken Gourlay, Chief Executive Officer as Returning Officer for Fife Council from 3 July 2023.

Resource Implications

There are no resource implications arising from this report.

Legal & Risk Implications

The Council is obliged, in terms of Section 41(1), Representation of the People Act 1983 to appoint a Returning Officer. This is a separate appointment from the post of Chief Executive and requires a decision of full Council. The Returning Officer for a UK Parliamentary election is the same person who has been appointed Returning Officer for the election of councillors in the local authority area in which the constituency is situated and similarly the same person will also be the Constituency Returning Officer for the Scottish Parliamentary Election.

The Returning Officer carries personal liability for the conduct of elections. He has the power to appoint deputies to assist in the smooth running of the elections.

Impact Assessment

A formal impact assessment is not required as there are no equalities issues which apply to this appointment process.

Consultation

N/A

1.0 Background

- 1.1 Ken Gourlay has been appointed as Fife Council's Chief Executive and will formally take up post on 3 July 2023. The next election is for Fife's community councils in Autumn 2023.

2.0 Conclusions

- 2.1 Council is asked to agree the appointment of Fife Council's Returning Officer.

List of Appendices

1. None

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

Lindsay Thomson
Head of Legal and Democratic Services

22 June 2023

Agenda Item No. 14

Appointment to Fife Licensing Board

Report by: Head of Legal and Democratic Services

Wards Affected: All Wards

Purpose

This report is to invite Council to make a change to the membership of the Fife Licensing Board.

Recommendation(s)

Council is asked to

- (1) note the resignation of Cllr Lynn Ballantyne-Wardlaw from the Licensing Board;
and
- (2) appoint Cllr Louise Kennedy-Dalby to the Licensing Board.

Resource Implications

There are no direct resource implications arising from this report.

Legal & Risk Implications

In terms of Paragraph 11, Schedule 1 of the Licensing (Scotland) Act 2005, each member of a Licensing Board must comply with the requirements relating to the training of board members within three months of election to the Licensing Board.

The recommendation for appointments is in line with the agreed political balance considerations.

Impact Assessment

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

Consultation

There was no requirement for consultation.

1.0 Background

- 1.1 Cllr Ballantyne-Wardlaw was appointed to the Board in September, 2022 on a temporary basis to replace Councillor Kennedy-Dalby. Cllr Kennedy-Dalby is now in a position to resume her position on the Board.
- 1.2 Any changes to the membership of the Board should be approved by Fife Council.
- 1.3 In terms of Paragraph 11, Schedule 1 of the Licensing (Scotland) Act 2005, each member of a Licensing Board must comply with the requirements relating to the training of board members within three months of election to the Licensing Board.
- 1.4 Should Cllr Kennedy-Dalby be re-appointed to the Board she would require to undertake the training again.

2.0 Conclusions

- 2.1 Council is asked to make the appointment as detailed above.

List of Appendices

None

Report Contact

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22 June 2023

Agenda Item No. 15

Fife Licensing Forum – Increase to Membership

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

Wards Affected: All

Purpose

To consider increasing the number of members on the Fife Licensing Forum from 15 to 18.

Recommendation(s)

The Council is asked to approve the increase in membership of the Fife Licensing Forum from 15 to 18 members.

Resource Implications

None.

Legal & Risk Implications

The Licensing (Scotland) Act 2005 (“the 2005 Act”) requires the Council to establish a Local Licensing Forum and sets out the general functions and duties for the Forum.

Impact Assessment

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

Consultation

The Fife Licensing Forum has been consulted on the proposal to increase the number of members on the Forum.

1.0 Background

- 1.1 Fife Council, at its meeting on 17th May 2007 (Minute reference - para. 8 of 2007.F.C.7 refers), established a Licensing Forum to keep under review the work of the Licensing Board and of the operation of the 2005 Act in the Forum's area. It was agreed that the Forum would comprise 20 members which was the maximum number permitted by the 2005 Act. This number was subsequently increased in 2012 to 21 members following a change to the legislation to include a member of the health board. Unfortunately, due to difficulties in finding members to fill the 21 places, the Council agreed on 18 May 2017 (Minute reference - para. 8 of 2017.F.C.7 refers) to reduce the membership to 15 members to ensure that meetings of the Forum were quorate.

2.0 Current position

- 2.1 The Licensing Forum has operated successfully since its establishment. Due to recent retirements, there are currently 12 members on the Forum. However, several eligible persons have recently declared an interest in joining the Forum.
- 2.2 Having consulted the Forum on this issue, it is proposed that the Council consider increasing the membership of the Forum to 18 members to allow interested parties to be appointed. This will enable the Forum to have representatives on its membership of all the interests relevant to the functions of the Licensing Board and should still allow for meetings of the Forum to be quorate.

3.0 Conclusion

- 3.1 Following the submission of expressions of interest to join the Fife Licencing Forum the Council is asked to consider increasing the membership from 15 to 18 members.

List of appendices

None

Background Papers

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

- Fife Licensing Board - Report to Council on 17 May 2017.

Report Contact

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