

Thursday, 19 May, 2022 - 10.00 a.m.

AGENDA

Page Nos.

1. **CHAIR**

The Returning Officer will - as required by Section 4(4) of the Local Government etc (Scotland) Act 1994 - take the Chair until the appointment of the Provost.
2. **APOLOGIES FOR ABSENCE**
3. **RETURNING OFFICER REPORT ON LOCAL GOVERNMENT ELECTION 2022 AND MEMBERSHIP OF FIFE COUNCIL** 3 - 8
4. **ELECTION OF PROVOST**
5. **ELECTION OF DEPUTE PROVOST**
6. **CHANGES TO STANDING ORDERS** – Report by the Head of Legal and Democratic Services. 9 - 33
7. **MINUTE OF MEETING OF FIFE COUNCIL** 34 - 48

Minute of meeting of Fife Council of 10th March, 2022.
8. **GOVERNANCE ARRANGEMENTS**
9. **APPOINTMENT OF MEMBERS TO FIFE LICENSING BOARD** – Report by the Head of Legal and Democratic Services 49 - 51
10. **APPOINTMENT OF MEMBERS TO REGIONAL TRANSPORT PARTNERSHIP** – Report by the Head of Legal and Democratic Services. 52 - 53
11. **MEMBER APPOINTMENTS TO EDUCATION APPEAL AND EDUCATION APPOINTMENT COMMITTEES** – Report by the Head of Legal and Democratic Services. 54 - 57
11. **OTHER COMPETENT BUSINESS**

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

12 May, 2022

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FIFE COUNCIL

Returning Officer Report on Local Government Election 2022

MEMBERSHIP OF FIFE COUNCIL

Ward No: 1 - West Fife and Coastal Villages

Graeme James Downie - Labour

Sam Steele – Scottish National Party (SNP)

Connor Young – Conservative

Ward No: 2 - Dunfermline North

Auxi Barrera – Scottish National Party (SNP)

Gavin Ellis – Conservative

Gordon Pryde – Labour

Ward No: 3 - Dunfermline Central

Aude Boubaker-Calder – Liberal Democrats

Derek Gareth Glen – Scottish National Party (SNP)

Jean Hall Muir – Scottish National Party (SNP)

Jim Leishman – Labour

Ward No: 4 - Dunfermline South

Naz Anis-Miah – Scottish National Party (SNP)

Lynn Ballantyne Wardlaw - Scottish National Party (SNP)

James Calder – Liberal Democrats

Cara Hilton - Labour

Ward No: 5 – Rosyth

Brian John Goodall – Scottish National Party (SNP)

Andy Jackson – Scottish National Party (SNP)

Andrew Verrecchia – Labour

Ward No: 6 - Inverkeithing and Dalgety Bay

David Barratt – Scottish National Party (SNP)

Patrick Charles Browne - Labour

Dave Dempsey – Conservative

Sarah Neal – Scottish National Party (SNP)

Ward No: 7 – Cowdenbeath

Alie Bain – Scottish National Party (SNP)

Alex Campbell – Labour

Bailey-Lee Robb -Scottish National Party (SNP)

Darren Watt - Conservative

Ward No: 8 – Lochgelly, Cardenden & Benarty

Mary Bain-Lockhart - Labour

Linda Wilson Martin Erskine - Labour

Rosemary Liewald – Scottish National Party (SNP)

Lea McLelland – Scottish National Party (SNP)

Ward No: 9 - Burntisland, Kinghorn and Western Kirkcaldy

Lesley Rankin Backhouse – Scottish National Party (SNP)

Kathleen Leslie - Conservative

Julie MacDougall – Labour

Ward No: 10 - Kirkcaldy North

James Leslie – Conservative

Carol Lindsay – Scottish National Party (SNP)

David Ross - Labour

Ward No: 11 - Kirkcaldy Central

Blair Allan – Scottish National Party (SNP)

Alistair Cameron - Labour

Judy Hamilton - Labour

Ward No: 12 - Kirkcaldy East

Ian John Cameron - Labour

Rod Cavanagh – Scottish National Party (SNP)

Nicola Patrick – Scottish National Party (SNP)

Ward No: 13 - Glenrothes West and Kinglassie

Altany Steel Andrew Craik - Labour

Julie Christina Ford – Scottish National Party (SNP)

Craig Walker – Scottish National Party (SNP)

Ward No: 14 - Glenrothes North, Leslie and Markinch

John Beare – Scottish National Party (SNP)

Peter Gulline - Conservative

Lynn Mowatt – Scottish National Party (SNP)

Jan Wincott - Labour

Ward No: 15 - Glenrothes Central and Thornton

Derek James Noble - Labour

Ross Vettraino – Scottish National Party (SNP)

Daniel Wilson – Scottish National Party (SNP)

Ward No: 16 - Howe of Fife and Tay Coast

Gary Richard Holt – Liberal Democrats

Donald Norman Lothian – Liberal Democrats

David Victor MacDiarmid – Scottish National Party (SNP)

Ward No: 17 - Tay Bridgehead

Allan McLean Knox – Liberal Democrats

Jonny Tepp – Liberal Democrats

Louise Kennedy-Dalby – Scottish National Party (SNP)

Ward No: 18 - St Andrews

Al Clark – Liberal Democrats

Robin Lawson - Conservative

Jane-Ann Liston – Liberal Democrats

Ann Verner – Scottish National Party (SNP)

Ward No: 19 - East Neuk and Landward

Fiona Corps – Liberal Democrats

Sean Frazer Dillon – Liberal Democrats

Alycia Helen Hayes – Scottish National Party (SNP)

Ward No: 20 - Cupar

John Andrew Caffrey – Liberal Democrats

Stefan Hoggan-Radu – Scottish National Party (SNP)

Margaret Christine Kennedy – Liberal Democrats

Ward No: 21 - Leven, Kennoway and Largo

David Alexander – Scottish National Party (SNP)

Eugene McDonald Clarke – Liberal Democrats

Colin Davidson - Labour

Alistair Suttie – Scottish National Party (SNP)

Ward No: 22 - Buckhaven, Methil and Wemyss Villages

Thomas Mckenzie Christie Adams - Labour

Ken Caldwell – Scottish National Party (SNP)

David Graham - Labour

John O'Brien – Scottish National Party (SNP)

FIFE COUNCIL

POLITICAL PARTY BREAKDOWN

SNP	34
Labour	20
Conservative	8
Liberal Democrats	13
TOTAL	75

19th May, 2022

Agenda Item No. 6

Changes to Standing Orders

Report by: Executive Director, Finance & Corporate Services

Wards Affected: All

Purpose

The purpose of the report is to invite Council to agree a set of Standing Orders to allow the business of the meeting to be conducted.

Recommendation(s)

It is recommended that the Council:

- (1) Approve the set of Standing Orders set out in Appendix 1;
- (2) Note the minor changes marked in track changes in Appendix 1 and summarised below; and
- (3) Delegate authority to the Head of Legal & Democratic Services to make any consequential and non-substantive amendments to the Standing Orders arising from this report.

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. The Governance Scheme, including the Council's Standing Orders, are designed to comply with all legal requirements.

Impact Assessment

An EqlA is not required as this report does not propose a change or revision to existing policies and practices. However, Members will note that Standing Order 7.2 specifically addresses the issue of ensuring that meetings are conducted in such a way that equalities issues are addressed and reasonable adjustments made to ensure full participation in meetings.

Consultation

The Chief Executive has been consulted on these proposals.

1.0 Background

- 1.1 The Council must agree a set of Standing Orders to allow Council and Committee business to be conducted. This report is therefore a standard requirement for the first meeting of the new Council.
- 1.2 The version of Standing Orders provided in appendix 1 is almost identical to the set that was used in the last Council. It is recognised that the new Council will likely wish to review Standing Orders as part of the review of Governance and a revised set may be presented to a future Council meeting. While the version of Standing Orders proposed is substantially the same as the version used at the last Council there are some minor amendments proposed as noted below.

2.0 Issues and Options

Attendance of members of the public

- 2.1 The social distancing restrictions introduced as a consequence of the Covid 19 pandemic made it impossible to hold Council and committee meetings in the traditional manner. During this period, Fife Council and Committee meetings were held remotely using Microsoft Teams technology, which enabled Elected Members to participate from their home locations and many of these meetings were live streamed to allow the public to view proceedings. Standing Orders were amended accordingly. The consequences of the changes was that members of the public were not able to join a meeting remotely or to ask questions, other than in written form.
- 2.2 The Council has developed its approach to blended meetings which requires some minor consequential amendments to Standing Orders. It is also now considered that members of the public could attend a blended meeting by joining remotely or in person where they have submitted a public question or request for a deputation. It is also recommended that the process for a written response to public questions is no longer required. This matter was considered by full Council at its last meeting following a recommendation from North East Fife Area Committee. On this basis the proposed set of Standing Order allows members of the public to attend meetings remotely and removes the written question process.

First meeting of Council

- 2.3 This section of Standing Orders has also been revised slightly to reflect the statutory requirements for the first meeting only (removing the requirement to appoint committee convenors at this point). This does not preclude other statutory or competent business coming forward to the first meeting.

3.0 Conclusions

- 3.1 The proposed changes are recommended to provide clarification and improve transparency across the Council. The Standing Orders will be reviewed as part of a wider governance review and will be submitted to a future meeting of the Council.

List of Appendices

1. Tracked changes List of with proposed tracked change amendments.

Background Papers

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

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Governance Scheme Part 1: Fife Council Standing Orders

Procedural Rules for Council and Committee Meetings

May 2022

Scheme of Governance – Part 1 – Standing Orders

Document Version Control

Date	Author	Version	Status	Reason for Change
Version 1.5	Andrew Ferguson		Consultation version	Changes to Standing Orders
Version 1.6	Andrew Ferguson		Council report version	Version for approval 15.06.17
Version 1.7	Andrew Ferguson		Council report version	Version for approval 15.06.17
Version 1.8	Andrew Ferguson		Council report version	Version for approval 26.09.17
16.10.17	Andrew Ferguson	1.9	Post Council version	Draft awaiting changes delegated at Council meeting 05.10.17
03.11.17	Andrew Ferguson	2.0	Post Council version	Final version incorporating changes requested at Council meeting, as well as minor changes to 3.9 (numbering) and 2.3(3) replacing portfolio holders with Committee Conveners).
22.03.18	Andrew Ferguson	2.1	Post Council version	Final version incorporating minor changes agreed at 8 th March Council Meeting.
18.06.19	Andrew Ferguson	2.2	Council submission version arising from discussions with Governance Working Group	Review of Committee system agreed at Council June 2017.
04.07.19	Andrew Ferguson	3.0	Finalised version following Council decision of 27 th June 2019.	
10.8.20	Helena Couperwhite	4.0	Post Council version	Final version incorporating minor changes agreed at 6 th August 2020 Council Meeting
5.10.20	Helena Couperwhite	4.1		Consequential changes from the governance changes agreed on 6 th August 2020, made under delegated authority
19.05.22	Helena Couperwhite	4.2	Council report version	Version for Approval 19.5.2022

The following Standing Orders are the procedural rules by which the Council, its committees and sub-committees shall conduct their business.

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1. Rules specific to meetings of Fife Council

- 1.1 The first meeting of the Council after any ordinary election of Councillors shall be held within twenty-one days from the date of the election.
- 1.2 At the first meeting of the Council after the election, the Council shall deal with the business in the following order:-
1. Note election of Councillors
 2. Take the sederunt, noting which Councillors have executed the Declaration of Acceptance of Office
 3. Elect the Provost of the Council
 4. Elect the Depute Provost of the Council (should it be decided that a Depute should be elected)
 5. ~~Elect the Conveners of Committees~~ Other statutory or competent business
- 1.3 At all other meetings of the Council, the order of business shall be as follows, except that any item of business may, at the discretion of the Provost, be taken out of its order. The order in the notice shall, unless circumstances otherwise require, be as follows:-
1. Chair to be taken
 2. Sederunt
 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 and business arising therefrom or remaining from the last meeting
 6. Minutes or reports of Committees, including their Sub-Committees (for accuracy only unless containing items requiring the specific approval of the Council)
 7. Leaders' report
 8. Question time (written questions submitted by members)
 9. Statutory or other competent business
 10. Notices of motion
 11. Business brought forward by the Provost as a matter of urgency
- Item 4 shall apply to meetings of the Council and Area Committees only and items 7 and 8 shall apply to meetings of the Council only.
- 1.4 The Provost of the Council, and Depute Provost, upon being elected shall hold office until the next ordinary election or until ceasing to be a Councillor, or until early removal in terms of Standing Order No.5.4, whichever is the earlier.
- 1.5 All references to 'Convener' and 'Vice-Convener' throughout these Standing Orders shall, in the case of meetings of the full Council, be taken to mean the Provost and Depute Provost, who shall normally preside at meetings of the full Council.

- 1.6 A member of the Council shall usually be expected (if so able) to stand when speaking although the Provost may exercise reasonable discretion in the matter.

Question Time

- 1.7 Any member may put a question to the Provost, or a relevant portfolio holder, or any Convener of a Committee, at any meeting of the Council, concerning any relevant and competent business not already upon the agenda, provided that members give intimation in writing of these questions to the Proper Officer not later than 12 noon on the fourth working day prior to the day fixed for the meeting except for reasons of urgency which reasons shall be set out as an introduction to the written question. The Proper Officer shall use their discretion to determine the relevancy and competency of such a question. Where practicable, arrangements shall be made to circulate copies of questions to members prior to the meeting and [in the case of a blended meeting \(where some or all participants in the meeting are attending remotely\)](#), that provision be made for the circulation of electronic copies of questions in advance of the meeting. On any principal question so submitted, the member who puts the question may, after the answer has been given, ask one supplementary question and a summation/response from the appropriate portfolio holder or Convener, all directly bearing upon the subject matter of the original question. No supplementary questions shall be allowed from other members. Question time shall be limited to such period as the Provost shall reasonably determine, normally not exceeding an hour.

Leaders' Report

- 1.8 The Leaders of the Administration or, in their absence, their nominated substitutes, shall be entitled to submit a report on matters relevant to the Council. Verbal presentation of the report should not exceed ten minutes. At the Provost's discretion, members may raise questions on the report at the meeting. Questions on the report shall normally be restricted to a period of 30 minutes, at the Provost's discretion.

Budget Motions

- 1.9 (1) Any proposed motion relating to the setting of the Council Revenue and Capital budgets which contains proposals relating to those budgets overall (a "Budget Proposal") will require to be in writing and delivered to the Proper Officer preferably by electronic copy no later than one o'clock in the afternoon of the sixth working day prior to the day fixed for the meeting of the Council which will set the General Fund and HRA Revenue and Capital Budgets. Any such proposed motion will require to be signed by the member submitting it and counter signed by one other Member, or otherwise in terms of Standing Order 8.1(3).
- (2) Any proposed amendment to a Budget Proposal must be in writing and delivered to the Proper Officer preferably by electronic copy no later than one o'clock in the afternoon of the third working day 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 8.1(3).

- (3) Copies of Budget Proposals and proposed amendments will be made available by the Proper Officer by email/electronic copy to every member of the Council, the Chief Executive and the Executive Directors as soon as possible after the deadline for receipt has expired. The Proper Officer will make further copies available to the public.
- (4) 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.

2. Committees and membership

- 2.1 The Council shall appoint such Committees as they consider necessary and shall prepare and adopt a List of Committee Powers and List of Officer Powers for the reference and delegation of business to Committees, Sub-Committees and officers for the purpose of arranging for the discharge of the functions of the Council.
- 2.2 The provisions of the Standing Orders of the Council shall, so far as applicable and not inconsistent with any Standing Orders specific to Committees, apply to Committees of the Council and to Sub-Committees.
- 2.3
 - (1) 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. They shall not be entitled to participate in the call-in process set out at Standing Order No. 12.
 - (2) The Leaders of the Council and/or the appropriate Strategic Conveners shall be entitled, at the invitation of the Area Convener or the Area Committee, to attend Area Committees in a non-voting capacity but with the right to speak in relation to items within their portfolio relevant to the business of the Committee where they are not otherwise a member of the Committee.
 - (3) The Leaders of the Council and/or the appropriate Committee Conveners shall be required, as directed by the relevant Scrutiny Committee, to attend in a non-voting capacity and shall, if so directed, be entitled to speak (but not vote) in relation to items within their portfolio relevant to the business of the Committee.
 - (4) At the invitation of the Area Committee, Area Conveners or Vice-Conveners, or any other member of the Committee, shall be entitled to attend any other Committee in a non-voting capacity but with the right to speak in relation to any item having relevance to the business of the Area Committee.
 - (5) A Committee or Sub-Committee shall allow any member, who is not a member of that Committee or Sub-Committee, to speak (but not vote), on any item, subject to the member giving not less than one working day's notice of the request so to speak to the Proper Officer. The member may speak for a maximum period of five minutes unless the Committee or Sub-Committee

otherwise agrees. No member may speak on any item in terms of this Standing Order in respect of matters where the member in question has a financial interest or non-financial interest of a kind which, in terms of the Code of Conduct for Councillors, would prevent the member from taking part in the debate.

(6) A member shall not be entitled to speak in terms of this Standing Order No. 2.3 in relation to any item of a quasi-judicial or regulatory nature.

- 2.4 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 properly to perform his or her duties as an elected member. The member may also have access to such information as is available to members of the Committee or Sub-Committee on the same basis as information is made available to them. However, where the purpose of the 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 a Committee or Sub-Committee that is intending to consider such an item in private may not have access to such information as is available to members of the Sub-Committee and may not attend a meeting to listen to the item.
- 2.5 Where a Committee is meeting to undertake its scrutiny role, it shall approve such procedures concerning the ingathering and examination of information, the questioning of elected members, officers and other persons and the making of recommendations as may be necessary to ensure that scrutiny is undertaken in an efficient, effective and fair manner.

3. Calling a Meeting and Order of Business (including urgent business)

- 3.1 Council and Committee meetings shall be held at such places and times as may be fixed by the Council or at such place and time as may be otherwise specified by the Convener in consultation with the Proper Officer.
- 3.2 Meetings may, as well as being conducted at such places and times specified in terms of Standing Order No. 3.1, be conducted in any other way in which each member is enabled to participate although not present at the place where the meeting is being held but only on the direction of the Convener, whom failing, the Vice-Convener. For the avoidance of doubt, a meeting may be held with all or some of the participants joining the proceedings remotely (~~a Remote Meeting~~) (and this will be referred to as a and this will be referred to as a Blended Meeting).
- 3.3 The Council shall allow the taking of photographs of any proceedings or the use of any means to enable persons not present to see or hear any proceedings or the making of any oral report of any proceedings as they take place, provided that the business of the meeting is not interrupted or inconvenience caused to any member.
- 3.4 Notice of the place and time of a Council or Committee meeting together with the agenda shall be given by the Proper Officer not later than the sixth day before the meeting by being sent by email to the email address of the Councillor or left at or sent by post to the usual place of residence of every member of the Council or to an address specified in a notice by a member to the Proper Officer. The

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proceedings of the meeting of the Council shall not be invalidated by an omission to send a notice of the meeting or agenda to any member or by any defect in it.

- 3.5 Providing that it appears to the Convener that items of business require to be considered as a matter of urgency or emergency, a meeting of the Council may be called by the Proper Officer at shorter notice but, in any event, by intimation to the members as soon as possible prior to the meeting date.
- 3.6 A special meeting of the Council shall be called by the Proper Officer (a) at any time on being required to by the Convener or (b) on receiving a requisition in writing specifying the business proposed to be transacted at the meeting signed by at least one-fourth of the whole number of members of the Council, which meeting shall be held within ten working days of receipt of the requisition by the Proper Officer. Where signatures of members are required for the purposes of this provision, these can be submitted electronically.
- 3.7 Public notice of the time and place of the meeting shall be given by posting it at the offices of the Council six clear days at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened. Notice of the time and place of the meeting shall also be given by public advertisement.
- 3.8 An item of business may not be considered at a meeting of the Council unless either:-
- (1) a copy of the agenda including any report on the item, or copy of the report subject to exclusion, is open to inspection by members of the public at the offices of the Council for at least three clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened, or
 - (2) by reason of special circumstances, which shall be specified in the minutes, the Convener is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 3.9 The business of the 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. Chair to be taken
 2. Sederunt
 3. Civic Business brought forward by the Convener, including giving notice of any business to be dealt with under item 9
 4. Deputations
 5. Minute of the previous meeting or of any special meeting and business arising therefrom or remaining from the last meeting
 6. Minutes or reports of Sub-Committees
 7. Statutory or other competent powers
 8. Notices of motion
 9. Business brought forward by the Convener as a matter of urgency

Item 4 shall apply to meetings of the Council and Area Committees only.

4. Quorum

- 4.1 (1) Subject to Standing Order No. 4.1(2), no business shall be transacted at a meeting of the Council unless at least 50% of the whole number of members of the Council are present.
- (2) Except as otherwise provided by statute or in the List of Committee Powers, the quorum at all meetings of Committees and Sub-Committees shall be as prescribed in Standing Order No. 4.1(1) or three members of the Committee or Sub-Committee, whichever is the greater.
- (3) The quorum in all cases shall be calculated by the number of seats, irrespective of there being a vacancy.
- 4.2 No item of business shall be transacted at a meeting of the Council if, in consequence of the Councillors' Code of Conduct restricting the rights of members to vote, less than a quorum of the Council are entitled to vote on that item.
- 4.3 If within ten minutes after the time appointed for a meeting of the Council a quorum is not present, the Convener shall adjourn the meeting to a time they may then or afterwards fix and, in the event of the Convener being among those absent, the Proper Officer shall minute that owing to the lack of the necessary quorum, no business was transacted.
- 4.4 If during any meeting of the Council the attention of the Convener is called to the number of members present, they shall (unless it is apparent to the Convener that a quorum is present) direct the roll to be called and if it is found that there is not a quorum present, the meeting shall immediately terminate.
- 4.5 Nothing in Standing Order Nos. 4.3 or 4.4 shall preclude members agreeing to continue to meet - where the meeting would otherwise be inquorate - to discuss business, other than that of a quasi-judicial or regulatory nature, or as regards the business of the Superannuation and Pensions Committee. In the event of the meeting continuing, the Proper Officer shall take a note of the discussions and recommendations of the members, with the note being marked as a "C" paragraph in terms of the List of Committee Powers being a matter for decision by the Council, or "S" in the case of decisions to be taken by any other Committee or Sub-Committee.

5. Role of the Convener and Rulings

- 5.1 At a meeting, the Convener or, in their absence, the Vice-Convener shall preside. Except as otherwise provided in the List of Committee Powers, it shall be for the Committee to decide if they wish to elect a Vice-Convener. If the Convener and Vice-Convener are both absent from a meeting, the Proper Officer shall call on the members of the Committee to choose a member to preside. All references to "the Convener" throughout these Standing Orders shall be taken to mean the person then presiding where the context allows. In the case of Co-Conveners, they will normally intimate at the start of the meeting who is to preside.
- 5.2 It shall be the duty of the Convener to chair the proceedings and business of the Committee strictly in terms of these Standing Orders to preserve order and to ensure members have a fair hearing. Deference shall at all times be paid to the

authority of the Convener. Where the Convener rises to speak, any member addressing the meeting shall be seated. The Convener shall have discretion, with or without discussion, to determine all questions of procedure in reference to which no express provision is made under these Orders.

- 5.3 The ruling of the Convener on any question under the Standing Orders or on points of order or explanation shall be final, unless challenged by at least four members and unless two-thirds of the members present vote against such ruling.
- 5.4 The Council may effect the early removal from office of the Convener or the Vice-Convener providing:-
- (i) prior notice to that effect is given at one meeting of the Council on the basis that the matter would be considered at the next meeting of the Council, or
 - (ii) where no such prior notice is given, not less than two-thirds of Councillors present and entitled to vote at a meeting agree that the early removal from office of the Convener or the Vice-Convener be considered at that meeting.

6. Public Involvement in Council and Committee meetings

Public Question time

- 6.1 (1) At the discretion of the Convener, to be exercised reasonably, members of the public may be allowed to appear before any Area Committee and make a statement or ask a question, provided that the issue does not relate to a quasi-judicial or planning or other regulatory matter which the Council has or may have to consider or to any confidential matter which would require the disclosure of confidential or exempt information. ~~Where a Remote Meeting is being held, there will be no public attendance possible but written questions or statements may be submitted in advance in accordance with this provision. A written response to any question considered at a Remote Meeting will be issued to the person submitting the question after the meeting.~~

Written notice of any such statement or question must be given to the Proper Officer, as follows:-

- (i) no later than 10.00 a.m. on the seventh working day beforehand, for any issue which is **not** already on the agenda for decision at the relevant meeting of an Area Committee, or
- (ii) no later than 10.00 a.m. on the second working day beforehand, for any issue which is already on the agenda for decision at the relevant meeting of an Area Committee.

Such question or statement shall not exceed five minutes, and questions from the Committee on it shall be limited to a further ten minutes, after which the member of the public will withdraw to the public benches to allow the Committee to determine the issue.

No more than two questions or statements in total shall be allowed per meeting.

- (2) At the discretion of the Convener, to be exercised reasonably, Area

Committees or the relevant Scrutiny Committee shall consider petitions signed by more than twenty members of the public in line with procedures from time to time agreed by the Council. Depending on the format of the meeting, these members of the public will receive an invite to attend the meeting. ~~For the avoidance of doubt, where a Remote Meeting is held, no public attendance at the meeting will be permitted.~~

Deputations – Council and Area Committees only

- 6.2 A deputation shall be received by the Council or Area Committee, at the discretion of the Convener to be exercised reasonably, on written application not less than ten days prior to the meeting to the Proper Officer, setting out the subject on which the deputation wishes to be heard. A deputation shall mean a body of persons including, for the purpose, petitioners, of whom not more than five shall appear before the Council or Area Committee desirous of stating a case to the Council or Area Committee, which shall last not more than five minutes without the consent of the Council or Area Committee, regarding the subject matter of any item of business or any item of interest to the Council or Area Committee, except any matter of a quasi-judicial or regulatory nature. Members of the Council or Area Committee may, during a further period of not more than five minutes, ask questions of the deputation. Such questions shall be asked and answered without discussion. The deputation, questions and responses shall not be matters for debate. Depending on the format of the meeting, these members of the public will receive an invite to attend the meeting.

~~These members of the public can choose to attend a blended meeting in person or join remotely.~~

- 6.3 Anyone wishing to make a presentation shall, except for the requirement that it be a deputation of a body of persons, be subject to the same provisions as those set out for deputations above. Unless in exceptional circumstances, no more than one deputation or presentation shall be allowed per meeting of the Council or Area Committee.

7. General Conduct of Meetings

- 7.1 Members shall, in all Committee meetings, observe the provisions of the Councillors' Code of Conduct at all times as regards behaviour, declaration of interests and, where appropriate, withdrawal from the meeting room. Withdrawal from the meeting room or place will include leaving the ~~Blended~~Remote Meeting, where appropriate.
- 7.2 In all matters connected with Committee meetings, every effort shall 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.
- 7.3 In the event of any member at any Committee meeting disregarding the authority of the Convener, or being guilty of obstructive or offensive conduct, a motion may be moved and seconded to suspend such a member for the remainder of the sitting. The motion shall be put without discussion and, if it be carried, the member concerned shall immediately leave the Council chamber or meeting place and the Council Officer shall act on such orders as may be received from the Convener in pursuance of such resolution. Withdrawal from the meeting room or place will

include leaving the ~~Blended~~Remote Meeting, where appropriate

- 7.4 If any question arises at the meeting of the Council where representatives of the press or public are present as to the appointment, promotion, dismissal, salary or condition of service of named persons employed by the Council or as to the conduct of any such persons, or other matters covered by Schedule 7A of the Local Government (Scotland) Act 1973, the Council shall immediately consider a resolution to meet in private.
-

- 7.5 If a member of the public interrupts proceedings at any meeting, the Convener shall warn them. If they continue the interruption, the Convener shall order his/her removal from the Chamber. Withdrawal from the meeting room or place will include leaving the ~~Blended~~Remote Meeting, where appropriate. In cases of general disturbance in any part of the Chamber open to the public, the Convener shall order that part to be cleared. 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. In the event of the meeting requiring to be adjourned due to disruption by a member of the public, the Chamber shall be cleared.
- 7.6 Unless circumstances indicate otherwise, any meeting proceeding in excess of two and a half hours shall be adjourned by the Convener for a comfort break and, in general, meeting adjournments shall take place as appropriate to ensure the well-being of Committee members, other participants and the public.

8. Motions

- 8.1 (1) Every Notice of Motion shall be in writing and, except as provided in Standing Order Nos. 8.1(2) and 8.1(3), shall be signed by the member of the Council giving the Notice and counter-signed by one other member at least. A Notice of Motion, including for this purpose, a Notice to Rescind, which has not been received by the Proper Officer prior to one o'clock in the afternoon of the sixth working day prior to the day fixed for any meeting of the Council, shall not be specified in the agenda for such meeting and shall not be moved at such meeting.
- (2) The foregoing provision shall not apply in a case where the Convener decides that the matter is one of urgency.
- (3) A Notice of Motion may be submitted, in terms of Standing Order No. 8.1(1) by electronic mail from an address provided to the member by the Council or notified by the member to the Council, together with confirmation of support by the same means from one other member at least.
- 8.2 Standing Order No. 8.1 shall not apply to motions which are moved by a member to approve a minute or report of a Committee or Sub-Committee.
- 8.3 Every motion or amendment shall be moved and seconded and shall, if required by the Convener, be in writing and handed to the Proper Officer. ~~Where a member joins a blended meeting from a remote location, During a Remote Meeting,~~ the Convener may require Members to upload the wording of a motion or amendment in the meeting chat or otherwise. In the event of a motion or amendment not specified on the agenda of the meeting being lengthy, the Convener shall, either at their own instance or on receipt of a reasonable request to that effect by a member, adjourn the meeting to allow the terms of the motion or amendment to be considered.
- 8.4 Guidance on what may or may not be accepted as a competent motion is annexed to these Standing Orders for the assistance of members but is to be considered as guidance only.

- 8.5 Where a **Blended Remote** Meeting is to be held, Members should make all efforts to submit Motions in advance of the meeting, rather than tabling these on the day of the meeting.

9. Debates

- 9.1 A member shall not move or second more than one amendment to a motion, unless the first-mentioned amendment has been withdrawn.
- 9.2 A motion or amendment, once moved and seconded, shall not be withdrawn without the consent of its mover and seconder.
- 9.3 Every amendment must be relevant to the motion in respect of which it is moved. The Convener shall decide as to the relevancy and shall have the power, with the consent of the movers, to conjoin motions or amendments which are not inconsistent with each other.
- 9.4 All additions to, omissions from, or variations upon a motion shall be considered as amendments to the motion and shall be dealt with accordingly.
- 9.5 When speaking, the member shall address the Convener. The Convener shall determine the order in which members may speak.
- 9.6 A member who speaks shall speak strictly to the motion under discussion, or to a motion or amendment to be proposed by that member, or to a point of order.
- 9.7 The mover of a motion, or amendment, may not speak for more than ten minutes and every other speaker may not speak for more than five minutes, except by permission of the Council. In the event of time pressures on the meeting, the Convener shall be entitled to limit contributions to less than the standard allotted time.
- 9.8 A member shall not address the Committee more than once on any motion, or amendment, but the mover of an original resolution may reply, provided the reply is strictly confined to answering previous speakers, and does not introduce any new matter into the debate. In replying, the mover of the original motion may not speak for more than five minutes except by permission of the Committee. Notwithstanding the foregoing, 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 speaking shall resume their seat or, where it is a **Blended Remote**-Meeting, shall stop speaking, until the point of order has been decided by the Convener.
- 9.9 After the mover of the original resolution has been called on by the Convener to reply, no other member shall speak to the question.
- 9.10 Subject to the Convener being satisfied that the debate has proceeded for a reasonable period of time, it shall be competent for any member who has not spoken on the question during the debate to move "that the question be now put". Such motion may be made without prior notice. If the motion is seconded, it shall be seconded without speeches or further debate and put to the meeting. If the motion is carried, the mover of the original motion shall have the right to

reply to any points made in the debate preceding the closure motion and the question under discussion shall then be put to the meeting. If the motion “that the question be now put” is not carried, a similar motion may be made after every two further members have spoken.

- 9.11 A motion to adjourn the meeting may be put at the end of any speech or contribution by a member. If the motion is seconded, it shall be seconded without speeches or further debate and be put to the meeting. The meeting shall be adjourned to such time or day as specified in the motion or, if unspecified, to such time or day as determined by the Convener. A second or subsequent motion to adjourn may not be made within half an hour unless it is moved by the Convener when it will be dealt with as above.

10. Voting

- 10.1 Subject to any specific Standing Orders to the contrary and any statutory provisions about a minimum number of votes required to decide a matter, every question shall be determined by a majority of votes of the members present and voting at a meeting of the Committee.

Notwithstanding the terms of this Standing Order, roll call votes will be standard means of recording votes for all decisions taken at ~~Blended~~Remote Meetings. Where a member is unable to verbally indicate their voting intention at the time of the roll call, their vote will not be counted.

In the case of an equality of votes, the Convener shall have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member to any particular office or Committee in which case the decision shall be by lot (e.g. by cut of cards or toss of a coin)¹.

Where a member has moved an amendment and failed to find a seconder, that member may, provided he or she does not vote on the question before the meeting, ask that that fact be recorded in the minute.

- 10.2 Where one or more amendments are made to a motion, the vote shall be taken among the amendments and the motion in that order. In the event that the motion or any amendment, which shall include any motion or amendment relating to the appointment of a member to any particular office or Committee, receives an absolute majority of votes of the members present and voting, then that proposition shall be carried.

Where no such absolute majority obtains, the proposition with the least number of votes shall be eliminated and a further vote (or further votes as may be required) taken until an absolute majority of votes is received for a proposition.

Where there is a tie between propositions as to which has the least votes, a vote shall be taken between them as to which one should be eliminated. The Convener shall not have a casting vote at this stage in proceedings, so that in the event of a further tie, the decision shall be taken by lot.

¹ For the avoidance of doubt, should the Convener opt not to exercise their casting vote, the status quo shall prevail.

In the event of a final vote resulting in an equality of votes for the remaining two propositions, the Convener shall then (but only then) have a second or casting vote, except in the case of appointment of a member to any particular office or Committee, as above, in which case the decision shall be by lot.

- 10.3 Other than at a ~~Blended~~Remote Meeting, voting shall be by a show of hands but if any member objects to the voting being so taken, he or she may move that the vote be taken by calling the roll. If the motion is seconded, it shall be seconded without speeches or further debate and put to the meeting. If the motion receives the support of one-quarter of members present and entitled to vote, the Committee shall then proceed to call the roll.
- 10.4 Once the Convener has indicated that the vote is to be taken, no member will be allowed to offer an opinion, ask a question or interrupt the proceedings until the result of the vote has been announced.
- 10.5 In the case of a staff appointment in respect of any vacant post where only two candidates are nominated, the vote shall be taken as between these candidates and the one receiving the majority of votes shall be declared duly appointed. If more than two candidates are nominated, any vote shall first be taken as between all the candidates nominated, each member being entitled to vote for only one candidate.

If, after this vote has been taken, any candidate has an absolute majority of the members of Council present and voting, such candidate shall be declared duly appointed. If no candidate has such a majority, the name of the candidate having the least number of votes shall be struck out of the list of candidates.

In second and subsequent votes, the same course as that described with reference to the first vote shall be followed until one of the candidates obtains the votes of a majority of the members of the Committee present and voting, when that candidate shall be declared duly appointed or until the candidates are reduced to two, when a final vote shall be taken and the candidate who receives the majority of votes shall be declared appointed.

In the event of the final vote resulting in an equality of votes for each candidate, the Convener shall then (but only then) have a second or casting vote.

11. Decisions of the Council and Notices to Rescind

- 11.1 Any decision made by the Council, as contained in the minutes, shall continue to be operative and binding upon the Council and no motion or resolution inconsistent with it shall be entertained within a period of six months. Any motion or resolution inconsistent with a Council decision submitted after a period of six months shall not be considered until Notice to Rescind signed by the Proposer and six members competent to vote and specifying such motion or resolution shall have been given. 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.

- 11.2 If a Notice of Motion or Notice to Rescind, in terms of Standing Order No. 11.1 above is not moved or seconded by the members giving notice thereof or by someone on their behalf, it shall, unless postponed by leave of the Council, be deemed to have fallen and shall not be moved without fresh notice.

12. Call In Process

- 12.1 (1) Members will be entitled to call in decisions of the Policy & Co-ordination Committee and any of its Sub-Committees, on a requisition signed by 7 members delivered to the Head of Legal and Democratic Services no later than noon on the third working day following (and not counting) the day on which the minute of the meeting is issued. Such notice may also be submitted by electronic mail from addresses provided to members by the Council or notified by the members. Where signatures of members are required, these can be submitted electronically.

In order to ascertain the date of issue of the minute, members minded to call in a decision shall be entitled to notify the Head of Legal and Democratic Services of their intention to do so, whereupon the Head of Legal and Democratic Services shall notify the relevant member(s) immediately on issue of the draft minute.

- (2) This Standing Order does not apply to decisions to appoint or nominate a member of the Council to an outside body or other office.
- (3) This Standing Order does not apply to decisions of the Policy & Coordination Committee or any of its Sub-Committees which require the approval of the Council.
- (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 of the Committee or Sub-Committee, from which the decision has been called in and/or the relevant portfolio holder or their representatives will attend the relevant Scrutiny Committee meeting with support from the relevant officer(s).
- (5) Decisions called in to the relevant Scrutiny Committee will be dealt with as follows:-
- (a) where the relevant Scrutiny Committee agrees with the decision of the Committee or Sub-Committee, it can be implemented without further delay;
- (b) where the relevant Scrutiny Committee does not agree with the decision of the Committee or Sub-Committee, it will be referred the next meeting of the Council for final determination. Where the relevant Scrutiny Committee agrees with the decision of the Committee or Sub-Committee, but, additionally, has recommendations for alternative action, the Chair of the relevant Scrutiny Committee, or another member of the Committee nominated by them, will have the right to attend the relevant Committee or Sub-Committee and speak in support of its recommendation on that item;

- (c) only elected members and religious representatives with regard to education matters, (subject to paragraph 7 of the section relating to the relevant Scrutiny Committee's remit in the List of Committee Powers) serving on the relevant Scrutiny Committee will be entitled to vote.
- (6) 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.
- (7) The Policy & Co-ordination Committee or any of its Sub-Committees 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:-
 - (a) prevent a final decision being made before the required date;
 - (b) prejudice the Council's negotiating position with trade unions or a third party; or
 - (c) seriously prejudice the Council's position in relation to persons or events external to the Council.
- (8) When the Policy & Co-ordination Committee or any of its Sub-Committees 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.
- (9) This Standing Order applies only to decisions of Policy & Co-ordination Committee or any of its Sub-Committees.

13. Contracts, Authentication of Notices and Execution of Deeds

- 13.1 With respect to proposed contracts for the execution of works, the provision of services, or for the supply of goods or materials, the following provisions shall apply relating to securing competition for such contracts and for regulating the manner in which tenders are invited.
- 13.2 With respect to proposed contracts, the Executive Director (Finance and Corporate Services) shall ensure, in consultation with the monitoring officer, that, where applicable, the provisions of all relevant legislation and any orders, regulations or directions made below and the provisions of all relevant European Commission public procurement directives shall be applied with respect to the securing of competition for such tenders.
- 13.3 In order to implement Standing Order No. 13.2, the Proper Officer, in consultation with the Executive Director (Finance and Corporate Services) shall prepare and submit to the Council a Scheme of Tender Procedures and such Procedures, once approved and adopted by the Council, shall be observed by all members and officers of the Council and shall be deemed to be part of these Standing Orders. Any substantive revisions or alterations to the Procedures shall require to be

approved by the Council. The Procedures shall make provision for all relevant matters including, but not limited to:-

- (i) the invitation of tenders;
- (ii) the circumstances and financial limits within which competitive tenders are not required;
- (iii) the selection of lists of contractors;
- (iv) the situation in which direct services or direct labour organisations are entitled to be the sole contractor;
- (v) the preparation of contract documents;
- (vi) the receipt of tenders;
- (vii) the opening of tenders, including their safe custody;
- (viii) the circumstances and extent to which the Proper Officer will be entitled to amend the Scheme of Tender Procedures without first obtaining Council approval for the proposed changes;
- (ix) the formal acceptance of tenders;
- (x) the appointment of sub-contractors;
- (xi) payments to contractors (including the monitoring of such payments);
- (xii) alterations to specification and reporting of increases;
- (xiii) contract monitoring and reporting;
- (xiv) the determination of contracts;
- (xv) the application of tender procedures to offers to dispose of land, buildings, surplus land and equipment;
- (xvi) the circumstances in which a single supplier may be used;
- (xvii) provision for regular review.

13.4 Every notice, order, demand, requisition or other such document or its withdrawal by the Council required or authorised by any enactment, statutory order or bye-law shall, except in so far as such enactment or statutory order specifically otherwise provides, be signed by the Proper Officer.

- 13.5
- (1) The Common Seal of the Council shall be kept by the Proper Officer who shall be responsible for its safe custody.
 - (2) The Common Seal of the Council shall be fixed to any deed or document which requires to be sealed in order to give effect to a decision of the Council.
 - (3) All deeds to which the Common Seal of the Council is required to be affixed shall also be signed by the Proper Officer.
 - (4) A list of all deeds so executed shall be kept with the Proper Officer and shall be available for inspection by any member of the Council at any time.

14. Definitions, Effective Date and Rules on Changes to Standing Orders

14.1 The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.

14.2 This version of Standing Orders takes effect from 4th July, 2019.

- 14.3 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
 - "Council" means The Fife Council incorporated under the 1994 Act
 - "Councillor" means a member of the Council elected at an election or by-election or elected to fill a Council vacancy and who has made a Declaration of Acceptance of Office in terms of section 33A of the 1973 Act
 - "Proper Officer" means the person appointed by the Council for the relevant purpose
 - "member" means in relation to the Council, a Councillor, and in relation to any Committee or Sub-Committee a person appointed as a member of that Committee or Sub-Committee, whether or not entitled to vote
 - "Chief officer" means a statutory or non-statutory chief officer, as defined in section 2 of the 1989 Act
 - "Day" shall mean any day, including Saturdays, Sundays and public holidays in Fife, except when used in the phrase "working day", when it shall be taken to exclude Saturdays, Sundays and public holidays in Fife.
- 14.4 So far as not inconsistent with any statutory provisions, any one or more of these Standing Orders may be suspended at any meeting, but so far only as regards the business at such a meeting and provided that two-thirds of the members of the Council present so decide.
- 14.5 No alteration of the Standing Orders shall be made without notice given in the agenda for the meeting of the Council to discuss the alterations and shall not be effected, except on a resolution, adopted by a majority of the members present and voting.
- 14.6 The Council shall, at least once during every Council term, review these Standing Orders to determine whether any alteration should be considered.

15. Legislation - Table of References

SO	Provision	Legislation	Reference No.
1.4	Period of office of Convener and Vice-Convener	Local Government (Scotland) Act 1994 – Section 4 and Paragraph 7 of	(14.1)
2.3(1)	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	(14.2)
3.4	Notice of place and time of meeting	Paragraphs 2(2) of schedule 7 to the Local Government (Scotland) 1973 Act	(14.3)
3.8(a)	Agenda and reports open to public inspection	Section 50B2 of the Local Government Scotland Act 1973	(14.4)
3.8(a)	Exclusion of report from inspection by press and public	Section 50B(2) of the Local Government (Scotland) Act, 1973.	(14.5)
6.1(1)	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.	(14.6)
4.2	Meeting not quorate as consequence of Councillors' Code of Conduct	Ethical Standards in Public Life, etc. (Scotland) Act 2000.	(14.7)
7.4	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.	(14.8)
8.1(2)	Matters of urgency	Section 50B(4)(b) of the 1973 Act. (SO 8.1 (2))	(14.9)

Guidance for assessing competency of motions

In terms of Fife Council's Standing Orders, motions should be submitted in advance of a meeting (SO 8.1) or, where the Convener agrees that it is a matter of urgency, at a meeting (SO8.2). 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 at a meeting, the Convener will determine competency, taking advice from the legal adviser or Committee Officer as required. If complex, the Convener may wish to adjourn the meeting pending further advice.

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

- Is the motion directed to the correct committee?
- Are the resource implications of the motion clearly set out?
- Is there sufficient budget to implement the terms of the motion?
- 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 (SO11)?
- Is it actionable/capable of being implemented or would further procedure be required e.g. equalities impact assessment?
- Does the motion give fair notice to members of the matter to be discussed?
- Do Councillors have enough background information to reach a reasoned decision?
Corporate plan/Council priorities, financial, policy and legal, staffing, property, need for consultation, procedural fairness, proportionality.

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 Committee or that the motion be amended to ask for an officer report to a future Committee with fuller background.

THE FIFE COUNCIL - FIFE COUNCIL – REMOTE MEETING

10th March, 2022

10.20 a.m. – 1.40 p.m.

PRESENT: Councillors Jim Leishman (Convener), David Alexander, Lesley Backhouse, Alistair Bain, David Barratt, John Beare, Tim Brett, James Calder, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Rod Cavanagh, Bobby Clelland, Dave Coleman, Altany Craik, Neil Crooks, Dave Dempsey, John Docherty, Gavin Ellis, Linda Erskine, Ian Ferguson, Julie Ford, Derek Glen, David Graham, Fiona Grant, Mick Green, Sharon Green-Wilson, Gary Guichan, Judy Hamilton, Andy Heer, Zoe Hisbent, Linda Holt, Margaret Kennedy, Gordon Langlands, Helen Law, Kathleen Leslie, Rosemary Liewald, Carol Lindsay, Jane Ann Liston, Mary Lockhart, Donald Lothian, David MacDiarmid, Mino Manekshaw, Karen Marjoram, Alice McGarry, Lea McLelland, Tony Miklinski, Derek Noble, Tony Orton, Ross Paterson, Bill Porteous, Graham Ritchie, David Ross, David J Ross, Fay Sinclair, Kate Stewart, Alistair Suttie, Jonny Tepp, Brian Thomson, Ann Verner, Andrew Verrecchia, Ross Vettraino, Craig Walker, Darren Watt, Richard Watt and Jan Wincott.

APOLOGIES FOR ABSENCE: Councillor Colin Davidson and Ryan Smart.

In terms of standing order 3.8 Provost agreed to consider a report on Ukrainian Refugees as a matter of urgency. The special circumstances were that the report provided an update on the anticipated response from Fife Council to the Ukraine refugee issue and sought delegated authority to take forward this work in the days and weeks ahead.

273. DECLARATIONS OF INTEREST

Councillor Brett declared an interest in paragraph 282 below – ‘Notice of Motions – Motion 4’ – as his daughter worked at one of the schools affected by the proposed changes. Councillor Brett advised that he would remain in the meeting but would not take part in the debate.

274. UKRAINIAN REFUGEES

The Council considered a report by the Head of Housing Services which outlined the proposed commitment to welcome Ukrainian refugees to Fife.

The Provost agreed to write to the Marshal of the Kujawsko-Pomorskie Region, Poland and the Polish General Consort to offer support from Fife Council.

Decision

The Council:-

(1) agreed that Fife should welcome Ukrainian refugees to Fife through any appropriate Government visa scheme;

(2)/

- (2) agreed to make this commitment through COSLA to the Scottish Government and UK Government;
- (3) noted that the multi-agency response to support a range of vulnerable people, including the Ukrainian refugees coming to Fife will continue to be co-ordinated through the Resettlement Core Group;
- (4) delegated to the Chief Executive, in consultation with the Co-Leaders, the authority to make a specific commitment to COSLA in relation to the number of Ukrainian refugees that Fife Council can support; and
- (5) delegated to the Chief Executive, in consultation with the Co-Leaders, to liaise with Fife Council's established local and regional government partners (in Europe) to establish if there are any practical or other support Fife Council may be able to provide to the humanitarian crisis.

275. CIVIC BUSINESS BULLETIN

The Council considered the Civic Business Bulletin, a copy of which is appended as Appendix 1 to the minute.

Decision

The Council noted the Civic Business Bulletin.

276. MINUTE

The Provost, seconded by the Depute Provost, moved that the minutes of 2nd December, 2021 and 24th February, 2022 be approved.

Decision

The Council approved the minutes.

277. 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) Central and West Planning Committee of 24th November, 15th December, 2021 and 19th January, 16th February, 2022.
- (2) North East Planning Committee of 17th November, 15th December, 2021 and 12th January, 9th February, 2022.
- (3) Fife Planning Review Body of 22nd November, 2022 and 31st January, 2022.
- (4) Regulation and Licensing Committee of 26th October, 23rd November, 14th December, 2021.
- (5) Policy and Coordination Committee of 20th January, 2022.
- (6)/

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- (6) Environment, Finance and Communities Scrutiny Committee of 1st February, 2022.
- (7) Education and Children's Services, Health and Social Care Scrutiny Committee of 16th November, 2021 and 8th February, 2022.
- (8) Standards and Audit Committee of 16th December, 2021.
- (9) Superannuation Fund and Pensions Committee of 7th December, 2021.
- (10) Glenrothes Area Committee of 1st December, 2021 and 2nd February, 2022.
- (11) Levenmouth Area Committee of 17th November, 2021 and 26th January, 2022.
- (12) City of Dunfermline Area Committee of 30th November, 2021 and 25th January, 2022.
- (13) Kirkcaldy Area Committee of 25th January, 2022.
- (14) South and West Fife Area Committee of 1st December, 2021 and 2nd February, 2022.
- (15) Cowdenbeath Area Committee of 8th December, 2021 and 9th February, 2022.
- (16) North East Fife Area Committee of 24th November, 2021 and 26th January, 2022.

Decision

The Council noted the minutes.

278. CO-LEADERS' REPORT

The Council considered a report by the Co-Leaders on a number of strategic issues and an update on the Programme for Administration. The Co-Leaders provided updates on a number of issues in response to questions from members.

Decision

The Council noted the report.

279. 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 2 to the minute.

280. REVIEW OF EXTERNAL ORGANISATIONS

The Council considered a report by the Head of Legal and Democratic Services seeking the Council's approval to begin a review of the number of Council made appointments/

appointments to external organisations to ensure that it remained beneficial for the organisations and the Council.

The Head of Legal and Democratic Services clarified, in relation to recommendation 4 of the report, that although the Council would be writing to all external organisations, there would be a number of organisations to which the Council would not wish to reduce representation.

Decision

The Council:-

- (1) noted the current list of external organisations appointments, as set out at Appendix 1 of the report;
- (2) noted the exceptional contribution that local organisations make to the community in Fife;
- (3) provided comment on the benefits of reducing the number of Council made appointments to external organisations and the principles that could be applied to this process, as set out in section 2 of the report;
- (4) agreed that it be delegated to the Head of Legal and Democratic Services to (i) contact the external organisations, to advise that the Council is seeking to reduce the number of external appointments, and to establish if, in the organisation's view, the Council appointment is/not required or could be reduced and (ii) seek feedback from those members appointed to these bodies. Then to report back to the next meeting of the Fife Council with a proposed list of organisations for Council appointment; and
- (5) agreed that the set of criteria detailed in paragraph 2.6 of the report be applied to ensure consistency when making new appointments.

281. COMMITTEE RECOMMENDATIONS

The Council considered a report by the Head of Legal and Democratic Services seeking approval of recommendations made by the North East Fife Area Committee of 26th January, 2022 and the Environment, Finance and Communities Scrutiny Committee of 1st February, 2022.

Decision

The Council:-

- (1) noted the recommendation from the North East Fife Area Committee and agreed to consider the Council's approach to the attendance of members of the public at remote area committees in the next review of Standing Orders; and
- (2) noted the recommendation from the Environment, Finance and Communities Scrutiny Committee and agreed that the matter be remitted to the Assets and Corporate Services Sub-Committee or its successor.

The/

The meeting adjourned at 11.40 a.m. and reconvened at 11.50 a.m.

282. 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 Dempsey, seconded by Councillor Miklinski, moved as follows:-

“Council reaffirms its position that the Workplace Parking Levy should not be introduced in Fife.”

Decision

The motion was agreed unanimously.

Motion 2

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

“Council welcomes the introduction of the new Fife Sports Strategy which encourages everyone to become more active and take part in sports activities.

Council notes the significant challenges faced by the Sports and leisure trust over the last 2 years in being able to reopen facilities and increase users to return to facilities.

Council supports the call of the East Fife Sports Council that the Trust should look at the opening hours of all its facilities particularly in NE Fife so that there is equitable access to sports and leisure facilities across Fife.”

Amendment

Councillor Miklinski, seconded by Councillor Heer, moved as follows:-

Change third paragraph to:-

".....should look at the opening hours of all its facilities so that there is equitable access to sports and leisure across Fife.

and append

Council also requests a report to the appropriate committee on sports provision in areas not served by the Sports and Leisure Trust."

The/

2022 FC 311

The mover of the motion agreed to accept the amendment and the motion was agreed as follows:-

“Council welcomes the introduction of the new Fife Sports Strategy which encourages everyone to become more active and take part in sports activities.

Council notes the significant challenges faced by the Sports and Leisure Trust over the last 2 years in being able to reopen facilities and increase users to return to facilities.

Council supports the call of the East Fife Sports Council that the Trust should look at the opening hours of all its facilities so that there is equitable access to sports and leisure across Fife.

Council also requests a report to the appropriate committee on sports provision in areas not served by the Sports and Leisure Trust.”

Decision

The Council agreed the amended motion unanimously.

Motion 3

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

“Fife Council is appalled at the ongoing invasion of Ukraine by Russia.

Noting that the waging of aggressive war is a criminal act under international law, in particular Article 2(4) of the UN Charter.

The Council joins with the civilised world in condemning the actions of President Putin in initiating the war which is taking an increasing toll on military personnel and non-combatant civilians alike.

The Council supports the Scottish and UK Governments, other nations and allies in deploying measures aimed at ending the illegal Russian invasion and supporting the government and people of Ukraine in the defence of their country and the lives and liberties of their people.

The Council stands ready to assist in all appropriate ways offering humanitarian support and refuge to the people of Ukraine in this ordeal, as it has recently done for Syrian refugees and those evacuated from Afghanistan.

The invasion of Ukraine and the ongoing occupation of the Crimean peninsula and parts of the Donetsk and Luhansk oblasts, is a reminder that peace, stability and democracy cannot be taken for granted, even in Europe, and stresses the value and importance of international institutions including the United Nations, the European Union, the OSCE, the Council of Europe and NATO in continuing to safeguard and advance democracy, mutual security and economic prosperity in Europe and beyond.

Fife/

2022 FC 312

Fife Council stands with Ukraine and its people in these terrible times. And, with those Russians who are not responsible for this war, many of whom bravely speak out against it - thousands of whom have been arrested by the Russian State for taking part in peaceful protests.

The Council instructs the Chief Executive and the Co-leaders to write to Audrey Yakovlev, Consul General of the Russian Federation in Scotland, conveying the Council's condemnation of the actions of his Government.

Council notes that an initial review of the pension fund investments has taken place and it appears that there are no direct investments in Russian equity. Fund managers will be asked about the impact of sanctions on the wider financial markets and the SF&PC will be asked to review the position if necessary."

Amendment 1

Councillor David Ross, seconded by Councillor Hamilton, moved as follows:-

"Add:

Council expresses its concern at the restrictive approach to issuing visas for Ukrainian refugees currently being taken by the Home Office and calls on the UK Government to relax, expand and streamline arrangements for Ukrainian refugees to enter the UK."

Amendment 2

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

"Add:

Council notes the longstanding history of Fifers in supporting refugee and humanitarian crisis appeals. Today, Council recognises and thanks the contributions of individuals and groups across Fife in donating to Ukrainian refugee appeals.

Council stands with President Zelenskyy and the Ukrainian people in their right to live freely in a Ukraine recognised by the international community since 1991."

The mover of the motion agreed to accept both amendments and the motion was agreed as follows:-

"Fife Council is appalled at the ongoing invasion of Ukraine by Russia.

Noting that the waging of aggressive war is a criminal act under international law, in particular Article 2(4) of the UN Charter.

The Council joins with the civilised world in condemning the actions of President Putin in initiating the war which is taking an increasing toll of military personnel and non-combatant civilians alike.

The/

The Council supports the Scottish and UK Governments, other nations and allies in deploying measures aimed at ending the illegal Russian invasion and

2022 FC 313

supporting the government and people of Ukraine in the defence of their country and the lives and liberties of their people.

The Council stands ready to assist in all appropriate ways offering humanitarian support and refuge to the people of Ukraine in this ordeal, as it has recently done for Syrian refugees and those evacuated from Afghanistan.

The invasion of Ukraine and the ongoing occupation of the Crimean peninsula and parts of the Donetsk and Luhansk oblasts, is a reminder that peace, stability and democracy cannot be taken for granted, even in Europe, and stresses the value and importance of international institutions including the United Nations, the European Union, the OSCE, the Council of Europe and NATO in continuing to safeguard and advance democracy, mutual security and economic prosperity in Europe and beyond.

Fife Council stands with Ukraine and it's people in these terrible times. And, with those Russians who are not responsible for this war, many of whom bravely speak out against it - thousands of whom have been arrested by the Russian State for taking part in peaceful protests.

The Council instructs the Chief Executive and the Co-leaders to write to Audrey Yakovlev, Consul General of the Russian Federation in Scotland, conveying the council's condemnation of the actions of his Government.

Council notes that an initial review of the pension fund investments has taken place and it appears that there are no direct investments in Russian equity. Fund managers will be asked about the impact of sanctions on the wider financial markets and the SF&PC will be asked to review the position if necessary.

Council expresses its concern at the restrictive approach to issuing visas for Ukrainian refugees currently being taken by the Home Office and calls on the UK Government to relax, expand and streamline arrangements for Ukrainian refugees to enter the UK.

Council notes the longstanding history of Fifers in supporting refugee and humanitarian crisis appeals. Today, Council recognises and thanks the contributions of individuals and groups across Fife in donating to Ukrainian refugee appeals.

Council stands with President Zelenskyy and the Ukrainian people in their right to live freely in a Ukraine as recognised by the international community since 1991."

Decision

The Council agreed the amended motion unanimously.

Motion 4

Councillor/

2022 FC 314

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

“Council notes that the matter of the Waid Cluster leadership was discussed following a motion to the Education and Children Services Sub-committee on 1st March 2022. The Sub-committee agreed to request a full report on future options and the proposed consultation process should be provided to the Sub-Committee or its successor prior to this consultation being carried out.

Council agrees that when the options report is considered by the Sub-committee, the Sub-committee should be invited to exclude the “Super Head” proposal (Head of Waid Academy and all 8 Primary Schools) given the significant parental and community concern.”

Amendment

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

“Council notes that concern about the “Super Head” concept and proposal has not been limited to the East Neuk but has been expressed by parents and others across Fife”.

With the agreement of the Provost the movers of both the motion and the amendment agreed to conjoin as follows:-

“Council notes that the matter of the Waid Cluster leadership was discussed following a motion to the Education and Children Services Sub-committee on 1st March, 2022. The Sub-committee agreed to request a full report on future options and the proposed consultation process should be provided to the Sub-Committee or its successor prior to this consultation being carried out.

Council agrees that when the options report is considered by the Sub-committee, the Sub-committee should be invited to exclude the “Super Head” proposal (Head of Waid Academy and all 8 Primary Schools) given the significant parental and community concern.

Council notes that concern about the “Super Head” concept and proposal has not been limited to the East Neuk but has been expressed by parents and others across Fife”.

Decision

The Council agreed the conjoined motion unanimously.

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

The Urgent Item relating to Ukrainian Refugees had been prioritised earlier on the agenda. No further items were brought forward as a matter of urgency.

VALEDICTORY COMMENTS

As this was the last meeting of the Council prior to the Local Government Elections in May 2022, the Provost expressed his appreciation of the contributions of all members, specifically those who would not be standing again, as well as officers in supporting the work of the Council and wished them well in their future endeavours.

FIFE COUNCIL

10th March, 2022

Agenda Item No. 3

Civic Business Bulletin

Awards for Fife Order of the British Empire

Commanders of the Order of the British Empire

Miss Linda BROWN (Kirkcaldy), Executive Officer, Criminal Injuries Compensation Authority - For services to Justice and the Victims of Crime (Fife)

Professor Anne Elizabeth MAGURRAN FRSE (St. Andrews), Professor of Ecology and Evolution, Centre for Biological Diversity and the Scottish Oceans Institute, University of St Andrews - For services to Biodiversity (Fife)

Officers of the Order of the British Empire

Mrs Valerie COCKERELL (Dunfermline), Lately, Chief Officer, Official Seed Testing Station for Scotland, Science and Advice for Scottish Agriculture - For services to Scottish Agriculture (Fife)

Professor Ailsa Jane HALL (St Andrews), Director of the Sea Mammal Research Unit, and Professor of Biology, University of St Andrews - For services to Environmental Protection and Epidemiology (Fife)

Members of the Order of the British Empire

Mr Matthew John CLARK (Ladybank), Lately Chief of Staff, Scottish Liberal Democrats, Scottish Parliament - For services to Politics (Fife)

Mr Owen MILLER (Dunfermline) - For services to Athletics (Fife)

Mr Angus Walter Graeme NICOLL (Kennoway), Lately Managing Director, Peter Greig & Co Ltd. For services to the Textile Industry (Fife)

Defence Employer Recognition Scheme (ERS) Award

Fife Council was successful in revalidating its Defence Employer Recognition Scheme (ERS) silver award in August 2021. On Wednesday, 23rd February 2022 the award was accepted by Cllr Rod Cavanagh on behalf of Fife Council.

Considerable work has been undertaken over the last 18 months to improve and reinforce our commitment to members of our armed forces community who want to settle and work in Fife or are already part of Fife's armed forces community.

Work is currently being undertaken to prepare a submission for the ERS Gold Award. Applications close on the 16th of March 2022 and confirmation of the outcome will be advised in August 2022.

Fife Council
10th March, 2022
Item 7 – Question Time

QUESTION 1 FROM COUNCILLOR DAVE DEMPSEY

What decisions or other actions have been taken by the Policy & Co-ordination Committee and its various Sub-Committees that could not or would not have been taken had the Sub-Committees remained full Committees?

Answer

A consolidated list of the business considered by the Policy & Coordination Committee and also the various Sub-committees from August 2020 when the change took place is currently being prepared as part of the end of year committee assessment and can be made available.

Supplementary Question

Does that mean you don't know?

Answer

The report to committee will provide you with the information requested.

QUESTION 2 FROM COUNCILLOR TIM BRETT

How many pothole and road faults have been reported over the last 6 months and how does this compare with the same periods in the previous 2 years?

Answer

1/9/2020 – 1/3/2021 – 5212 faults reported to R&TS – 1827 containing pothole in the description

1/9/2021 – 1/3/2022 - 9747 faults reported to R&TS – 1558 containing pothole in the description

QUESTION 3 FROM COUNCILLOR TIM BRETT

How many pothole repairs are outstanding at the present time and are we meeting the 1 day and 5 day targets?

Answer

There are 1866 pothole repairs outstanding at present which relate to P3 and P4 pothole repairs. These repairs are 79% and 100% on time targets, respectively.

For February 2022

P1 pothole repairs (24 hour emergency) : 78% repaired within the 24 hr target time, (target 99%).

Priority 1

No. of P1 Repairs	No. Completed on Time (24 hours)	% On Time (Target 99%)
27	21	78

None outstanding

P2 pothole repairs (5 day) : 79% repaired within the 5 day target time, (target 95%).

Priority 2

No. of P2 Repairs	No. Completed on Time (5 Working Days)	% On Time (Target 95%)
796	630	79

None outstanding

Note : At this time of year, it is not uncommon for there to be a slight dip in target response times as periods of poor weather, including heavy rainfall and freeze/refreeze actions, increase the rate and volume of repairs required. In addition, there has been some additional staff pressures due to Covid absences. The use of external contractors is being considered to further assist with this workstream going forward.

QUESTION 4 FROM COUNCILLOR TIM BRETT

Have we seen any reduction in the number of reports of road faults from the public since the introduction of reporting through the Mygov.scot account requirement if people want feedback.

Answer

There has been an overall increase in reports from the public, but pothole reports have reduced, as detailed in Q2.

QUESTION 5 FROM COUNCILLOR TIM BRETT

What is the backlog of tree work at the present time , how many requests are outstanding ? Is there an estimate of the number of trees that have been lost in the recent storms in Fife ? How many trees can we expect to be planted over the next 12 months as replacements?

Answer

Provost, there is a backlog of tree work of four to five months with about 250 requests outstanding. Subcontractors are being employed to help address the work which is seen to be a priority. It is estimated that 329 trees have been lost in Fife during recent storms. Whereas I can't say how many trees will be planted over the next 12 months, I can say that the planned tree planting programmes will see thousands of trees planted in Fife over the next few years.

Supplementary Question

Is this information only in relation to Council trees? Can we link in with Forestry Scotland to check the position with their trees?

Answer

Only provided information relating to Council trees as this is the only information we have.

QUESTION 6 FROM COUNCILLOR TIM BRETT

How many road sign repairs are outstanding and what is the average waiting time for sign replacements?

Answer

In this financial year, 154 road signs orders have been issued for repair, 34 are awaiting completion, and the average time for repair has been 6 months. Work is ongoing to better utilise internal and external resources to help address this timescale.

QUESTION 7 FROM COUNCILLOR DAVE DEMPSEY

Has the Council carried out any analysis of the durability of pothole repairs and, if so, what was found?

Answer

Yes, there was a trial during 2003 / 2004 that looked at alternative pothole repair methods which resulted in a more robust patching specification being developed. The

principle finding of the trial was that over a 32 week period, only 4% of the 'higher quality' repairs needed a return visit for further repair work compared with 28% from the previous sample of 'traditional' make-safe repairs."

The Council now applies this 'higher quality' repair method at every location where it's appropriate to do so

Since the start of the Risk Based Assessment approach 19,922 safety defects have been identified for repair. Of these, 3240 were reported as having had a previous repair. However, this figure includes repairs which were undertaken to the previous repair specification so is not definitive on the current system. More data will be gathered as the process continues to help inform this.

Supplementary Question

Can I ask Councillor Craik to agree a revisiting of this approach is in order?

Answer

Yes and would expect getting them fixed at first attempt to be a focus for the next Administration.

19th May, 2022

Agenda Item No. 9

FIFE LICENSING BOARD

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

Wards Affected: All

Purpose

The purpose of the report is to elect members to the Fife Licensing Board.

Recommendation(s)

It is recommended the Council elects ten members to the Licensing Board and the allocation of membership among the political groups and other members be as set out in paragraph 2.1 below.

Resource Implications

The cost of carrying out the functions of the Fife Licensing Board is met from the alcohol and gambling licence fee income.

Legal & Risk Implications

The Licensing (Scotland) Act 2005 ("the 2005 Act") obliges the Council to elect members to the Licensing Board. This should be done at its first meeting following a local government election.

Impact Assessment

An Impact Assessment is not required because this report requests the Council to take decisions required by statute which have no effect on equalities issues.

Consultation

None

1.0 Background

- 1.1 In terms of the 2005 Act the Council requires to elect members to the Licensing Board and this should be done at its first meeting following a local government election for the purposes of dealing with its alcohol licensing functions. The Licensing Board also deals with the functions set out in the Gambling Act 2005.
- 1.2 The 2005 Act provides that Boards shall have a maximum of ten members and that each member (whether new or re-appointed) should undergo statutory training prior to taking part in any proceedings. The training is provided by an external provider, Alcohol Focus Scotland, which has been accredited by the Scottish Ministers for this purpose. The training including the exam will be delivered remotely. A member of the Board cannot take part in any proceedings of the Board until the member has provided evidence to the Clerk of the Board that the training has been undertaken.
- 1.3 Training for members of the Board has been arranged for **Tuesday 31 May 2022**.

2.0 Appointment of Members to the Fife Licensing Board

- 2.1 In accordance with normal practice relating to political balance, it is proposed that membership be allocated among the political groups as follows:-

	TOTAL
Labour	3
Liberal Democrats	2
S.N.P.	4
Conservative	1
TOTAL	10

- 2.2 In terms of the 2005 Act, a Councillor is disqualified from election as and from being a member of a Licensing Board if the Councillor is:
 - (a) a premises licence holder,
 - (b) an employee of a premises licence holder and works as such in licensed premises,
 - (c) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol,
 - (d) a director or other officer of a company so engaged, or
 - (e) an employee of any person so engaged and works as such in that business.

3.0 Conclusions

- 3.1 By adopting the recommendations at this meeting, the Council will comply with its statutory requirement to set up a Licensing Board.

List of Appendices

None

Background Papers

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

- None

Report Contact

Author Name	June Barrie
Author's Job Title	Depute Clerk to Fife Licensing Board
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19th May, 2022

Agenda Item No. 10

APPOINTMENT OF MEMBERS TO THE REGIONAL TRANSPORT PARTNERSHIP

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

Wards Affected: All

Purpose

The purpose of this report is to appoint members to the Regional Transport Partnership for the South East of Scotland (SEStran).

Recommendation(s)

It is recommended the Council nominates three members (and three substitute members) to the places allocated to Fife Council for SEStran.

Resource Implications

There are no direct resources implications arising from this report.

Legal & Risk Implications

The requirement for nominations and number of councillors to be nominated is set out in the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order. The nomination is required at the first meeting of the new Council after the local government elections.

Impact Assessment

An Impact Assessment is not required because this report requests the Council to take decisions required by statute which have no effect on equalities issues.

Consultation

No consultation has been required

Conclusion

By adopting the recommendation the Council will comply with its statutory obligations under the Order.

List of Appendices

None

Background papers

None

Report contact

Lindsay Thomson
Head of Legal & Democratic Services
Fife Council

lindsay.thomson@fife.gov.uk

19th May, 2022

Agenda Item No. 11

Establishment and Appointments to the Education Appeal Committee and Education Appointment Committee

Report by: Executive Director, Finance & Corporate Services

Wards Affected: All

Purpose

The purpose of this report is to establish (1) the Education Appeal Committee and (2) the Education Appointment Committee and make appointments to it following the local government elections.

Recommendation(s)

- It is recommended that the Council
- a. Agree to establish the Education Appeal Committee and the Education Appointment Committee as set out Appendix 1 to the report; and
 - b. Agree to nominate members to the Committees in accordance with paragraph 1.1 below.

Resource Implications

There are no resource implications arising from this report.

Legal & Risk Implications

The Council must establish an education appeals committee in terms of section 28D(1) of the Education Scotland Act 1980. Schedule 1 of the Act sets out the requirements for membership and this must include members of the authority.

This paper is being presented to Council at this early stage to allow the Council to constitute and appoint to its education appeal committee so that it can meet statutory timescales for education appeals. These appeals are usually made around this time of year.

The establishment of an Education Appointment Committee allows the Education Directorate to progress education appointments before the start of the new academic year in August.

It is likely that the new Council will wish to consider its governance structure in some detail. Early decisions on the education appeal and appointment structure can be reviewed and amended at a future date, should this be required, provided they continue to meet the statutory requirements for an appeal committee.

Impact Assessment

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

Consultation

There has been no external consultation on this paper as it is not required.

1.0 Background

- 1.1 The proposed remit of the Education Appeal Committee sets out two roles for the Committee, being to consider (1) appeals for placing requests that have been refused and (2) appeals against the exclusion of pupils from school. It is recommended, due to the time of year when decisions about placing requests are being made by the Education Authority, that establishing a committee and appointing nominees is required expeditiously to meet the statutory timelines for determining these appeals. In addition, members appointed to the Committee need to receive training to hear these appeals in early course.

In line with the predecessor Committee, it is proposed that the Education Appeal Committee is appointed from a panel comprising 17 members of the Council, plus 3 religious representatives and up to 5 parents of school age children and a maximum of 5 persons with experience of education and who are acquainted with the educational conditions of the area.

If the Committee is established in accordance with political balance the nominations should be as follows:-

SNP – 8 members
Labour – 4 members
Liberal Democrats – 3 members
Conservative – 2 members

- 1.2 Nominations for the Education Appointment Committee are required to appoint Headteacher and Depute posts that may require to be filled in advance of the end of this school session to allow them to take up post before the new school session in August. In line with the predecessor Committee, the Council members of this Committee will be drawn from the same panel as the Education Appeal Committee, plus 3 religious representatives. The Appointment Committee for posts of Headteacher will comprise 6 members (two elected member, one of whom will chair the meeting), 2 nominees of the Executive Director (Education & Children's Services) and 2 nominees of the parent council of the school.

2.0 Conclusions

- 2.1 The Council is asked to consider making nominations to the Committee as detailed in this report. Appointments to other roles, committees and bodies can be considered later at this meeting or at a future meeting of the Council.

List of Appendices

Appendix 1 – draft remit of Committee.

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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Fife Council – 19th May, 2022

Item 10 – Appendix 1 – Draft Remit of Education Appeal Committee and Education Appointment Committee

1. Education Appeal Committee

The membership of the Education Appeal Committee comprises three members of Council, one parent member and one person with an educational background.

(The Committee shall be appointed from a panel comprising seventeen members of the Council plus three religious representatives, up to a maximum of five parents of school age children and up to a maximum of five persons with experience of education and who are acquainted with the educational conditions in the area.)

Terms of Reference

- to consider, with powers, appeals of decisions relating to:-
 - the refusal of placing requests; and
 - exclusion of pupils from schools.

2. Education Appointment Committee

Note - The Council members of the Education Appointment Committees will be drawn from the same panel as the Education Appeal Committee, i.e. comprising seventeen members of the Council (plus three religious interest representatives).

The Appointment Committee for posts of Headteachers will comprise six members (two elected members (one of whom will chair the meeting), two nominees of the Executive Director (Education and Children's Services) and two nominees of the parent council of the school); and

The Appointment Committee for posts of Depute Headteacher will comprise officers and nominees of the parent council.

Terms of Reference

- to interview for posts of Headteacher and Depute Headteacher and to make recommendations to the Executive Director (Education and Children's Services) for appointment in terms of the Parental Involvement Act 2006.