

**THE FIFE COUNCIL - FIFE COUNCIL – REMOTE MEETING**

23rd September, 2021

10.00 a.m. – 1.15 p.m. and

1.45 p.m. – 3.40 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, Colin Davidson, Dave Dempsey, John Docherty, Gavin Ellis, Linda Erskine, Ian Ferguson, Julie Ford, Derek Glen, David Graham, Mick Green, Sharon Green-Wilson, Garry Haldane, Jean Hall Muir, Judy Hamilton, Andy Heer, Zoe Hisbent, Linda Holt, Gordon Langlands, Helen Law, Kathleen Leslie, Rosemary Liewald, Carol Lindsay, Jane Ann Liston, Mary Lockhart, David MacDiarmid, Mino Manekshaw, Karen Marjoram, Alice McGarry, Lea McLelland, Tony Miklinski, Derek Noble, John O'Brien, Tony Orton, Ross Paterson, Bill Porteous, David Ross, David J Ross, Ryan Smart, 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:** Councillors Gary Guichan, Margaret Kennedy, Donald Lothian, Dominic Nolan and Graham Ritchie.

**247. DECLARATIONS OF INTEREST**

**Decision**

No declarations were submitted in terms of Standing Order 7.1.

**248. CIVIC BUSINESS BULLETIN**

There was circulated at the meeting, a Civic Business Bulletin, a copy of which is appended as Appendix 1 to the minute.

**249. MINUTE**

The Provost, seconded by the Depute Provost, moved that the minute of the meeting of Fife Council of 17th June, 2021 be approved.

**Decision**

The Council approved the minute.

**250. MINUTES OF COMMITTEES AND SUB COMMITTEES**

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

(1)/

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- (1) Central and West Planning Committee of 9th June, 7th July, 4th August and 1st September, 2021.
- (2) North East Planning Committee of 2nd June, 30th June, 28th July and 25th August, 2021.
- (3) Fife Planning Review Body of 28th June and 9th August, 2021.
- (4) Regulation and Licensing Committee of 18th May and 22nd June, 2021.
- (5) Policy and Co-ordination Committee of 24th June and 5th August, 2021.
- (6) Environment, Finance and Communities Scrutiny Committee of 1st June and 31st August, 2021.
- (7) Standards and Audit Committee of 3rd June and 29th June, 2021.
- (8) Superannuation Fund and Pensions Committee of 15th June and 29th June, 2021.
- (9) Glenrothes Area Committee of 23rd June, 2021.
- (10) Levenmouth Area Committee of 23rd June and 11th August, 2021.
- (11) City of Dunfermline Area Committee of 8th June and 24th August, 2021.
- (12) Kirkcaldy Area Committee of 8th June and 24th August, 2021.
- (13) South and West Fife Area Committee of 16th June and 25th August, 2021.
- (14) Cowdenbeath Area Committee of 16th June and 18th August, 2021.

### **Decision**

The Council noted the minutes.

#### **251. CO-LEADERS' REPORT**

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

### **Decision**

The Council noted the report.

#### **252. 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.

*Councillors Lockhart and Suttie joined the meeting during consideration of the above item.*

*The meeting adjourned at 11.20 a.m. and reconvened at 11.30 a.m.*

#### **253. REVIEW OF HEALTH AND SOCIAL CARE INTEGRATION SCHEME**

The Council considered a report by the Executive Director, Finance and Corporate Services seeking approval of the proposed changes to the Health and Social Care Integration Scheme, following on from the recent review.

### **Decision**

The/

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The Council agreed:-

- (1) the proposed changes to the Health and Social Care Integration Scheme, as summarised in paragraph 2.2 of the report and reflected in the amended Scheme attached as Appendix 1 to the report; and
- (2) that the Council's approval of the amended Health and Social Care Integration Scheme be notified to both NHS Fife and the Scottish Government.

### 254. REVIEW OF GOVERNANCE ARRANGEMENTS

The Council considered a report by the Executive Director, Finance and Corporate Services which provided members with an update on the review of the Governance Arrangements implemented following the decisions of the Council of 6th August, 2020 and 11th March, 2021 and the variation to Financial Regulations agreed by the Council on 11th March, 2021.

#### Motion

Councillor David Ross, seconded by Councillor Alexander, moved approval of the recommendations in the report.

#### Amendment

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

“Recommendation 5 to read:-

- (5) Agree that work be undertaken to ensure all Area Committees are able to meet in their own areas as soon as practicable.”

The mover of the motion agreed to accept the amendment.

#### Decision

The Council agreed:-

- (1) to note that at the time of writing there had been one pilot of a hybrid Committee meeting;
- (2) that Fife Council would continue to pilot hybrid meetings until the end of the calendar year 2021;
- (3) to receive a further report at the December meeting of Council seeking a decision on continuing hybrid meetings or returning to full in-person meetings;
- (4) that the Licensing Board and Regulation & Licensing Panel would continue to meet on an in person basis, as detailed in paragraph 2.8 of the report;
- (5) that work be undertaken to ensure all Area Committees are able to meet in their own areas as soon as practicable;
- (6)/

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- (6) to delegate authority to the Chief Executive and the Group Leaders to review and, if necessary, alter the format of hybrid Council and Committee meetings to reflect changes to public health considerations and to accommodate members of the public attending meetings;
- (7) to delegate authority to the Head of Legal & Democratic Services to make any consequential administrative amendments to the Governance Scheme necessary to implement the decisions under the recommendation above;
- (8) that public meetings of Fife Council and the Committees detailed in Appendix 1 of the report, be livestreamed for real time viewing and also recorded and made available on the Council's website, with the recording being held for 180 days, in line with the Council's Data Privacy Agreement; and
- (9) that the departure from the Financial Regulations set out in para 2.10 of this report would continue to be effective until March 2022.

*Councillor Verrecchia left the meeting during consideration of the above item.*

### **255. PLAN FOR FIFE UPDATE: A PLAN FOR RECOVERY AND RENEWAL**

The Council considered a report by the Executive Director, Communities which presented the three-year update of the Community Plan for Fife 2017 - 2027.

#### Motion

Councillor David Ross, seconded by Councillor Hamilton, moved approval of the recommendations in the report.

#### Amendment

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

"That Council

1. agree to delete the existing recommendation after "2024 Update"
2. and add "on the basis that it doesn't do any harm but notes that this is the latest in a series of missed opportunities to produce a plan with meaningful SMART objectives and an idea of how to achieve them".

#### Roll Call

#### For the Motion – 47 votes

Councillors David Alexander, Lesley Backhouse, Alistair Bain, David Barratt, John Beare, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Rod Cavanagh, Bobby Clelland, Altany Craik, Neil Crooks, Colin Davidson, John Docherty, Linda Erskine, Ian Ferguson, Julie Ford, Derek Glen, David Graham, Sharon Green-Wilson, Garry Haldane, Jean Hall Muir, Judy Hamilton, Zoe Hisbent, Gordon Langlands, Helen Law, Jim Leishman, Rosemary Liewald, Carol Lindsay, Mary Lockhart, David MacDiarmid, Karen Marjoram, Lea McLelland, Alice McGarry, Derek Noble, John O'Brien, Ross Paterson, David Ross, Ryan Smart, Kate Stewart, Alistair Suttie, Brian Thomson, Ann Verner, Ross Vettraino, Craig Walker and Jan Wincott.

#### For/

**For the Amendment** – 18 votes

Councillors Tim Brett, James Calder, Dave Coleman, Dave Dempsey, Gavin Ellis, Mick Green, Andy Heer, Linda Holt, Kathleen Leslie, Jane Ann Liston, Mino Manekshaw, Tony Miklinski, Tony Orton, Bill Porteous, David J Ross, Jonny Tepp, Darren Watt and Richard Watt.

The motion was accordingly carried.

**Decision**

The Council agreed to adopt the Plan for Fife 2021 - 2024 Update as the basis for Fife's recovery and renewal.

*Councillors Hamilton and Tepp left the meeting following consideration of the above item.*

*The meeting adjourned at 1.15 p.m. and reconvened at 1.45 p.m.*

**256. NOTICE OF MOTION**

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.

The Provost advised members that he had agreed to a minor amendment to Motion 5 to correct the wording to reflect the appropriate Executive Director.

The Provost also advised that the movers and seconders of Motions 8 and 9 had given consent for their original motions to be withdrawn and a conjoined motion on similar terms had been submitted. The Provost agreed that the conjoined motion should be accepted.

**Motion 1**

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

Maintenance of trees

“Council notes that in areas of land that are privately owned but where grounds maintenance was formally adopted by Fife Council and its predecessor district councils, there are a number of trees on this land.

Council notes that the Council has stopped maintaining a number of these trees which has seen an increase in the number of complaints received with regard to overhanging branches from residents of these areas.

The Council has a moral responsibility to maintain these trees while the Council continues to take legal advice and work through a revised approach to tree maintenance across Fife.

Council notes that residents should not be penalised due to a lack of maintenance of trees and that longer term, the Council may have to retain responsibility maintaining the trees.

Council/

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Council calls for a report on this matter advising on work to date by the service, options for future maintenance and, if possible, information regarding how many of these trees were planted by Fife Council and former district councils be submitted to the Environment and Protective Services Sub-Committee.”

### **Decision**

The motion was agreed unanimously.

### **Motion 2**

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

Teachers not receiving full time roles

“Council notes that as of the end of June, 147 qualified primary school teachers and 46 qualified secondary school teachers who had passed the interview stage were not offered permanent full time teaching roles. A number of these teachers are at the early stage of their career.

While a number of them have been put on the supply list, this Council would like to express its regret at this situation and the stress it has caused for those concerned.

While the Council welcomes Scottish Government funding for 71 FTE roles, Fife Council resolves to call on the co-leaders to write to the Scottish Education Secretary to ask how this situation can be avoided again in the future.”

The Provost allowed the Convener of the Education and Children’s Services Sub-Committee to speak to a Point of Information to provide members with information in relation to teacher recruitment.

### **Decision**

The Council agreed the motion unanimously.

### **Motion 3**

Councillor Leslie, seconded by Councillor David J Ross, moved as follows:-

“Swimming is not only a life-skill but a life-saver. Being able to swim, demonstrate water confidence and understand how to keep safe in the water should be an outcome by the end of primary school for all pupils.

Fife Council requests that a report is brought to the Education & Children’s Services Sub-Committee;

- Providing detail on current swimming policy across Fife schools
- Providing/

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- Providing recommendations on how to ensure that all children leave primary school able to swim with confidence and understanding how to keep safe in the water
- Addressing how to ensure any child unable to swim confidently upon leaving primary school will have the opportunity to do so as they progress into high school”

### **Decision**

The Council agreed the motion unanimously.

### **Motion 4**

Councillor Marjoram, seconded by Councillor Hall Muir, moved as follows:-

"This Council declared a Climate Emergency in 2019, two years on and there is still much to do. This year, 2021, presents an unmissable opportunity for change. In 2021, world leaders will come together during key global conferences and forums to set the environmental agenda for the future.

It is crucial that political decisions are made on climate action, nature, and sustainable development - decisions that will directly affect the fate of everyone, and our planet for years to come. It is essential, therefore, that local leadership is demonstrated across Fife, and I ask that Fife Council should :

1. arrange as soon as possible a Seminar for Community Councils on the Climate Emergency, so that they may take a local lead in their respective areas.
2. that it be remitted to Officer to prepare a report for submission to Environment and Protective Services Sub-Committee on the issues raised at COP26, to ensure that recommendations specific to Fife are dealt with appropriately.”

### **Decision**

The Council agreed the motion unanimously.

### **Motion 5**

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

“Council receives from the Executive Director, Communities, a report in relation to fixed penalty notices for the offences of littering and fly tipping under section 88 and 33A of the Environmental Protection Act 1990 covering the following:-

- Number of fixed penalties issued
- Number of Fife Council officers currently authorised to issue penalties and the substantives roles those officers hold
- Any service plans to change the number of authorised officers, including whether the appointment as an authorised officer could be added to other substantive roles
- The/

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- The benefits, risks and process associated with the appointment of additional authorised officers.”

### Amendment

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

“Council notes that the relevant Executive Directors and Heads of Service are developing an Environmental Vandalism Strategy, central to which will be better policing of illegal dumping. As a consequence, a review of the organisation and deployment of the Council’s enforcement resources, both existing and potential, and the available technology is fundamental part of the ongoing work.

Council also notes that it is intended to present the Strategy to the Environment and Protective Services Sub-Committee when it meets in November.”

### Roll Call

#### For the Motion – 12 votes

Councillors Dave Coleman, Dave Dempsey, Gavin Ellis, Mick Green, Andy Heer, Kathleen Leslie, Mino Manekshaw, Tony Miklinski, Tony Orton, David J Ross, Darren Watt and Richard Watt.

#### For the Amendment – 46 votes

Councillors David Alexander, Lesley Backhouse, Alistair Bain, David Barratt, John Beare, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Rod Cavanagh, Bobby Clelland, Altany Craik, Neil Crooks, Colin Davidson, John Docherty, Linda Erskine, Ian Ferguson, Julie Ford, Derek Glen, David Graham, Sharon Green-Wilson, Garry Haldane, Jean Hall Muir, Zoe Hisbent, Gordon Langlands, Helen Law, Jim Leishman, Rosemary Liewald, Carol Lindsay, Mary Lockhart, David MacDiarmid, Karen Marjoram, Lea McLelland, Alice McGarry, Derek Noble, John O'Brien, Ross Paterson, David Ross, Ryan Smart, Kate Stewart, Alistair Suttie, Brian Thomson, Ann Verner, Ross Vettraino, Craig Walker and Jan Wincott.

#### Abstained – 5 votes

Councillors Tim Brett, James Calder, Linda Holt, Jane Ann Liston and Bill Porteous.

### Decision

The amendment was accordingly carried.

*Councillors Backhouse and Coleman left the meeting following consideration of the above item.*

### Motion 6

Councillor Dempsey, seconded by Councillor David J Ross, moved as follows:-

“In the light of public disquiet in relation to the performance of some of Fife Council’s/



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Council's arm's length organisations, Council asks the Chief Executive to carry out a review of the current ALEO arrangements (in particular for Fife Cultural Trust, Fife Sports and Leisure Trust, Fife Golf Trust, Fife Coast and Countryside Trust and Fife Resource Solutions) and to consider whether an alternative structures would ensure that these organisations are working in the best interests of Fifers."

### Amendment

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

"Council notes that:

1. a review of the Trust arrangements was undertaken prior to the onset of the pandemic and is still being worked through;
2. the Council benefits by £7.5m per annum in by operating these services through arms length arrangements;
3. the services provided by some of Fife's ALEO and Trusts are still restricted by the on-going impact of the pandemic;
4. annual performance reports on the Trusts and the ALEO are submitted to Council sub-committees;
5. there are regular liaison arrangements between the Council and its Trusts and ALEO and they all operate under service level agreements with regular performance reviews in place, address any concerns.

Council therefore believes that it is unnecessary to embark on a further full review of the ALEO and Trusts arrangements at this time; although this might be required once the long term impacts of the pandemic are clearer."

### Roll Call

#### For the Motion – 10 votes

Councillors Dave Dempsey, Gavin Ellis, Andy Heer, Kathleen Leslie, Mino Manekshaw, Tony Miklinski, Tony Orton, David J Ross, Darren Watt and Richard Watt.

#### For the Amendment – 48 votes

Councillors David Alexander, Alistair Bain, David Barratt, John Beare, Tim Brett, James Calder, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Rod Cavanagh, Bobby Clelland, Altany Craik, Neil Crooks, Colin Davidson, John Docherty, Linda Erskine, Ian Ferguson, Julie Ford, Derek Glen, David Graham, Sharon Green-Wilson, Garry Haldane, Jean Hall Muir, Zoe Hisbent, Linda Holt, Gordon Langlands, Helen Law, Jim Leishman, Rosemary Liewald, Carol Lindsay, Jane Ann Liston, Mary Lockhart, David MacDiarmid, Karen Marjoram, Lea McLelland, Alice McGarry, Derek Noble, John O'Brien, Bill Porteous, David Ross, Kate Stewart, Alistair Suttie, Brian Thomson, Ann Verner, Ross Vettraino, Craig Walker and Jan Wincott.

### Decision

The/

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The amendment was accordingly carried.

*Councillors Green and Paterson left the meeting during consideration of the above item.*

*Councillors Lockhart and Miklinski left the meeting following consideration of the above item.*

*Councillor Backhouse rejoined the meeting following consideration of the above item.*

### **Motion 7**

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

“The Council note that the legislation is now in force to implement control areas for planning purposes.

This would allow Fife Council , as planning authority, to designate an area as a control area.

Council acknowledge that this is a welcome development, particularly in East Neuk and Landward Ward which has experienced particular challenges in relation to secondary letting, short term lets and ensuring the best use of homes in the area.

As other councils in Scotland have already done we now call on Fife Council to move swiftly to consider the opportunities this legislation would bring to the East Neuk and Landward, and in particular to consider whether to designate it as a Control Area. We seek a report to the Policy and Coordination Committee on the process to be followed to implement Control Areas and thereafter detailed annual reports to Full Council on the operation of the designated areas.”

### **Amendment**

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

“Council acknowledges the pressures on our communities from St Andrews and the East Neuk to Kincardine in relation to secondary letting and short term lets. Following a briefing note on this matter, which was issued to all councillors on 7th September 2021, we would now look to explore the opportunities that the legislation may offer around control zones and seek a report to Policy and Coordination Committee on the process to be followed as the guidance is issued, by Scottish Government, with update reports after implementation.”

With the consent of the movers and seconders of both the motion and the amendment, the Provost decided to conjoin. The conjoined motion was as follows:-

“The Council note that the legislation is now in force to implement control areas for planning purposes.

This/

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This would allow Fife Council , as planning authority, to designate an area as a control area.

Council acknowledges the pressures on our communities from St Andrews and the East Neuk to Kincardine in relation to secondary letting and short term lets. Following a briefing note on this matter, which was issued to all councillors on 7th September 2021, we would now look to explore the opportunities that the legislation may offer around control zones and seek a report to Policy and Coordination Committee on the process to be followed as the guidance is issued, by Scottish Government, with update reports after implementation.”

### **Decision**

The Council agreed the conjoined motion unanimously.

### **Conjoined Motions 8 and 9**

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

“Council notes with concern the proposed changes to the Scotrail timetable which will have the overall effect of reducing services for Fife.

Council believes these changes will be counterproductive in terms of our efforts to reduce the carbon footprint and are extremely disappointing when considered in the context of the higher charges and service failures we have seen in Fife over recent years.

The emerging pattern of commuter travel is by no means certain, and working from home is still prevalent, making the scale of the proposed changes premature.

Council welcomes the provision for Leven and future expansion of the network but has concerns at the increasing journey times and reduction in fast services. Council further believes that the Scottish Government should have set out a comprehensive plan for encouraging the safe return to public transport rather than allowing further cuts to services which run against commitments to tackle climate change.

Council therefore agrees:

- To write to Scotrail expressing our concerns about these proposed cuts to services and requesting an urgent meeting to discuss them;
- To write to the Scottish Government urging them to set out a comprehensive plan for the safe return to public transport; and
- To encourage Fife residents to make their views to these proposals known to Scotrail through the consultation which closes on 1st October 2021.”

### **Amendment**

Councillor David J Ross, seconded by Councillor Leslie, moved as follows:-

“Add a paragraph before the section beginning council agrees, as follows:-  
Fife council Notes with grave concern the proposal to discontinue trains travelling around/

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around the full length of the Fife Circle. Fife council strongly believes that forcing people to change trains at stations which are unmanned for long periods of the day will discourage those with disabilities and additional access needs from travelling independently.

With the consent of the movers and seconders of both the conjoined motion and the amendment the Provost decided to conjoin. The conjoined motion was as follows:-

“Council notes with concern the proposed changes to the Scotrail timetable which will have the overall effect of reducing services for Fife.

Council believes these changes will be counterproductive in terms of our efforts to reduce the carbon footprint and are extremely disappointing when considered in the context of the higher charges and service failures we have seen in Fife over recent years.

The emerging pattern of commuter travel is by no means certain, and working from home is still prevalent, making the scale of the proposed changes premature.

Council welcomes the provision for Leven and future expansion of the network but has concerns at the increasing journey times and reduction in fast services. Council further believes that the Scottish Government should have set out a comprehensive plan for encouraging the safe return to public transport rather than allowing further cuts to services which run against commitments to tackle climate change.

Council strongly believes that forcing people to change trains at stations which are unstaffed for long periods of the day will discourage those with disabilities and additional access needs from travelling independently.

Council therefore agrees:

- To write to Scotrail expressing our concerns about these proposed cuts to services and requesting an urgent meeting to discuss them;
- To write to the Scottish Government urging them to set out a comprehensive plan for the safe return to public transport; and
- To encourage Fife residents to make their views to these proposals known to Scotrail through the consultation which closes on 1st October 2021.”

### **Decision**

The Council agreed the conjoined amended motion unanimously.

## **257. BUSINESS BROUGHT FORWARD BY THE PROVOST AS A MATTER OF URGENCY**

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

## **FIFE COUNCIL**

23<sup>rd</sup> September, 2021

Agenda Item No. 3

### **Civic Business Bulletin**

#### **Retirement**

Derek Crowe is retiring from the Council on 17<sup>th</sup> October for which the Council would like to record their appreciation for 43 years of service, 25 of which in a Chief Officer role.

#### **Olympics & Paralympics**

Congratulation to all those from Fife on their recent success in the Toyko Olympics and Paralympics.



## **MEETING OF FIFE COUNCIL**

**THURSDAY, 23<sup>RD</sup> SEPTEMBER, 2021**

### **AGENDA ITEM NO. 7 - QUESTION TIME**

#### **QUESTION 1 FROM COUNCILLOR JONNY TEPP**

Local authorities have the power to issue fixed penalties to motorists guilty of the offence of engine idling. Fife Council believes that an educational approach and voluntary action is best. Does the administration believe that education without enforcement is normally effective, and can we be reassured that the current approach is working to reduce engine idling around our Schools and public spaces?

#### **Answer**

Idling is an offence under the Road Traffic (Scotland) Regulations but enforcement is not statutory. It is therefore up to individual local authorities to decide if they want to enforce these regulations. At present Fife Council chooses not to, and it has periodically reviewed this decision in the light of changes to air quality regulations and as part of our Air Quality Management Area action planning.

Instead, we choose to continue with education and voluntary action, increasing public awareness on the issues surrounding air quality and proactively participating in 'Clean Air Day' activities. Our priorities include educating drivers within our own fleet as well as interacting with freight, bus and taxi operators across Fife through schemes such as 'ECO-Stars', which help fleet operators improve efficiency, cut fuel consumption and reduce emissions. At the start of August, the number of fleet operators in Fife signed up to ECO-Stars reached 260, covering 9293 vehicles. In addition we now have 147 taxi companies signed up, adding another 596 vehicles. According to the national organiser, this is one of the most successful implementations of their scheme in the country.

Fife's approach also includes providing live online lessons to pupils in Fife schools that sign up for Clean Air Day activities. The package is built around monitoring results obtained by pupils using equipment supplied to participating schools in advance of the event. Now in its sixth year, Fife Council also supports schools to encourage pupils to 'Walk Once a Week'. In addition, the 'Hands Up Scotland' survey each September asks pupils about getting to school, and results for 2020 showed there had been a ten percent increase in walking, cycling or scooting to school compared to 2019.

Fife Council has recently taken the decision to amend its orders for both Air Quality Management Areas because of sustained improvements in measured air quality in Cupar and Dunfermline.

To adopt the legislation that allows councils to issue fixed penalty notices for idling, an application must be made in writing to the Scottish Ministers to become a designated authority (Section 87 of the Environment Act 1995). If that is accepted – and prior to implementation or any enforcement activity – a suitable publicity campaign must also be undertaken within the council area. The next decision would need to consider who might be deployed to enforce the offence. Some councils might use Traffic Wardens and Environmental Wardens, but both already have other jobs to do.

A report published by Environmental Protection Scotland<sup>[1]</sup> suggested that, even where enforcement has been approved, issuing a fine should be a last resort. According to the Glasgow Times, just nine fines have been issued in Glasgow in the last five years. A colleague at Aberdeen City indicated that, although they have approval to issue fixed penalty notices, they haven't actually used those powers.

Fife Council, through its published Air Quality Strategy 2021-2025, will continue to consider the possibility of enforcing idling as an offence, but the current position remains unchanged.

<sup>[1]</sup> [www.ep-scotland.org.uk/wp-content/uploads/2019/04/West-Lothian-emissions-partnership.pdf](http://www.ep-scotland.org.uk/wp-content/uploads/2019/04/West-Lothian-emissions-partnership.pdf)

#### Supplementary

Would it cost extra have officers issue fines?

#### Answer

Unaware of costs. Current Council approach is to educate drivers however this is regularly reviewed.

#### **QUESTION 2 FROM COUNCILLOR JONNY TEPP**

Does the administration agree with Alex Rowley MSP that It is 'time for tougher action on gulls that are terrorising locals across the region' and that we need to 'have a proper review to look at exactly what powers we do have'?

#### Answer

Yes, I do agree with Mr Rowley, as is evidenced by the Council's ongoing review and assessment of the situation, which is being addressed in line within the powers that the Council currently has. If Mr Rowley had spoken with me, he would be more up to date with the Council's position in that regard.

#### Supplementary

When will the outcomes of the review be available?

#### Answer

No plans for a specific report at this time.

### **QUESTION 3 FROM COUNCILLOR JAMES CALDER**

As part in of the Programme for the Administration stated that as part of Culture Sport and Physical Activity that the Administration "would ensure that every child in Fife should be able to swim and ride a bike safely by the time they leave primary school". Can the Administration provide up to date figures on the percentage of children leaving primary school can swim and ride a bike?

#### **Answer**

We gather data which covers a very broad range of HWB themes from young people as they move through Primary and Secondary Education. This includes their engagement in Physical Activity and Sport but it does not ask for information on their swimming or cycling skills. This brief paper seeks to give an overview of the activities and offers made to children and young people in relation to swimming and cycling.

#### **Swimming**

**Education:** A number of schools across Fife have used funding sources such as the pupil equity funding to provide swimming lessons for their pupils throughout the school day.

Some schools continue to take children with additional support needs swimming either within their own school or at a nearby facility.

Within holiday periods the Active Schools Team have supported water confidence classes in partnership with Community Use and Fife Sports and Leisure Trust for targeted young people using SIMD data. Successful programmes were operated from Balwearie High Community Use, Kirkcaldy Leisure Centre, The Beacon and another from Woodmill High Community Use.

**Community Use of Schools/Active Communities:** A Learn to Swim Programme has continued in Lochgelly, Woodmill, Inverkeithing, Balwearie and Glenwood.

**Fife Sports & Leisure Trust** - FSLT runs an extensive learn to swim programme which includes concessionary programmes for Learn to Swim. They provide water safety messages and campaigns as part of their 'L2S' provision.

**Partnerships** – FSLT and Fife Council have been actively involved in a number of projects to get more children swimming over the past five years. This has included P5/6 Voucher Scheme in partnership with Education & Children's Services: Free Primary 1 Swimming (with parents who were also encouraged to attend at Lochgelly High Community Use), Sponsored Funded Lessons - Supporting Scottish Swimming and the Swimming Lessons in Schools campaign.

**Pandemic:** Due to the Covid-19 many swimming provisions have not been able to run as normal.

#### **Supplementary**

Do we have any indications we are on course to achieve these outcomes?



Answer

No measures to record this but a number of approaches being taken.

**QUESTION 4 FROM COUNCILLOR JAMES CALDER** (response received) Altany Craik

The King Malcolm Hotel in Dunfermline has recently closed down and the site has been left without any use. Has there been any discussions from Fife Council with both the landlords of the building and the tenant (Peel Hotels) to look into what can be done with the site?

Answer

Officers have looked to establish contact with the owners of the former King Malcolm Hotel site, and would make the following observations in relation to the site:

Subject to planning, the King Malcolm Hotel site provides an opportunity for a range of employment uses, including continued use as a hotel, albeit that significant investment would be required to either bring the existing building up to standard or perhaps as a redevelopment opportunity. Given its location in a predominantly residential area, and without having conducted market testing, we believe the site would also lend itself to further residential or potentially for care sector uses.

The current building is somewhat dated and would require substantial investment if it were to continue as the location for a hotel. The Fife Hotel Demand Study, conducted by GVA on behalf of Fife Council in 2017, concluded that Dunfermline was performing relatively well in terms of bed occupancy, yet at the tipping point of requiring further, good quality hotel capacity. It would therefore seem logical that the current site could play a part in fulfilling this with a redeveloped/expanded hotel. On a note of caution, it is unclear whether hotel demand in Dunfermline or the rest of Fife will recover to the same levels seen previously. It is likely that the business and conference market, that the King Malcolm Hotel catered for, will not return to pre-pandemic levels with greater use of digital connectivity.

We cannot find any evidence that the owners are openly marketing the site for sale.

Supplementary

Can members be provided with regular updates on this matter?

Answer

Yes at Ward meetings.

**QUESTION 5 FROM COUNCILLOR JANE ANN LISTON** (response received) Rosemary Liewald

What steps is Fife Council taking to address the shortage of carers across the sector in Fife, both residential and at home, currently being experienced by council, third sector and private providers?

Answer

Mitigation;

- Ongoing recruitment for H&SC workers to increase capacity within the Care at Home Service – 65 care at home staff being recruited and 20 relief staff.
- A review of all care packages has commenced. Working with internal and external providers to ensure people are receiving the correct level of support.
- Ongoing work with Scottish Care to consider opportunities to work closely with our external partners to ensure that they are able to deliver care requirements. Review of contracting being undertaken. Online questionnaire in progress to gather views on options going forward.
- Ongoing pilot with a Care Home Provider and Social Work to move people awaiting a package of care to an interim bed in care homes. This is a move to prevent people waiting in a hospital on a package of care. The interim move to a care home means that the person will be cared for in a homely environment in a single room with individual toilets/ showers etc rather than in a hospital bay with shared facilities.
- Urgent call to action meeting chaired by Chief SW officer to ask for relief staff across the council to be deployed into the internal care at home service. This has resulted in no movement because most services are now fully mobilised back into normal business functions.
- Head Of Service leading the “Home First” oversight group to implement a Home First strategy for Fife. - The strategic direction of the Health & Social care Partnership is to redesign care to ensure people have the opportunity to be treated at home or in a homely setting rather than in an acute hospital bed. People who are ready for discharge and do not require a hospital bed may still require short term health and social care services. Where it is safe and appropriate to do so, this can be provided in their own home or in a homely setting. This work will require significant redesign and investment in the services that will enable the model to be implemented.

### Supplementary

What is the amount FC receives from Scottish Government per service user per hour for both residential and at home care?

### Answer

Don't have these statistics available but will provide in due course.

### **QUESTION 6 FROM COUNCILLOR GAVIN ELLIS**

While we are all aware of the issues around the waste collection recently in west Fife can council confirm the situation regarding the policy of side waste and how it intends to assist elderly and residents with mobility issues?

On one hand residents are being told they can have side waste yet on any other given time they face a fixed penalty, residents are also being told to take their waste recycling to a recycling point again if they are not able to why should council expect the good will of neighbours or family to assist with what should be councils duty.

### Answer

I can confirm the Council's policy relative to side waste, which is clear and is simply that side waste is prohibited everywhere.

The Council assists elderly and residents with mobility issues by providing a 'Take Out and Return' service, which includes authorized side waste, and which is used by approximately 6,000 households in Fife.

When kerbside waste collections are disrupted, for example, in February past, when Service was disrupted because of heavy falls of snow and, more recently, when the cans and plastics collection Service was disrupted in the west of Fife because of a level of staff absenteeism could not be accommodated, it is true that those who suffered the disruption were told that that side waste could be left next to the bin at the kerbside. The way in which the Question is phrased, however, may lead the uninformed to think that there was something inconsistent with the advice that was being given to the Community and I'm at a loss to understand why that should be, as I would have thought that it would have been obvious to everyone that that was yet another example of the Council doing what it always does in such situations by helping those who need help.

It is also true, that those, who did not wish to leave side waste could have taken it to a Recycling Point.

### Supplementary

When will normal services resume for residents?

### Answer

The service has not changed. Bins are still being emptied.

### **QUESTION 7 FROM COUNCILLOR TONY MIKLINSKI**

When the booking system for re-cycling centres is ended, will the opening hours revert to those prior to 31 Dec 2019, and if not, what changes have been made and why?

### Answer

Provost, looking at the question, I think that Councillor Miklinski meant to ask something else, but I will respond to what is asked, which is that the opening hours will remain as they were prior to 31<sup>st</sup> December 2019 and, in that regard, it is to be noted that, as always, the winter opening hours will have effect from 1st October.

### Supplementary

Will there be any reduction in opening hours?

### Answer

No plans to reduce opening hours or days.

## **QUESTION 8 FROM COUNCILLOR DAVE DEMPSEY**

The Policy & Co-ordination report of 12/4/18 makes many references to £16m of savings, including “the Procurement business case identifies £16m of savings over 3 years with an associated investment of £910k over 2 years”, “The aim of the project is to reduce Fife Council third party spend by £16m ...” and “Deliver £16m operational and financial efficiencies”.

Internal Audit Report 51 of 13/4/21 says, at Reference 7.4 that “The approach the programme took in relation to embedding the team within the Procurement function meant that it was not feasible to separate out the savings specifically in relation to the contract with Scotland Excel. However, there is no mechanism to track the opportunities jointly identified directly as part of the programme activity to procurement savings achieved”.

When was it first known that it was not going to be possible to determine the savings consequential on the Scotland Excel project and who was the first to know that?

### **Answer**

The programme was not only about delivering £16m of operational and financial efficiencies, it had a much wider focus which included working with Scotland Excel to increase the procurement competencies across the Council and the procurement service to make the financial benefits but also to upskill the team to ensure continued benefits in the future. Integration of the Scotland Excel staff alongside the Procurement Team was deemed to be the most effective approach to delivering all outcomes. The benefits were not able to be assigned to either Fife Council or Scotland Excel as this would have been at odds with the partnership approach. What has been measured were all benefits being delivered by the Procurement Team both before, during and after Scotland Excel were engaged and this demonstrates the significant increase in benefits delivered. Financial benefits achieved in the financial year before the start of the programme showed delivery of £1.462 million. To date the programme has surpassed its financial target by delivering £17m with a further £9m of opportunities in the delivery plan.

There has been significant increases in procurement competencies (commercial acumen, contract & supplier management, negotiation, improved stakeholder engagement etc.). The Council now has a stronger Procurement function that is far better equipped to ensure the Council delivers best value across the £0.5bn third party spend and to support new policy areas such as Community Wealth Building, Sustainable Procurement, Climate, fair work first etc.

The Procurement function have been crucial to containing costs throughout the pandemic using the skills gained over the course of the programme to drive down costs and engage with suppliers which was a significant new activity, negotiating the terms of contractual obligations, supplier relief and construction claims.

## **QUESTION 9 FROM COUNCILLOR DAVE DEMPSEY**

Good quality, successful places are defined by the Scottish Government as those that:

- have a strong sense of character and identity
- form safe and pleasant spaces to be in
- are easy to move around in

- are welcoming to all
- can adapt to changing community needs
- use resources efficiently.

Is Fife Council evaluating Fife's places against these criteria and, if so, how far has that progressed?

Answer

The Council is not evaluating communities in Fife according to these criteria. A few areas or localities have used the Place Standard tool as an aid to discussion around community strengths and priorities while the Strategic Assessment process considers a range of indicators and data in considering Plan For Fife impacts and implications for policy.

**QUESTION 10 FROM COUNCILLOR GAVIN ELLIS**

Council is asked that as part of the Fife Matters programme that states we must all work together in Fife to find a solution to the climate emergency and clearly states "we're committed to doing everything we can to help create a safer and cleaner environment, including continuing to invest in greener travel options" including eFife which is a project that supports Fife's electric vehicle network - from the vehicles and charging points to promoting the benefits of Electric Vehicles". Can an update be provided on the progress made with introducing street charging points for our residents. There are many projects that can help fund these charging points and our rural areas and villages deserve our focus in providing these charging points.

Answer

To date, the Council's approach to developing the public EV (Electric Vehicle) charging network has been to provide charging facilities within off-street public car parks. Currently, there are 92 public charging points across Fife and 67 hosted by the private sector. The network has been designed as a top-up network and it was anticipated that the primary charging location would be at the home of the vehicle owner. At times of peak demand, only 30 (32%) of the points which are hosted by the Council are in use at any one time, hence there is currently significant capacity to accommodate any increase in demand.

On-street charging facilities is an issue which is challenging Local Authorities across Scotland. There are issues to consider regarding the implementation of on-street charging facilities, including the restricted road widths in many towns and villages and pressures on the road network in housing areas, due to parked vehicles. Work is required to gauge the EV charging requirements for residents without off street parking.

Two Scottish Local Authorities are piloting on-street charging facilities, mostly in urban centres and the Council will review the outcome of these trials in consideration of a forward strategy. The Council is also looking to work with Transport Scotland as soon as national guidelines are developed for Electric Vehicle charging facilities.

The Council is aware of the funding opportunities for on-street charging facilities and a revised EV Strategy/Action Plan is being developed which will consider the options to best expand the eFife network. It is anticipated that the plan to further develop the strategy will be presented to the Economy, Tourism, Strategic Planning and Transportation Committee in November 2021. This will include the detail of consultations to be undertaken as part of the strategy development.

For background and further information, please see -

Report to Economy, Tourism, Strategic Planning and Transportation Committee,

24 October 2019 – Item 6 Electric Vehicles and Charging Point Policy  
30 January 2020 – Item 5 Electric Vehicles – Public Charging Fees  
Question to Full Council 20<sup>th</sup> May 2021

### **QUESTION 11 FROM COUNCILLOR DAVE DEMPSEY**

Page 54 of the Scottish Government's "A National Care Service for Scotland – Consultation" says "There is no evidence that providing services through the public sector increases quality, in fact in community based services, quality is generally highest among third sector providers". Does Fife Council concur and, if so, how does this relate to the Council's Insourcing policy?

#### **Answer**

In Fife we aim to provide high quality care across our managed and external providers of services.

The Health and Social Care Partnership has a detailed commissioning strategy which sets out our commitment to work with our partners in the third and independent sectors. We have a robust programme in place which supports the sectors, ensuring we work together to deliver services to support the people of Fife.

In-house we recognise that as a provider we adhere to the standards of care set out by the Care Inspectorate and the values clearly defined within the Scottish Social Services Council (SSSC) which supports our workforces.

### **QUESTION 12 FROM COUNCILLOR KATHLEEN LESLIE**

Can Fife Council outline what it is currently doing to facilitate availability of interpreters & translators of Dari and EOL learning in schools for Afghan refugees coming to Fife?

#### **Answer**

A multi agency core group have formed quickly to ensure there is a coordinated approach to support for the Afghan refugees who have arrived in Fife. This has included work to identify translator and language support. This has resulted in dedicated support from the Fife Community Interpretation Service and increased use of Language Line. As families settle into the new accommodation, we are planning to provide ESOL support for families through the Council ESOL team and the Education Support for Learning team. This will allow us to develop an understanding of the language and learning needs of the families. Once families are permanently accommodated in Fife the ESOL teams and SfL teams will continue to maintain contact to plan and reflect language learning in schools and the community.

ESOL and Early Years are providing an in-reach service to the Afghan persons and families already in Fife. They are assessing what are the translation and interpreting needs of each family. We are aware that children require interpretation of their own -not a family member or parent. Fife Community Interpreting Service has increased its resource to help us and we are increasing using Language-line. The question specifically related to education and as and when families are allocated to schools, The EOL Service and Support for Learning will be in place, according to the assessed needs.

### **QUESTION 13 FROM COUNCILLOR KATHLEEN LESLIE**

Can the Co-leaders provide an outline of what projects have been identified for Round 2 of the UK Government's Levelling Up Fund?

#### **Answer**

The number of bids for this fund are determined by the number of UK Constituencies in a Local Authority Area plus an additional transport bid i.e. Fife has 5 bids available to it over the lifetime of the fund. The Bids must be for at least one of the Themes – Transport, Culture or Regeneration/Town Centres. Each Bid can include up to 3 projects, but these projects must be closely aligned and connected. Consultation with local residents, businesses, elected representatives and other stakeholders is required. A letter of support from the MP would also strengthen the bid. Fife could take part in joint bids with adjoining Local Authorities for example joint transport bids but there are no additional bids for these nor additional funds. The current applications sought are for projects that can be started by March 2022. Assuming that a decision on the bid is made in the summer, delivery could only start from August (8 months maximum to start delivery). This delivery period means the projects must be ready to start delivery i.e. any site acquired, statutory consents in place and contractor in place. Staff and contractor costs that can be capitalised can be included in project costs.

A team of officers are working on the proposals for the next round of the UK Government's Levelling Up Fund with the intention of review by Policy & Coordination Committee at its November meeting.

Member briefing sessions for emerging project proposals will be held on 11<sup>th</sup> and 12<sup>th</sup> October.

UK Government has yet to announce successful first round projects for the Levelling Up Fund. UK Government Ministers and officials have held some further engagement sessions with local authorities to seek feedback on the approach to the first round applications process and may seek to amend this process for future rounds.

#### **Supplementary**

Are there any projects on the horizon at this point? Will members be allowed to input?

#### **Answer**

Briefing sessions will give a better idea of how it will progress. Not in a position to provide details on specific projects at present.

### **QUESTION 14 FROM COUNCILLOR JONNY TEPP**

Fly-tipping is a huge problem across the UK. We have wanted to increase the use of CCTV to aid prosecution for some time and we welcome Cllr Ross's pronouncements on this issue which echo our own. He has also been quoted as intending to knock the doors of waste carriers demanding to see their certificates. However, having a certificate is one thing; that in itself does nothing to prevent fly-tipping (The BBC Panorama programme on fly-tipping from March is instructive as to how fly-tippers might be caught out covertly). Understanding the scope of the problem is important – not every report of fly-tipping represents a new case of fly-tipping. Identifying perpetrators and imposing Fines are key deterrent and the current fixed penalty fine is £200 raising to a potential £40,000 and potential imprisonment if a case is prosecuted.

During the lifetime of this administration **for each year**

- How many reports of fly tipping have been received
- How many new cases of fly-tipping were identified as a result (i.e. to net out the effect of duplicated reports)
- How were these cases categorised (e.g. how many cases relate to dumping at recycling points, and any other categories are used by officers to distinguish between types of fly-tipping.)
- How many cases resulted in a fine, and what amount, or imprisonment

### Answer

Provost, I see, not one, but four questions here, but with your indulgence, I will respond to all four.

In so doing, instead of speaking of 'fly-tipping', I will speak of 'illegal dumping', because that is what fly-tipping is.

During the lifetime of this Administration, the number of reports of illegal dumping that were received each year are: 2017 – 3,318; 2018 – 4,139; 2019 – 4,014; 2020 – 3,583 and 2021 (to date) 3,339.

These figures are interesting in that they do not support the view that the Booking System, which was introduced to assist with 'social distancing' and traffic management is responsible for an increase in illegal dumping. Indeed, the figures show that there has been a steady decrease in illegal dumping since 2018 and, in particular, that there was a significant decrease continued in 2020, notwithstanding that the Booking System was introduced on the June 1<sup>st</sup> in that year.

Looking at the situation in terms of the financial year, as opposed to the calendar year, in Financial Year 2019/20, the Council received 4,346 complaints about illegal dumping, but in Financial Year 2020/21 (the Booking System was introduced at the end of the first quarter of that year), there were only 4,079 complaints! Irrespective, therefore, of how the figures are viewed, reports of illegal dumping are on the decrease. That of itself, however, isn't proof that the Booking System does not contribute towards the illegal dumping that is taking place, but neither is there any proof that it does. In either case, the Council cannot be complacent about what is a multi-faceted problem that is embedded in the fabric of our society and which the Council will seek to address in the Environmental Vandalism Strategy, which is currently being developed.

I cannot say how many new cases of illegal dumping were identified, because the Council's data systems are not capable of differentiating between new and duplicated reports. That, too, will be addressed in the Environmental Vandalism Strategy.

For the same reason, neither can I say, for example, how many reports relate to illegal dumping at Recycling Points, but that, too, is being addressed.

Turning to the element of the Question that relates to fines and imprisonment, it is the case that the number of Notices of Fixed Penalty issued were as follows: in 2017 – 52; 2018 – 140; 2019 – 107; 2020 – 41 and 2021 (to date) 46.



As for the amount of the fine, the Fixed Penalty is just that – a Fixed Penalty, the amount of which is currently £200 for illegal dumping and £80 for littering. It is true, if Fixed Penalties are unpaid, the Procurator Fiscal, providing, I assume, that he is satisfied that there is sufficient evidence and that prosecution is in the public interest, can prosecute, in which cases in terms of that statute, the maximum fine that can be imposed by the Sheriff can be as high as £40,000.

I am told that many Fixed Penalties are unpaid and that despite repeated approaches by Officers to the Procurator Fiscal, no one has been prosecuted. It is for that reason, therefore, that I have met with the Procurator Fiscal Service and is why the Fiscal will meet with the Environment and Protective Services Sub-committee on when it meets on 18<sup>th</sup> November.

As for imprisonment, I haven't enquired, but I would venture the view that no one has been imprisoned for illegally dumping in Fife.

#### Supplementary

Would enforcement be fully funded?

#### Answer

We will efficiently use all resources available.