

Thursday, 12th November, 2020 - 10.15 a.m.

---

AGENDA

Page Nos.

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST**

In terms of Section 5 of the Code of Conduct, members are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.

**3. CIVIC BUSINESS BULLETIN**

Circulated to members and available on FISH and Fife Council website.

**4. MINUTE**

Minute of meeting of Fife Council of 10<sup>th</sup> September, 2020.

3 - 17

**5. MINUTES OF COMMITTEES AND SUB-COMMITTEES**

Minutes of the August, September and October, 2020 meetings of the Council's Committees and associated Sub-Committees, as contained in the volume of minutes available on FISH and Fife Council website, as submitted for accuracy.

**6. CO-LEADERS' REPORT**

18 - 20

**7. QUESTION TIME**

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

**8. FIFE COUNCIL BUDGET MEETING 2021 - TIMESCALES** – Report by the Head of Legal and Democratic Services.

21 - 23

**9. CHANGES TO LIST OF COMMITTEE AND OFFICER POWERS** – Report by the Head of Legal & Democratic Services.

24 - 106

**10. EXTERNAL ORGANISATION - APPOINTMENT TO ST ANDREWS LINKS MANAGEMENT COMMITTEE** – Report by the Head of Legal and Democratic Services.

107 - 108

**11. NOTICE OF MOTIONS** – Report by the Head of Legal and Democratic Services.

109 - 112

**12./**

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

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

Morag Ferguson  
Head of Legal and Democratic Services  
Finance and Corporate Services  
Fife House  
North Street  
Glenrothes  
Fife, KY7 5LT

5th November, 2020

If telephoning, please ask for:  
Emma Whyte, Committee Officer, Fife House  
Telephone: 03451 555555, ext. 442303; email: [Emma.Whyte@fife.gov.uk](mailto:Emma.Whyte@fife.gov.uk)

Agendas and papers for all Committee meetings can be accessed on  
[www.fife.gov.uk/committees](http://www.fife.gov.uk/committees)

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

10th September, 2020

10.00 a.m. – 12.50 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, Bill Connor, Altany Craik, Colin Davidson, Dave Dempsey, John Docherty, Gavin Ellis, Linda Erskine, Ian Ferguson, Julie Ford, Derek Glen, David Graham, Fiona Grant, Mick Green, Gary Guichan, 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, Dominic Nolan, Tony Orton, Bill Porteous, David Ross, David J Ross, Fay Sinclair, Ryan Smart, Kate Stewart, Alistair Suttie, Jonny Tepp, Brian Thomson, Ann Verner, Andrew Verrecchia, Ross Vettraino, Craig Walker, Richard Watt and Jan Wincott.

**APOLOGIES FOR ABSENCE:** Councillors Graham Ritchie and Darren Watt.

**184. DECLARATIONS OF INTEREST**

Councillor Linda Erskine declared an interest in Para. 190 - Standards Commission for Scotland Decision below as she had been the subject of the complaint investigated by the Standards Commission.

Councillors David Graham, David Alexander, Jan Wincott, Fiona Grant, Tim Brett, Rosemary Liewald, Dave Dempsey and David J Ross all declared an interest in Para. 191 – Notice of Motions (Motion 3) below as members of the Integrated Joint Board as they did not consider that the general dispensation covered this specific matter.

**185. MINUTE**

The Provost, seconded by the Depute Provost, moved that the minute of the Fife Council meeting of 6th August, 2020 be approved.

**Decision**

The minute was approved.

186./

**186. 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. North East Planning Committee of 29th July, 2020.
2. Central and West Planning Committee of 5th August, 2020.
3. Assets and Corporate Services Sub-Committee of 20th August, 2020.
4. Fife Planning Review Body of 10th August, 2020.
5. Glenrothes Area Committee of 19th August, 2020.
6. South and West Fife Area Committee of 12th August, 2020.
7. West Fife Area Common Good Sub-Committee of 4th August, 2020.
8. Regulation and Licensing Committee of 25th February, 2020.

**Decision**

The minutes were noted.

**187. 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.

**188. QUESTION TIME**

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

*Councillor Coleman joined the meeting during consideration of the above item.*

**189. ARMED FORCES COVENANT**

The Council considered a report by the Executive Director, Finance and Corporate Services, which asked members to approve the terms of an Armed Forces Covenant for Fife Council - a voluntary statement of support between the Council and its local Armed Forces Community.

**Decision**

The Council agreed to enter into a Council Armed Forces Covenant.

*Councillor Erskine left the meeting prior to consideration of the item below having declared an interest.*

**190./**



## 190. STANDARDS COMMISSION FOR SCOTLAND DECISION

The Council considered a report by the Executive Director, Finance and Corporate Services which presented the findings of the Standard Commission for Scotland in relation to a complaint against Councillor Linda Erskine.

### Decision

The Council agreed:-

- (1) to note the report; and
- (2) that the Chief Executive write to the Ethical Standards Commissioner, Scottish Government and COSLA to express concern that the Standards Commission appear to be taking a disproportionate approach in pursuing complaints made with regards to Councillors.

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

## 191. NOTICE OF MOTIONS

The Committee considered a report by the Head of Legal and Democratic Services which requested the Council consider the motions submitted in terms of Standing Order 8.1.

### Motion 1

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

#### **“Fife Council notes that:**

- As people are returning to school and work, the Scottish Government is encouraging everyone to walk or cycle where possible instead of taking public transport or returning to their cars.
- The Government has allocated £38.97 million for pop-up walking and cycling infrastructure.
- Measures can include ‘pop-up’ cycle facilities, widening footways, “school streets” schemes, and reducing speed limits.
- “School streets” schemes, which close the roads outside schools during drop-off and pick-up times, have the multiple aims of: improving road safety for pupils, encouraging active travel to school/ modal shift out of cars, and improving the air quality and environment at the school gates, and are very effective for enabling social distancing outside schools.

#### **Fife Council further notes that:**

- Prior to Covid-19 related changes, “school streets” schemes were successfully introduced or were being trialled at multiple local authorities across the UK.
- Since/

## 2020 FC 222

- Since the announcement, enthusiasm for “school streets” has sky-rocketed, with many more councils introducing these schemes before schools reopened and multiple NGOs calling for the introduction of “school streets” to manage social distancing at the school gate.
- Progressive councils are introducing the measures under their own considerable statutory powers, making experimental traffic orders where necessary
- It has a once-in-a-generation opportunity to positively impact travel choices, including the associated benefits on health, air quality and road safety.

### **Fife Council resolves ask officers to:**

1. Investigate which schools in Fife could put a “school streets” scheme in place.
2. Investigate the feasibility of measuring air quality around a sample of schools at child-head height to identify the level of air pollution children are being exposed to at school drop-off and pick-up.
3. Look into which additional measures to improve air quality near schools in 2021 such as ‘living green walls’ and tree planting, including potentially working with local businesses.
4. Produce a report for the Policy and Coordination Committee before the end of 2020 with the outcomes of these investigations with options for councillors to agree proceed further.”

### Amendment 1

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

“Fife Council notes:

The desire to encourage active travel cuts through all levels of Government and that Fife Council received funding of £2.4m under the ‘Spaces for People’ policy.

That the Council is implementing a range of temporary interventions, through Spaces for People, that will encourage and enable active travel.

That the policies in place on active travel, walking routes to school and school transport have already made a difference in terms of active travel choices.

Council further notes that where appropriate, initiatives such as School Streets, could be considered as part individual school travel plans.

Council asks

1. Officers to progress the temporary interventions, in line with Spaces for People, in consultation with communities and businesses, and assess the impact of these interventions.
- 2./

2. Officers from Transportation and Education Services to bring a report to Policy and Coordination in due course, which details the experiences of trials similar to School Streets for consideration.”

### Amendment 2

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

“Fife Council believes that individual communities are the best place to find solutions to local health and traffic issues.

Fife Council advises Area Committees to support individual schools where there is an interest expressed by parent councils or school management in a related scheme.

Fife Council also encourages Area Committees to make provision for walking and cycling routes as appropriate.”

### Roll Call

#### For the Motion – 5 votes

Councillors Tim Brett, James Calder, Jane Ann Liston, Bill Porteous and Jonny Tepp.

#### For Amendment 1 – 49 votes

Councillors David Alexander, Lesley Backhouse, Alistair Bain, David Barratt, John Beare, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Rod Cavanagh, Bobby Clelland, Bill Connor, Altany Craik, Colin Davidson, John Docherty, Linda Erskine, Ian Ferguson, Julie Ford, Derek Glen, David Graham, Fiona Grant, Gary Guichan, Garry Haldane, Jean Hall Muir, Judy Hamilton, Zoe Hisbent, Linda Holt, Gordon Langlands, Helen Law, Jim Leishman, Rosemary Liewald, Carol Lindsay, Mary Lockhart, David MacDiarmid, Karen Marjoram, Lea McLelland, Alice McGarry, Derek Noble, David Ross, Fay Sinclair, Ryan Smart, Kate Stewart, Alistair Suttie, Brian Thomson, Ann Verner, Andrew Verrecchia, Ross Vettraino, Craig Walker and Jan Wincott.

#### For Amendment 2 – 12 votes

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

### Decision

As there was a clear majority of votes, Amendment 1 was carried.

### Motion/

**Motion 2**

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

“Fife Council acknowledges its duty to the Fife community to ensure fairness, transparency and equality are enshrined in everything that we do.

We recognise that the issue of Slavery and those who benefited and suffered at its hands requires careful review to ensure greater understanding of its local consequences.

The council therefore agree to the establishment of a Member Officer group to create a draft Slavery Action Plan for Fife which will include:

A) creation of an educational improvement programme which will allow the history of Slavery to be incorporated into Fife Schools

B) identification of any Fife locations which publicly celebrate and/or glorify people or places associated with Slavery with recommended actions which are educationally important.

The group should request input from local/national appropriate representatives from selected groups to help develop the draft Slavery Action Plan and the draft plan should be brought to the Policy and Co-ordination Committee”.

**Amendment 1**

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

"Fife Council acknowledges its duty to the Fife community to ensure fairness, transparency and equality are enshrined in everything that we do.

We recognise that Slavery, and the racism it spawned, is abhorrent. Yet both continue today, and Fife Council emphasises its absolute commitment to supporting their eradication.

Fife Council will continue to address Slavery and racism in its school curriculum and ensure that these issues, together with other global examples of persecution and injustice, provide students with an informed and balanced view of how we arrived at the society in which we live today.

Fife Council supports the view expressed by the first black emeritus Professor of Heriot-Watt University, Sir Geoff Palmer, when he said recently, “I don’t want statues taken down. Remove the evidence, remove the deed”.

**Amendment 2**

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

“Amendment to Motion to refer to Cross Party Leaders Group to establish the working group.”

*With/*

*With the agreement of the Provost, the mover of the motion agreed to accept amendment 2. For the purposes of the vote this became the substantive conjoined motion.*

*The meeting adjourned at 11.55am and reconvened at 12.10pm.*

### **Roll Call**

#### **For the Conjoined Motion** – 53 votes

Councillors 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, Bill Connor, Altany Craik, Colin Davidson, John Docherty, Linda Erskine, Ian Ferguson, Julie Ford, Derek Glen, David Graham, Fiona Grant, Gary Guichan, Garry Haldane, Jean Hall Muir, Judy Hamilton, 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, David Ross, Fay Sinclair, Ryan Smart, Alistair Suttie, Jonny Tepp, Brian Thomson, Ann Verner, Andrew Verrecchia, Ross Vettraino, Craig Walker and Jan Wincott.

#### **For the Amendment** – 13 votes

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

### **Decision**

Accordingly, the Conjoined Motion was carried.

*Councillor O'Brien joined the meeting during consideration of the above item.*

*Councillors David Graham, David Alexander, Jan Wincott, Fiona Grant, Tim Brett, Rosemary Liewald, Dave Dempsey and David J Ross left the meeting prior to consideration of the following item having declared an interest.*

### **Motion 3**

Councillor Smart, seconded by Councillor Law, moved as follows:-

“Council Notes the recent decision by the Health and Social Care Partnership Board to permanently close the Wellesley Unit at Randolph Wemyss Memorial Hospital which was completed with no consultation with the community.

The/

The decision to close the Wellesley Unit has caused distress and outrage within the local communities surrounding the hospital. The Scottish Government has publicly reported in the media that they have record numbers of doctors and that doctor numbers were on the increase, therefore the decision to close the ward due to a lack of a Responsible Medical Officer (Doctor) is a serious concern.

We ask the Co-Leaders to write to the Director Of Health and Social Care and the Integrated Joint Board asking them to reconsider the decision around the closure of the Wellesley Unit at Randolph Wemyss Memorial Hospital which will in particular reduce the provision of palliative care in this part Fife.

Council understands that the ward cannot legally operate without a Responsible Medical Officer and therefore urges the Health & Social Care Partnership Board to look at closing the ward temporarily to allow for further work to be completed to try and find a Responsible Medical Officer to sustain the ward for the future.

A temporary closure would give the opportunity for a full consultation to be had with all staff, patients and families from within the hospital and the local community to find a way forward.”

### **Decision**

The Motion was carried unanimously.

### **192. 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.



**MEETING OF FIFE COUNCIL**

**THURSDAY, 10TH SEPTEMBER, 2020**

**AGENDA ITEM NO. 6 - QUESTION TIME**

**QUESTION 1 FROM COUNCILLOR JAMES CALDER**

The bulk uplift service has been moving to an online booking system. Will the Administration consider making it easier for those with either internet access issues or concerns about privacy with this system to book my phone?

**Answer**

Bulky Uplifts can currently be booked both by telephone and on-line. The phone option was only stopped temporarily, because of limited capacity within the Contact Centre during the initial 'lockdown' period. When the Local Offices reopen, they will continue to help those with no Internet access to access the Council's services.do what they have always done, which is to do all that they can to help the community Access the Council's services.

The answer to the question, therefore, is 'Yes'.

That said, the Internet is successful, because its convenience and its accessibility is what people want. Consequently, the current pandemic apart, every service, whether it is provided by the public or private sector, has been moving towards on-line delivery. I expect every local authority, if it is serious about improving the delivery of the services which it provides, will ensure, wherever possible, that those services can be accessed on-line.

**Supplementary**

Can you confirm the number to call to book an uplift and when the line reopened again for bookings?

**Answer**

Will provide Councillor Calder with details.

**QUESTION 2 FROM COUNCILLOR JAMES CALDER**

What measures are the Council currently taking to help struggling retail and hospitality businesses on our High Streets?

## Answer

Fife Council officers have been working on a range of support measures to help retail and hospitality businesses:

1. Through the Scottish Government Business Support Fund, the Council paid out eligible claims to retail and hospitality businesses with a rateable value of £18,000 (or a combined rateable value of between £31,000 and £500,000 for multiple properties). The Council supported nearly £58m of grants to all eligible business properties in Fife.
2. A cross-service Town Centres Restart Working Group was established by Fife Council officers - focused on the actions required by the different services across the Council to allow town centre business activity to restart safely. The group met on a weekly basis to agree and deliver actions and continues to meet to ensure that recovery actions and initiatives continue.
3. Fife Council was successful in securing funding from Scotland's Towns Partnership's Towns and BIDS Resilience and Recovery Funding for two projects:
  - A Fife Wide application which supported a small business grant for PPE and Covid measures; Covid signage; buy local marketing campaigns; supporting businesses particularly hospitality with outdoor infrastructure such as parklets, canopies and Gazebos.
  - An application to support the Kirkcaldy digital market place with upgrades to the town centre digital infrastructure and marketing.

Fife Council Officers also supported the East Neuk Local Tourism Association, Cowdenbeath Community Council and the Coalfields Regeneration Trust with local applications to the fund.

3. Fife Council's ATE Service was successful in securing £2.4m funding from Sustrans Spaces for People Fund to support temporary Covid, walking, wheeling and cycling measures across Fife.
4. Officers developed a "one stop shop" for licensing, planning and occupation of adopted road and path networks. Processes were streamlined for businesses applying for "Occasional Licences" and in many cases where applicable the need for temporary planning permission was waived.
5. Specific Covid-19 information pages were developed on Fife Direct for businesses with hyperlinks to the latest national guidance and service related contact details for any permissions required.
6. Fife Council has supported the development of three town specific digital marketplaces, The St Andrews Market Place, Cupar Clicks and ShopAppy Kirkcaldy. These market places support existing high street businesses with a digital presence and options for delivery or click and collect.
7. Business Gateway has supported businesses to help them re-start trading and have been responsible for the administration of a range of Covid related business grants.
8. Fife Council supported Fife's two existing BID Companies, providing revenue to support ongoing activity to support local businesses. Both CuparNow and BID St. Andrews also



received funding from the Scottish Government BIDs resilience fund (which part funded immediate resilience activity in these towns)

9. Car parking charges were suspended with an extended localised scheme to be agreed for Kirkcaldy, for the car park on top of the Kirkcaldy Centre.
10. Fife Council has ensured that tourism businesses have received information on all available sources of support and guidance as these have been released. In line with the national marketing activities of VisitScotland, Fife's tourism marketing activities were paused during the initial stages of lockdown, with a "LoveFifeLater" campaign then launched to keep Fife in the forefront of people's minds. This was followed by a "LoveFifeAgain" campaign once lockdown restrictions were eased to allow tourism businesses to open. Once again during this phase, businesses were signposted to the relevant guidance for opening and encouraged to engage with the "We're Good to Go" industry standard and the VisitScotland Visitor Charter to welcome visitors back to the area. Through the Welcome to Fife website and social media channels we have showcased businesses who are Good to Go with videos demonstrating how they're complying with Covid regulations. The Council has provided webinars on digital marketing for tourism businesses and these continue to be available through the coming months.
11. Officers have provided evidence (written and oral) to the Scottish Government's Review of the national Town Centre Action Plan.
12. As the construction sector was able to open up again in line with Government guidance, the Council has re-started its Town Centre Capital Projects.

### **QUESTION 3 FROM COUNCILLOR DAVE DEMPSEY**

What percentage of the material collected via the domestic green bins is actually recycled, as opposed to being deemed unsuitable/contaminated and otherwise disposed of?

Answer

Approximately 53%.

### **QUESTION 4 FROM COUNCILLOR DAVE DEMPSEY**

What inference should a member of the public draw from the oft-stated ambition to "protect jobs and services" rather than "protect services and jobs"?

Answer

No difference between them.

### **QUESTION 5 FROM COUNCILLOR DAVE DEMPSEY**

For the benefit of all present, in two or three sentences, what exactly is Community Wealth Building?

Answer

The Centre for Local Economic Strategies (CLES) defines community wealth building as follows: Community Wealth Building is a people-centred approach to local economic development. It reorganises local economies to be fairer. It stops wealth flowing out of our

communities, towns and cities. Instead, it places control of this wealth into the hands of local people, communities, businesses and organisations.

### **QUESTION 6 FROM COUNCILLOR TIM BRETT**

Can an update be provided on progress in relation to the Spaces for People Programme? How many schemes have been introduced and is it possible to provide a breakdown of the different types of scheme e.g. for pedestrians, cyclists etc. When do we expect all schemes to be in place?

Answer

#### **Summary of progress Spaces for People Programme :**

- 12 Schemes / Measures Implemented
- 50 Schemes under design and programmed to be implemented in September
- 32 Medium Term schemes programmed in October

<b>Intervention status</b>	<b>No. of sites</b>	<b>comments</b>
<b>Completed sites</b> (8 Pedestrian, 3 Hospitality Areas, Cycling Areas across Fife )	12	<ul style="list-style-type: none"> <li>• Anstruther, space for pedestrians</li> <li>• Dunfermline, Carnegie Drive signals – pedestrians - permanent pedestrian demand on the crossings</li> <li>• Elie, space for pedestrians</li> <li>• St Andrews x 3 - seating areas for businesses</li> <li>• Ferrytoll Park&amp;Ride – pedestrians - new stance for drop off with footway extension</li> <li>• Dunfermline Bus Station – pedestrians - measures to accommodate 2 drop off stances</li> <li>• Glenrothes Bus Station - New layby and drop of area and footway. And, surfacing of further drop off area</li> <li>• Leven Bus Station - new drop off area</li> <li>• 500 Physical Distance Signs being provided in Main High Streets, expanding to towns and villages.</li> <li>• Vegetation being cut back and paths cleared across Fife. Over 20 areas completed to date, over 80 remaining and further requests being received.</li> </ul>
<b>Design Stage</b> (30 Pedestrian, 20 Cycle measures)	50	<ul style="list-style-type: none"> <li>• Burntisland - 1 x 20mph for walking &amp; cycling, 2 spaces for pedestrians at shops &amp; 1 temporary cycle lane</li> <li>• Crail - 2 spaces for pedestrians at shops &amp; Primary School</li> <li>• Cupar - 1 x 20mph zone town centre only</li> <li>• Townhill - space for pedestrians</li> <li>• Dunfermline - 3 temporary cycle lanes, 6 spaces for pedestrians, 1 shared use route &amp; signage</li> <li>• Kirkcaldy - 5 spaces for pedestrians, 10 temporary cycle lanes &amp; 2 signing for walking on verges</li> <li>• Leven - 1 temporary cycle route</li> <li>• Methil - 2 temporary cycle lanes</li> <li>• Oakley - 2 spaces for pedestrians</li> <li>• Pittenweem - 1 spaces for pedestrians</li> <li>• St Andrews - 2 temporary cycle lanes &amp; 8 spaces for pedestrians</li> </ul>

MediumTerm	32*	<ul style="list-style-type: none"> <li>All over Fife</li> </ul>
<b>Consultation &amp; Community engagement</b> (3 sets of meetings undertaken per town)	2	<ul style="list-style-type: none"> <li>Cupar</li> <li>St Andrews</li> </ul>
<b>Communications &amp; promotion</b>		<ul style="list-style-type: none"> <li>Specific Spaces for People web page set up providing information of projects, updates and design drawings as proposals progress, <a href="https://www.fife.gov.uk/spaces-for-people">https://www.fife.gov.uk/spaces-for-people</a></li> <li>Specific email address: <a href="mailto:active.travel@fife.gov.uk">active.travel@fife.gov.uk</a></li> </ul>

**QUESTION 7 FROM COUNCILLOR TIM BRETT**

How much funding has been received from the Scottish Government for additional teachers in Fife? What criteria have been used to allocate this funding to additional schools and have teachers now been appointed to all these posts. How many teachers have currently not been able to get back to their teaching roles because they are clinically vulnerable or extremely clinically vulnerable.

Answer

£5,453,500 over two financial years to cover the full academic session (£3,272,100 in the initial allocation with a further £2,181,400 allocation following).

For the initial allocation 18 staff were appointed to secondary schools and 47 staff appointed to the primary schools. For the second allocation a further 18 FTE is being allocated to the secondary schools, 5 FTE to special schools, 2 FTE is to be recruited to support last year's probationers who are now newly qualified teachers and the current cohort of probationers, with approximately 32 FTE being allocated to the primary schools. Recruitment is ongoing for these posts. Account was taken of the teacher and probationer teacher allocation for 2020/21 to help determine where additionality already existed this allowed for an allocation that ensured all our schools were staffed above their core allocation.

We report on the following to the Scottish Government - Total number of teaching staff who do not have confirmed Covid-19 or who have not displayed any Covid-19 symptoms but are absent because they are self-isolating, are isolating due to instructions from the contact tracing team, are shielding, quarantining, are looking after someone due to Covid-19 (e.g. their child) - As of Tuesday 2nd September we had 9 teachers in this category.

Supplementary

With regard to the criteria for allocating teaching staff, is there any emphasis put on allocating to schools in deprived areas?

Answer

Each special school will have an additional teacher and a formula is built into the core allocation of teaching staff for all schools.

### **QUESTION 8 FROM COUNCILLOR TIM BRETT**

How many potholes are currently waiting to be filled? How many potholes have been filled in the first six months of 2020 compared to the numbers that were filled in 2019? I am aware that the target time for the filling of potholes has been relaxed. When does the Council expect to get back to the previous target for filling potholes?

#### Answer

There are 409 live pothole requests. Not all are equal priority, and this includes a variety of risk levels with different timescales of response ranging from 24 hours – 12 months.

Due to the national lockdown there was a significantly reduced level of activity from public reports and road inspections were only prioritising the highest risk pothole repairs hence there is no effective comparison between the last two years. Further, the service has been changing from an old paper/electronic management system to a new end to end electronic system and this major change has impacted on the reliance of the data sets. We require to review, scrutinise and update the data before we can share the findings.

For clarification, the target times for intervention have not been relaxed and remain broadly the same for defects that present the highest risk to road users and public safety. This is part of the rollout of the risk-based approach to road inspections and a progress report on this initiative is included on the ETSP&T Committee work programme.

#### Supplementary

Can you clarify if the service is still only dealing with priority repairs?

#### Answer

Timings for repairs haven't been relaxed. Emergency pothole repairs still being dealt with within 24 hours.

### **QUESTION 9 FROM COUNCILLOR JANE ANN LISTON**

Under the auspices of Spaces for People Scottish Borders Council is to implement trial 20 mph zones covering entire towns and villages, including trunk roads. This means 20 mph will be the maximum speed permitted in the likes of Galashiels, Peebles and Eyemouth, respectively equivalent in size to St Andrews, Cupar and Anstruther. Will Fife Council do likewise?

#### Answer

Fife Council has been at the forefront of delivering 20mph zones across all residential areas of our towns and villages and our successful road casualty statistics reflect the high priority that we give to road safety. 20 mph zones need to be self-enforcing otherwise they are ineffective without engineering measures (humps etc) that negatively impact on Buses, HGVs

and high traffic volumes. The A class roads through our towns are important transport routes that provide essential business and tourism connectivity, providing the safe and efficient movement of high volumes of traffic. Other than a short trial section at the core of Cupar town centre, there are no plans to extend these zones on Fife's A class road network.

#### **QUESTION 10 FROM COUNCILLOR KATHLEEN LESLIE**

What measures are being taken by the Council to support pupils affected by COVID?

##### Answer

Where children and young people are asked to self-isolate following Public Health advice the school will provide materials/resources and online learning, where appropriate, if the children and young people are well.

Depending on the situation and advice from Public Health there may be self-isolation of individuals, whole class or families involved. The school will respond accordingly.

Good communication is crucial to make sure our children, young people and families are supported to be safe and to continue their learning, where possible.

##### Supplementary

What will the Administration do to lobby Scottish Government for more funding for mental health support in schools?

##### Answer

Money has already been allocated for mental health support in schools and there is currently a strong framework in place in all schools.

## **Fife Council Co-Leaders' Report November 2020**

### **Covid 19**

Fife has been designated as Level 2 within the 5 level structure announced by the Scottish Government. This is due to a number of factors including infection rates being lower than the Scottish average. Most of our neighbours are at Level 3.

There are some business advantages compared to where we were before. To maintain this economic advantage and to reduce the Covid impact on Fife, we would urge everyone to stay within the rules and treat social distancing and wearing masks as a minimum requirement. Fife Council and our partners are following the public health guidance and will do everything we can to safeguard our communities and citizens.

Under the new arrangements Council Leaders across Scotland are being consulted by the Scottish Government on the placement of their Councils within the tier system. The Co-Leaders had a call with the Cabinet Secretary, Aileen Campbell MSP, prior to the Scottish Government decision on tiers and were able to express our views on the position in Fife.

We believe Fife has one of the best and most effective collaborations in Scotland between the Council, Public Health, NHS Fife and the IJB. We have weekly meetings including all political group leaders with the Chief Executive, the Executive Director Finance and Corporate Services, and the Director of Public Health, with other senior members of staff attending as required, where issues and challenges are openly discussed. At an operational level Council staff are working very closely with Public Health.

### **Finance**

We are receiving regular updates on the financial position regarding Covid and the more general budget position of the Council. This is very much a moving picture and reports will be produced for the Policy and Co-ordination Committee.

The UK Government has delayed the budget expected in November. There is no indication, as yet, when it will be held. This has consequences for the Scottish Government and as a result local authorities. It is anticipated the Scottish Budget will be presented in early February. The Fife Council Budget is planned for 25<sup>th</sup> February.

This mirrors the events of last year when the UK Budget was presented after the Scottish Budget.

Additional funding to cover additional costs related to Covid are being received through the Scottish Government and a number of financial flexibilities have been negotiated by COSLA to assist Councils manage their financial position. The Council is also taking on responsibility for further grant payments to businesses and for hardship payments through the Scottish Welfare Fund.

### **Café inc**

The statistics from the October school holidays Café Inc project have been distributed and show that there is an increasing demand for food provision. Thanks go to everyone involved and the companies that took part. Additional funding has been provided by the Scottish Government which will cover the Christmas and Easter holidays. We have yet to decide what form this will take but this will happen soon.

At the beginning of November, the **Trussell Trust** reported its network's busiest ever period, with 81% more emergency food parcels being given out across the UK, including 122% more parcels going to children, compared to the same period in 2019. The data shows people struggling with the amount of income they were receiving from working or benefits as the main reason for the increase in need.

### **Universal Basic Income**

A cross party group of 500 MPS, peers, and local councillors has called on the UK Government to allow local authorities to run Universal Basic Income trials in response to mass unemployment triggered by Covid-19. However, on 19<sup>th</sup> October in a UK parliamentary debate on the introduction of a UBI the Minister for Welfare Delivery made clear that the UK Government remained "thoroughly unconvinced" by such a scheme.

Meanwhile Glasgow City Council has backed a motion to call on the UK and Scottish Governments to fund a UBI trial and the Co-Leaders have received a response from the Scottish Government Cabinet Secretary for Communities and Local Government following a letter sent on 28<sup>th</sup> September.

The Cabinet Secretary has thanked Fife for its continuing interest in a UBI scheme. She stated that "although a pilot is desirable, particularly for its potential impact on poverty and employment, any further work would need to account for the significant institutional and constitutional barriers. All additional exploration and implementation by the Scottish Government and the Steering Groups heavily depend on co-operation and collaboration of all relevant parties, including the UK Government. The Scottish Government does not have the full range of social security or tax powers to introduce a CBI on its own, nor does it have the powers to implement any mainstream variation of it, including a payment at a local authority level".

### **Bifab**

In September the Co-Leaders were in the process of arranging meetings with the UK and Scottish Governments with a view to seeking to influence and express concern in the limited ability to dictate local content in the CFD procurement programme. The approach to the UK Government related to their control of the Contract for Difference programme and the approach to the Scottish Government was based on their position as an equity stakeholder in Bifab.

We had strong reasons to expect Bifab to receive work to support 450 jobs under the EDF CfD (with Saipen as the tier one contractor).

It is desperately disappointing that this arrangement has not materialised with many questions being asked of the parties involved.

Fife Council, the Unions, the Scottish Government, and DF Barnes, have all invested money and considerable time into trying to make Bifab viable so there is an understandable level of concern surrounding the circumstances.

The Co-Leaders were involved in a joint phone in with the Cabinet Secretary and local MPs and MSPs and have requested a separate meeting with the Cabinet Secretary.

As things stand negotiations still seem to be proceeding with various suggestions being mooted that may see the contract being resurrected. It is hoped that this will be successful.

### **Scottish Child Payment**

From 9<sup>th</sup> November applications will be accepted for the Scottish Child Payment. The intention is that payment will be made as close to the official launch date in February as possible.

Eligible families on low incomes with children under 16 will be entitled to an extra £10 per week for each child, by the end of 2022, subject to data on qualifying benefits being received from DWP.

The early introduction is specifically for families with a child under six and payments start from early 2021.

People can apply for Scottish Child Payment from 9<sup>th</sup> November, 2020, by visiting [mygov.scot/benefits](http://mygov.scot/benefits) or calling 0800 182 2222. For those who apply before Monday, 15th February, their payment will be calculated from Monday, 15th February. For those who apply after Monday, 15 February, their payment will be calculated from the date they apply.

### **Mossmorran**

There are continuing concerns about flaring at Mossmorran mainly related to the ExxonMobil plant. The Co-Leaders are in correspondence with the company regarding possible payments to local communities.

A further letter was sent to the Cabinet Secretary for Economy, Fair Work and Culture requesting discussions about the long term future of Mossmorran, particularly in the light of the recent announcements about Grangemouth but the Cabinet Secretary has declined at this time.

Cllr David Alexander and Cllr David Ross  
Co-Leaders of the Council  
Fife Council,  
Fife House, North Street,  
Glenrothes,  
KY7 5LT Tel: 03451 555555 (Ext: 450636)



12<sup>th</sup> November 2020

Agenda Item No. 8

---

## Fife Council Budget Meeting 2021 - Timescales

---

Report by: Morag Ferguson, Head of Legal and Democratic Services

---

Wards Affected: All Wards

---

### Purpose

---

The purpose of the report is to advise Members of contingency plans for the budget process in light of the potential for delay in the Scottish Local Government Settlement being received, including contingent changes to Standing Orders to reflect any compressed timescales for decision.

### Recommendation(s)

---

It is recommended that Members:

1. Note the potential for late receipt of the financial information necessary to allow the Council to set its 2021/22 Budget;
2. Agree that, if required, Standing Orders may be amended so that Budget Proposals are to be delivered by 12 noon on the working day prior to the Budget meeting, with proposed amendments to such Proposals to be lodged at the Budget meeting; and
3. Agree to delegate authority to the Executive Director (Finance & Corporate Services) and the Head of Legal & Democratic Services to make the foregoing amendments to Standing Orders to give effect to these compressed timescales if this becomes necessary to enable an effective budget setting process, but that such changes will have effect only for the 2021/2022 budget setting process.

### Resource Implications

---

There are no resource implications arising directly from this report. However the Council will need to set its Council tax levels by the end of February to allow demands to be printed and sent out timeously for the start of the financial year. Failure to do so may have cash flow consequences for the Council.

## Legal & Risk Implications

---

The Council is required by law to set its Council tax levels no later than 11<sup>th</sup> March in any year. For practical reasons described above, the Council tax levels should ideally be set by the end of February.

## Impact Assessment

---

There are no known equalities, privacy or environmental impacts arising directly from this report and no assessment has been carried out.

## Consultation

---

Consultation has been undertaken with the Head of Finance, the Executive Director (Finance and Corporate Services) and the Chief Executive.

## 1.0 Background

---

- 1.1 Members will be aware that the Government focus on Coronavirus has meant that the UK Budget, which is normally published in November, has been delayed. This in turn means that the Scottish Local Government Settlement, issued by the Scottish Government, may also be delayed.
- 1.2 The Scottish Local Government Settlement is generally issued by way of Finance Circular in December of the year before the relevant budgetary year. However, it is not currently clear whether the Scottish Government will be able to meet those timescales for 2021/22.

## 2.0 Proposed Contingency Plans

---

- 2.1 For the reasons set out above, and in the absence of any alternative guidance from either Government or CoSLA at this time, it is proposed that, if necessary, the Executive Director (Finance & Corporate Services) will determine whether the budget setting process requires to be compressed. If so, this will be effected by means of reducing the timescales for Budget Proposals and proposed amendments to such Proposals being circulated in advance of the budget setting meeting, currently scheduled for 25<sup>th</sup> February 2021.
- 2.2 At present, Standing Order 1.9 provides for Budget Proposals to be submitted to the Proper Officer in writing no later than the sixth working day prior to the Budget Meeting. Any amendments are to be submitted by the third working day prior to the meeting. The reduction of these time limits to 12 noon on the working day prior to the meeting and the day of the meeting respectively, will give all parties maximum time to finalise their positions on the proposed Budget. Should the Executive Director (Finance & Corporate Services) determine that these changes should be implemented, she will advise all political groups of this as early as is feasible. It is proposed that this change would only operate for this year, after which the Standing Orders would revert to their previous timescales.

- 2.3 All budget motions and amendments must continue to be signed off by the Executive Director (Finance and Corporate Services) in order to ensure that they are competent. Political groups should continue to work with their accounting leads so that proposals can be agreed in the weeks leading up to the budget. Further guidance will be issued once more information is known on the timing of the Scottish Local Government Settlement.

## 3.0 Conclusions

---

- 3.1 The above proposals are designed to be as fair as possible to all parties given the unprecedented position the Council and other local authorities find themselves in.

### 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:

- [Local Government Finance Act, 1992, s.93 - 4](#)
- [Scottish Government Grant Aided Expenditure Website.](#)

### Report Contact

Author Name           Morag Ferguson  
Author's Job Title    Head of Legal & Democratic Services  
Workplace             Fife House, Glenrothes  
Telephone: 03451 55 55 55 Extension Number 442180  
Email [-morag.ferguson@fife.gov.uk](mailto:-morag.ferguson@fife.gov.uk)

## Changes to Lists of Committee and Officer Powers

---

Report by: Executive Director, Finance & Corporate Services

---

Wards Affected: All

---

### Purpose

---

The purpose of the report is to make recommendations for changes to the Council's List of Committee Powers and List of Officer Powers.

### Recommendation(s)

---

It is recommended that the Council:

- (1) approve the changes to the List of Committee Powers set out in Appendix 1;
- (2) approve the changes to the List of Officer Powers set out in Appendix 2, subject to the approval of Scottish Government in respect of the proposed changes to the Planning Scheme of Delegation: and
- (3) delegate authority to the Head of Legal & Democratic Services to make any consequential and non-substantive amendments to the Lists of Committee and Officer Powers 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 Committee and Officer Powers, as amended, is designed to comply with all legal requirements. Any changes to the Planning Scheme of Delegation require approval from the Scottish Ministers in terms of the Town & Country Planning (Scotland) Act 1997 (as amended) before they can be implemented.

### Impact Assessment

---

An EqIA 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

---

Leaders of all political groups were given early sight of the report.

## 1.0 Background

---

- 1.1 The Council's Governance Scheme comprises a number of documents, including Standing Orders, the List of Committee Powers and the List of Officer Powers. These documents are kept under regular review and any substantive amendments must be approved at a meeting of Council.

## 2.0 Issues and Options

---

- 2.1 It is proposed that changes shown tracked are made to the List of Committee Powers and the List of Officer Powers, attached as Appendices 1 and 2 respectively. In the main, these are administrative updates to reflect changes in legislation or changes agreed in principle at other committees of the Council. Specifically, the following changes are proposed:

### List of Committee Powers

- Provide that the Area Committees will give a view to the Assets and Corporate Services Sub-committee on proposed changes of use and disposal of common good assets within the boundary of the Area Committee and not covered by other policy, as agreed in a decision by the Assets and Corporate Services Committee on 20<sup>th</sup> August 2020;
- Provide that the Area Committees will consider periodic reports on disposals where the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and/or the Council's Subsidised Leases Policy have been applied, as agreed in a decision by the Assets and Corporate Services Committee on 20<sup>th</sup> August 2020;
- Expand the remit of the Standards & Audit Committee to include consideration of an annual report on data protection performance;
- Clarification that appointment of Conveners and Vice-Conveners of the Policy & Co-Ordination Sub-Committees that were formerly Strategic Committees remains a matter for Council.

### List of Officer Powers

- Clearer wording on the staff applications exception in the Planning Scheme of Delegation;
  - Exception from delegated authority for S42 applications where the condition was specifically imposed by Committee;
  - Additional delegation to officers to respond to Consultations from Scottish Government and adjoining planning authorities in respect of proposals under planning legislation, electricity legislation or marine licensing provisions;
  - Increase delegated authority to Executive Directors to determine Common Good grant applications up to £5000 (from the existing level of £2000)
- 2.2 Any changes to the Planning Scheme of Delegation require approval from the Scottish Ministers in terms of the Town & Country Planning (Scotland) Act 1997 (as amended) before they can be implemented. Should Members agree the recommended changes set out in the List of Officer Powers, approval will be sought from the Scottish Ministers and, if this is granted, the changes will be made. Should approval not be forthcoming, no changes can be made.

## 3.0 Conclusions

---

- 3.1 The proposed changes are recommended to provide clarification and improve decision- making across the Council. The list of Committee Powers and Officer Powers will be reviewed again in 2021 and will be submitted to a future meeting of the Council.

### List of Appendices

1. List of Committee Powers with proposed tracked change amendments
2. Tracked changes List of with proposed tracked change amendments

### Background Papers

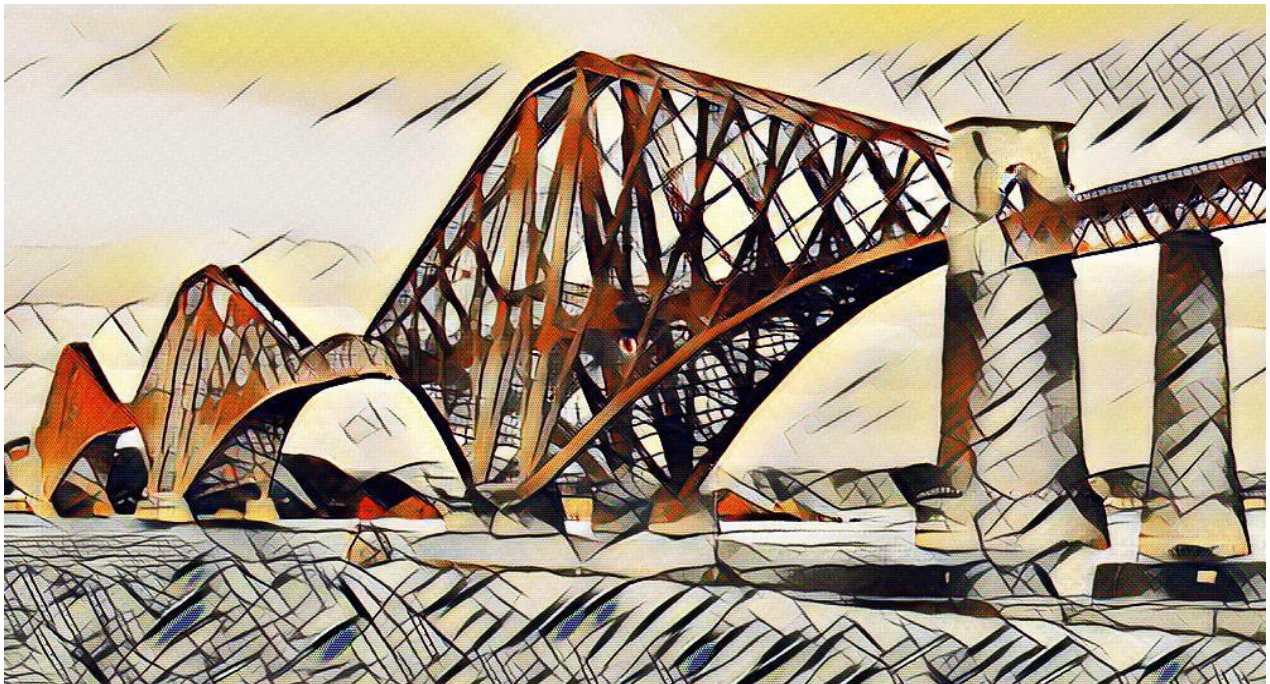
No background papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:

### Report Author

Helena Couperwhite  
Committee Services Manager  
Telephone: 03451 555555 Ext. No. 441096  
Email- [helena.couperwhite@fife.gov.uk](mailto:helena.couperwhite@fife.gov.uk)



# **Governance Scheme Part 2: List of Committee Powers**



## Document version control

Date	Author	Version	Status	Reason for Change
15/05/2017	ACF/MJM	0.1		Initial draft
02/06/2017	ACF	2.6		Consultation draft
07/06/2017	ACF	2.7		Council Report version for 15.06.17
16/06/2017	ACF	2.8		As approved 15.06.17
27/09/2017	ACF	2.9		Draft for changes to be put to Council 05.10.17
12/10/2017	ACF	2.10		Council approved version
22/03/2018	ACF	2.11		Council approved version As approved 08.03.18
20/06/19	ACF	2.12	Council submission version arising from discussions with Governance Working Group	Review of Committee system agreed at Council June 2017.
04/07/19	ACF	3.0	Post Council finalised version	Finalised version following Council decision of 27 <sup>th</sup> June 2019
21/11/19	ACF	3.1	Finalised version	Version reflecting change in political balance
02/12/19	ACF	3.2	Finalised version	Version reflecting change in political balance
07/08/20	MF	4.0	Interim Version	Updated to reflect temporary change in governance arrangements agreed at Council on 6 <sup>th</sup> August 2020
10/08/20	MF	4.1	Interim Version - final	Finalised version following Council decision of 6 <sup>th</sup> August 2020. To be reviewed Spring 2021
04/11/20	HC	4.2	Interim Version -final	



# List of Committee Powers

## Contents

Subject	Page
<b>1.0 Introduction</b>	<b>6</b>
<b>2.0 Membership of Committees – Political Balance</b>	<b>6</b>
<b>3.0 Fife Council – Reserved Powers</b>	<b>7 - 8</b>
<b>4.0 Policy and Co-ordination Committee</b>	<b>9</b>
Policy and Co-ordination Sub-Committees	<b>9</b>
Education and Children’s Services Sub-Committee	<b>11</b>
Environment and Protective Services Sub-Committee	<b>12</b>
Economy, Tourism, Strategic Planning and Transportation Sub-Committee	<b>13</b>
Assets and Corporate Services Sub-Committee	<b>14</b>
Community and Housing Services Sub-Committee	<b>15</b>
<b>5.0 Area Committees</b>	
Cowdenbeath, Dunfermline, Glenrothes, Kirkcaldy, Levenmouth, North East Fife and South and West Fife	<b>17 - 18</b>
West Fife Area Common Good Sub Committee	<b>19</b>
<b>6.0 Scrutiny and Audit Committees</b>	
Standards & Audit Committee	<b>20 - 22</b>
Scrutiny Committees <ul style="list-style-type: none"> <li>• Education and Children’s Services, Health and Social Care</li> <li>• Environment, Finance and Communities</li> </ul>	<b>23</b>

Subject	Page
<b>7.0 Regulatory Committees and Boards</b>	
Planning Committee (Central and West and North East Fife)	25
Fife Planning Review Body	26
Community Empowerment Act Review Committee	26
Regulation and Licensing Committee	26 - 27
Fife Licensing Board	27
Rates Appeal Committee	27

<b>8.0 Other Committees</b>	
Superannuation Fund & Pensions Committee	28

<b>9.0 Partnership and Statutory Boards</b>	
Fife Partnership	30
Community Safety Partnership	30
<del>Health and Social Care Integrated Joint Board</del> <u>Joint Board</u>	30
Pensions Board	30
Fife Educational Trust Scheme 1958 – East and West Fife Committees	30

<b>10.0 Membership and Remit of Sub-Committees</b>	
• Appeals Sub-Committee	31
• Appointments Sub-Committee	31
• Investigating Committee	31
• Emergency Sub-Committee	32

<b>Subject</b>	<b>Page</b>
• <b>Common Good and Trusts Investment Sub-Committee</b>	<b>32</b>
• <b>Education Appeal Committee</b>	<b>33</b>
• <b>Education Appointment Committee</b>	<b>33</b>
• <b>Housing Homeless Appeals Sub-Committee</b>	<b>34</b>

<b>11.0 Explanatory Notes</b>	<b>35 - 40</b>
-------------------------------	----------------

# Fife Council

## List of Committee Powers

### 1.0 Introduction

---

This List of Committee Powers sets out:-

- the functions of Fife Council, its Committees and Sub-Committees;
- the number of Committees and Sub-Committees of the Council;
- their terms of reference;
- how their membership is allocated; and
- the scrutiny role of Fife Council and its Committees.

It will be known as the Fife Council List of Committee Powers.

This document lists the powers reserved by Fife Council and those delegated to Committees under section 56 of the Local Government (Scotland) Act 1973 and any other applicable legislation. The List shall have the same meanings as defined in the Council's Standing Orders.

### 2.0 Membership of Committees – Political Balance

---

The membership of all Committees will be allocated on the basis of party political balance either for the Council as a whole or for any sub-area of the Council to which the remit of the Committee relates.

In the event that there is a change to the political balance of the Council, the Chief Executive, in consultation with the leaders of the political groups, has powers to amend the political balance as required by any such change in accordance with the following method:

Entitlement to seats on a committee are calculated by dividing the number of a party's seats by the overall number of seats on the Council (75) and multiplying the number of seats on the committee by the resultant fraction. In other words:

$$\frac{\text{Party's total seats on Council}}{75} \times \text{Total number of seats on committee}$$

Once the 'whole numbers' have been allocated to the parties, the remaining seats are allocated to the parties with the biggest fractional remainder.

Normally, in the event of a by-election, party balance will only be recalculated after that by-election has been held.

## 3.0 Fife Council – Reserved Powers

---

### Functions

The following functions shall be exercised by the Council meeting in full session and are excluded from delegation to any Committee or Sub-Committee:-

- the election of the Provost, Depute Provost, Conveners and Vice-Conveners of Committees (with the exception of Conveners of Area Committees and Sub-Committees and subject to paragraph 7 in respect of the Planning Committees) and any members holding portfolios for specific areas of Council business ("portfolio holders");
- the approval of the annual budget of (a) revenue expenditure, and (b) capital expenditure;
- the annual fixing and levying of the council tax and annual fixing of housing rents;
- the approval of Fife's Community Plan (Local Outcome Improvement Plan) and the Council's policy and improvement priorities;
- the approval of the Dundee, Perth, Angus and North Fife Strategic Development Plan (TayPlan) and the South East Scotland Strategic Development Plan (SESPan) for submission to the Scottish Ministers, and its adoption;
- the determination of national planning applications or major applications significantly contrary to the Development Plan;
- the making, substantive amendment or revocation of the List of Committee Powers and any List of Officer Powers;
- the making, substantive amendment or revocation of Standing Orders (including Standing Orders for the making of contracts);
- the making, substantive amendment or revocation of Financial Regulations;
- the promotion of or opposition to private legislation;
- a change of name of the authority;
- the establishment of any Joint Committee or Joint Board to carry out any functions of the Council;
- the appointment of members to (a) Joint Boards, (b) Joint Committees, (c) any body where the Council are obliged or entitled to make an appointment under statutory authority, and (d) the Convention of Scottish Local Authorities (including any Committees thereof);
- the consideration of reports by the Head of Paid Service or the Monitoring Officer in terms of sections 4 and 5 respectively of the Local Government and Housing Act 1989;
- the granting of the freedom of Fife;

- the consideration of any report which the Controller of Audit may make to the Accounts Commission with respect to the accounts of the Council in terms of section 102 of the Local Government (Scotland) Act 1973 and subsequent report on recommendations which the Accounts Commission may make to Scottish Ministers; and
  - any other matter which may not be delegated by the Council under legislation.

## **4.0 Policy and Co-ordination Committee and Sub-Committees and their Remits**

---

### **Policy and Co-ordination Committee**

To discharge all of the Council's functions except those reserved to the Council and those matters specifically delegated to other Committees, including the following matters:-

- exercising strategic leadership of the Council, co-ordinating the efforts of the Policy & Co-ordination Sub-Committees (hereinafter referred to as 'the Sub-Committees') and, where necessary, resolving any perceived conflicts between Sub-Committee remits or areas of responsibility
- promoting the core values of the Council; in particular, using whatever means are available to the Council to reduce inequality in the Fife area
- all strategic and corporate policy affecting Council functions as a whole; developing and approving new policies consistent with the overall strategic approach of the Council and, in particular, approving and monitoring all strategic and policy decisions in relation to the recovery and reform agenda
- developing community planning by working in partnership with relevant external organisations
- recommending to the Council the budget and strategic policy framework including approval of the draft budget for consultation
- monitoring and control of the Council's overall capital and revenue expenditure
- providing guidance and direction to Committees to ensure overall control of the Council's finances are within approved budgetary limits and financial regulations
- addressing all matters for which have increased financial consequences beyond the currently approved budget
- facilitating and encouraging public participation and consultation and ensuring the effective communication of Council policies and strategies
- taking decisions which relate to the Council's role in membership of, or partnership with, external organisations beyond a single Area
- monitoring the Council's scheme to promote equality and diversity
- providing guidance and direction to Committees in regard to scrutiny and performance management of functions within their remit
- reviewing implementation of the key outcomes and improvement priorities under Fife's Community Plan (Local Outcome Improvement Plan) and the Council's policy and improvement priorities
- implementation of agreed City Deal Plans for Tay Cities and Edinburgh and South East Scotland

- with the exception of the Area Settlement Trusts and any other trusts with an impact on only one Area, all matters relating to the Council's role as Trustees under section 16 of the Local Government etc. (Scotland) Act 1994
- the overall management and use of all Council assets and resources (insofar as not delegated to the Assets and Corporate Services Sub-Committee) including:-
  - finance (including superannuation fund management)
  - human resources
  - information (including information technology)
  - intellectual property
- workforce matters insofar as not delegated to the Head of Paid Service, including oversight of all matters relating to the Fife Pension Fund as regards the Council's role as employer including, for the avoidance of doubt, setting policies on early retirements
- any recommendations or report of any Investigating Committee appointed to investigate any matter in terms of the Scottish Joint Negotiating Committee for Local Authorities Services Disciplinary Procedure for Chief Executives
- all functions concerning valuation and electoral registration
- Fife's role in European matters including working relationships with the European Commission and the European Parliament
- strategic overview of civic affairs, twinning links and partnerships leading to civic, sporting, economic and cultural exchanges
- strategic decisions relating to the resourcing of, and co-ordination with, the Integrated Joint Board on health and social care matters.

The Committee will also have powers to refer matters to the Sub-Committees, other Committees, including the Scrutiny and Area Committees or to Working Groups, for their consideration.

### **Policy and Co-ordination Committee membership**

The Committee will comprise 21 members, based on political balance calculated as above. The membership of the Committee shall include the Co-Leaders, who shall act as joint Conveners.

The Policy and Co-ordination Committee shall establish the following Sub-Committees.

### **Education/**



## **Education and Children's Services Sub-Committee**

The Education and Children's Services Sub-Committee will deal with the following matters:-

- All matters relating to the provision and regulation of education and services for children, to the extent that these are not within the remit of the Policy & Co-Ordination Committee including:-
  - the promotion of children and young people's development and wellbeing as outlined in the Children and Young People's Act (Scotland) 2014
  - the preparation, publication and reporting of a plan for the provision of services for children in Fife to include progress made in Children's Rights as outlined in Children and Young people's Act (Scotland) 2014
  - meeting statutory requirements for strategic planning and reporting as detailed in the Education (Scotland) Act 2016
  - matters relating to other statutory responsibilities of the Council and the Chief Education Officer concerning the attainment, progress and wellbeing of children and young people
  - provision and quality of Early Learning and Childcare, Primary, Secondary, special Schools and Out of School Care
  - parental involvement and participation in their children and young people's education
  - the development and maintenance of links between schools, further and higher educational establishments and employers
  - the support and care for looked after children within the meaning of the Children's (Scotland) Act 1995 and subsequent relevant legislation
  - matters relating to the statutory responsibilities of the Council and the Chief Social Work Officer concerning the care and protection of children
  - the planning and co-ordination of holistic services for children, young people and their families in consultation with other Council Committees and Integrated Joint Board as appropriate
  - all matters relating to the Corporate Parenting Board.

### **Education and Children's Services Sub-Committee membership**

The Sub-Committee will comprise 15 members, based on political balance calculated as above.

When the Sub-Committee meets to discharge its education functions, its voting membership also comprises three persons representing churches and other religions appointed under section 124 of the Local Government (Scotland) Act 1973.

## **Environment and Protective Services Sub-Committee**

The Environment and Protective Services Sub- Committee will deal with the following matters, to the extent that these are not within the remit of the Policy & Co-Ordination Committee:-

- environment (including monitoring of the Council's environment protection work)
- coastal protection and flood prevention
- cleansing and waste management, including oversight of the activities and resourcing of Fife Resource solutions and other arm's length external organisations relating to waste management and the like
- grounds maintenance
- assessment and approval of the adequacy and effectiveness of the Fife Local Fire and Rescue Plan in terms of priorities, community engagement and performance measures and the provision of assurance on the effective and efficient implementation of the Plan
- assessment and approval of the adequacy and effectiveness of the Fife Local Policing Plan in terms of priorities, community engagement and performance measures and the provision of assurance on the effective and efficient implementation of the Plan and monitoring of custody visits in Fife
- making recommendations on any aspects of the Fife Policing and Fire and Rescue plans
- scrutiny and oversight of Fife Council Protective Services and Emergency Planning and Business Continuity
- consideration of statistical reports on complaints about policing, fire and rescue in Fife
- responding to any consultation documents pertaining to policing, fire and rescue services including making representations on the content of the Strategic Police Plan and the Strategic Fire Plan.

### **Environment and Protective Services Sub-Committee membership**

The Sub-Committee will comprise 15 members, based on political balance calculated as above.

## **Economy, Tourism, Strategic Planning and Transportation Sub-Committee**

The Economy, Tourism, Strategic Planning and Transportation Sub-Committee will deal with the following matters, to the extent that these are not within the remit of the Policy & Co-Ordination Committee:-

- sustainable development (including the development, promotion and implementation of policies and strategies to encourage sustainable development in Fife)
- all matters pertaining to City Region Planning (but excluding any matter remitted to the Planning Committees or Area Committees); and having an input to SESPlan and TayPlan
- approval of any Local Development Plan promoted by the Council, and associated Supplementary Planning Guidance
- planning and implementing community infrastructure to support strategic growth and development, and overseeing developer contributions towards strategic transport and educational capacity
- economic development (including vocational training)
- economic regeneration and vacant and derelict land
- overseeing the Council's Employability work
- tourism (insofar as relating to the functions of the Council)
- roads, but excluding all roads matters for which the Area Committees are responsible
- transportation (including strategic transportation schemes and traffic orders required for such strategic schemes and charging orders)
- oversight of the Council's ongoing relationship with South East Scotland Transport Partnership, and any successor body
- provision of transport for educational purposes
- harbours.

## **Economy, Tourism, Strategic Planning and Transportation Sub-Committee membership**

The Sub-Committee will comprise 15 members, based on political balance calculated as above.

## **Assets and Corporate Services Sub-Committee**

The Assets and Corporate Services Sub-Committee will deal with the following matters, to the extent that these are not within the remit of the Policy & Co-Ordination Committee:-

- decisions relating to all physical assets (including land, buildings and other property), including common good property
- all matters relating to the acquisition, disposal or other dealings with specific Council (including common good) assets, property and facilities insofar as not within the remit of Policy and Co-ordination or the Area Committees
- the development, maintenance and review of a Corporate Asset Management Plan to ensure that the Council achieves Best Value
- all matters relating to the implementation of a school estate strategy
- the strategic objectives and financial performance of all trading activities
- burial grounds and crematoria
- determining asset transfer requests under the Community Empowerment Act 2015
- monitoring and reviewing policy and all matters concerned with the health and safety of Council employees and the obligations of the Council under Health and Safety legislation
- budget and other monitoring of the Finance and Corporate Services Directorate.

### **Assets and Corporate Services Sub-Committee membership**

The Sub-Committee will comprise 15 members, based on political balance calculated as above.

## Community and Housing Services Sub-Committee

The Community and Housing Services Sub-Committee will deal with the following matters, to the extent that these are not within the remit of the Policy & Co-Ordination Committee:-

- acting as a point of strategic liaison with the Area Committees, co-ordinating and assisting communication between the Areas and sharing best practice; to further this aim, all Area Conveners are to be members of the Committee
- aiding and promoting public participation in the Council's consultative and decision making functions, and community engagement in general
- aiding and promoting community wellbeing, including community health, local environment, housing and community provision
- ensuring the Council's corporate response to the Community Empowerment Act 2015 is co-ordinated at all levels; dealing with requests to participate in a service
- oversight, and development of, the Council's corporate complaints procedure
- all matters relating to the provision of community services for which the Council are responsible including:-
  - community and further education and adult guidance insofar as within the responsibility of the Council
  - the provision or procurement of leisure, recreational and cultural facilities including parks, sports centres, allotments, the countryside, theatres, museums, art galleries and libraries
  - All matters in connection with the Council's Arm's Length External Organisation partners Fife Cultural Trust, Fife Sports and Leisure Trust, Fife Golf Trust, and Fife Coast and Countryside Trust
  - the promotion of community engagement and wellbeing and the development of initiatives to achieve Community Plan objectives
  - the development, maintenance and review of the Council's community learning and development strategy
  - matters relating to the registration of births, deaths and marriages
  - strategies to regenerate and ensure sustainable communities including use of regeneration funding streams; and development of initiatives and arrangements to improve local service delivery neighbourhood management and quality of the local environment
  - customer contact
  - Scheme for Community Councils
  - Fife wide grant funding.
- all matters relating to the work of the Community Safety Partnership, who shall provide regular reports to the Committee on its work
- all matters relating to the Fife-wide provision of housing services for which the Council are responsible including:-
  - the Council's responsibilities as the statutory housing authority for Fife relating to the construction and acquisition of council housing
  - all matters relating to housing investment and the affordable housing programme

- the provision of council housing
- the development and implementation of housing policy, including the Council's functions as landlord
- all matters relating to the maintenance and development of Council housing

### **Community and Housing Services Sub-Committee membership**

The Sub-Committee will comprise 15 members, based on political balance calculated as above, but, where possible, including all Area Conveners.

### **Powers for Policy & Co-ordination Committee and all Sub-Committees**

Policy & Co-ordination Committee and all its Sub-Committees will have the following powers in relation to their specific areas of responsibility:

- to approve all policies which extend beyond the boundaries of a single Area
- to work with officers and partners to implement approved strategies, plans, policies and projects, including approval of spend from budgets allocated to them
- to request or commission research or other studies on matters of policy or service provision
- to set targets for service delivery
- to ensure political accountability for the Council's performance
- oversight of the relevant Community Plan outcomes
- financial monitoring and planning for both revenue and capital expenditure in respect of matters falling within their remit and for taking such decisions as may be necessary or appropriate to ensure that the Council's financial objectives are met
- preparing responses to consultation papers issued by the Scottish or UK Government and outside organisations insofar as these are not included in the remit of other Committees; and insofar as not delegated to officers.

### **Scrutiny and Performance Review**

- scrutiny and review of performance of the functions remitted to them
  - to invite individuals and / or representatives of organisations with expertise or interest in aspects of their remit to attend and / or contribute to meetings, either as regular participants or for a specific issue. Such individuals will not have voting powers;
  - to require the relevant Executive Director / Head of Service to attend meetings and respond to relevant questions and / or to submit a report or written evidence on any relevant matter;
  - to request other members of the Council and outside organisations to attend meetings and / or give evidence and advice;
- to submit comments and recommendations to the Policy and Co-ordination Committee or the Council.

## 5.0 Area Committees

---

There shall be Area Committees for each of the following Areas of Fife:-

- **Cowdenbeath** (Electoral Wards 7 and 8 inclusive)
- **Dunfermline** (Electoral Wards 2, 3 and 4 inclusive)
- **Glenrothes** (Electoral Wards 13, 14 and 15 inclusive)
- **Kirkcaldy** (Electoral Wards 9 - 12 inclusive)
- **Levenmouth** (Electoral Wards 21 and 22 inclusive)
- **North East Fife** (Electoral Wards 16 – 20 inclusive)
- **South and West Fife** (Electoral Wards 1, 5 and 6 inclusive).

### Terms of Reference

The terms of reference and functions of Area Committees, having regard to the Council's Scheme of Decentralisation, are to deal with the following matters as they relate to the Committee's area:-

- leadership and promotion of joint working with community plan partners and other statutory and voluntary or not for profit bodies to support the wellbeing of their communities, through the implementation of Local Community and Area Management Plans
- overseeing the delivery and effectiveness of local community planning and partnership arrangements; determining the relevant geographical basis for local community planning
- contributing to the development of, and monitoring the local delivery of the Fife Community Plan
- development of an Area Engagement Plan
- receiving an annual report of progress against the local community plan as a basis for continuing dialogue with communities, partners and services on challenges and priorities
- providing local input as required prior to Council decisions including:-
  - considering the potential impact of strategic policy proposals and making recommendations to the relevant other Committee
  - working with communities to establish priorities and scrutinising the effectiveness of local delivery
- taking decisions on matters within their local area insofar as these have been remitted by Council or other Committees including:-
  - the allocation of budgets and the approval of revenue and capital expenditure insofar as these have been delegated to the Committee
  - considering all matters relating to expenditure from common good funds insofar as not delegated to officers
  - to consider an annual report on the management of the common good
  - [provide a view to the Assets and Corporate Services Sub-committee on proposed changes of use and disposal of common good assets within the boundary of the Area Committee and not covered by other policy](#)

- [consider periodic reports on disposals where the Disposal of Land by Local Authorities \(Scotland\) Regulations 2010 and/or the Council's Subsidised Leases Policy have been applied](#)
- produce area asset registers and plans and work within agreed budgets
- establish and maintain partnership arrangements to support local community planning within an area. Furthermore, to establish, agree and implement locality plans to comply with the Community Empowerment Act 2015
- the approval of grants to local organisations
- assessing and awarding discretionary rates relief to businesses in the Area
- acting as Trustees in relation to the Council's Area Settlement Trusts and all other trusts which do not have an impact beyond one Area
- appointment of members to local organisations
- master plans, site briefs, development briefs and urban design frameworks
- traffic orders where the impact of the proposal would not extend beyond a single Area
- local housing issues specific to an Area
- roads construction consents
- tree related matters and tree preservation orders
- conservation area and conservation management scheme arrangements and reports
- good neighbour agreements
- building standards and safety (insofar as not delegated to officers) including the reporting of dangerous buildings which have potential expenditure implications for the Council
- rights of way, diversion orders and all other matters dealt with in the relevant planning legislation not remitted to the Planning Committees.

### **Scrutiny and Performance Review**

The Committee shall be responsible for the scrutiny and review of performance of the functions remitted to Area Committees, including those delivered by means of Fife-wide Services.

The Area Committees will have the following powers:-

- to invite individuals and / or representatives of organisations with expertise or interest in aspects of their remit to attend and / or contribute to meetings, either as regular participants or for a specific issue. Such individuals will not have voting powers
- to require the Committee Convener with relevant responsibility and / or relevant Executive Director / Head of Service to attend meetings and respond to relevant questions and / or to submit a report or written evidence on any relevant matter
- to request other members of the Council, officials, other persons and outside organisations to attend meetings and / or give evidence and advice
- to submit comments and recommendations to the Policy and Co-ordination Committee and the Council.

### **Area Committee membership**

The Committee will comprise all members of the relevant Area.



## **City of Dunfermline and South and West Fife Area Committees**

### **West Fife Area Common Good Sub-Committee**

**Membership** 6 members comprising 3 members of the South and West Fife Area Committee and 3 members of the City of Dunfermline Area Committee, based on political balance as calculated above.

#### **Terms of Reference**

- to consider the disbursement of monies from the common good fund.

## 6.0 Scrutiny and Audit Committees

---

### Standards and Audit Committee

#### Terms of Reference

The terms of reference and functions of the Standards and Audit Committee are to deal with the following matters:-

#### Standards

- promoting and maintaining high standards of conduct by Councillors and co-opted members
- assisting Councillors and co-opted members to observe the Councillors' Code of Conduct and any Council Code of Conduct or Protocol
- advising the Council on the adoption or revision of any Code of Conduct for Councillors and co-opted members including training or arranging for training to be provided

The Committee shall also be responsible for considering the following matters:-

- all matters concerning the establishment, maintenance and public availability of a register of interests that have been declared by members or employees of the authority including guidance for the assistance of members and employees on the registration of interests, gifts and hospitality
- the Council's Code of Conduct for employees
- any protocol to guide members and officers in their relations with one another
- guidelines on standards of conduct required of agents and contractors acting for and on behalf of the Council
- the Council's customer care and complaints policies
- the annual report of the Scottish Public Services Ombudsman
- any report by the Scottish Public Services Ombudsman of mal-administration against the Council
- the annual report of the Scottish Information Commissioner on the Freedom of Information (Scotland) Act 2002
- [an annual report on the performance of the Council under the Freedom of Information \(Scotland\) Act 2002](#)
- [an annual report on the performance of the Council under data protection legislation](#)
- any report or recommendation made by Scottish Ministers or the Standards Commission for Scotland in respect of any breach of the Councillors' Code of Conduct, but excluding any report made by the Standards Commission in respect of a member of Fife Council, which reports shall be referred to the full Council in terms of the relevant legislation.

## **Audit and Risk Management**

- to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes
- reviewing with management the adequacy and effectiveness of the following matters:-
  - internal control environment
  - policies and practices to ensure compliance with relevant statutes, directions, guidance and policies
  - financial information presented to the Council
  - risk management arrangements and procedures
  - arrangements for delivering value for money (best value)
  - anti-fraud arrangements
  - anti-corruption arrangements including the Council's whistle-blowing strategy.
- reviewing with management the Council's financial statements, external audit opinion and report to members, management letters or reports and compliance with codes of corporate governance
- reviewing the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships with other organisations
- reviewing the authority's assurance statements, including the Annual Governance Statement, to ensure that they properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievements of the authority's objectives
- ensuring that the internal audit and risk management division has adequate skills and resources to provide an effective internal audit and risk management function
- supporting the Chief Audit Executive, enabling them to carry out their role effectively, ensuring the effectiveness of the internal audit process
- promoting the effective use of internal audit within the assurance framework
- ensuring internal audit and risk management have appropriate standing within the Council
- reviewing the activities of the internal audit and risk management function including approving its overall strategy and annual work programme, and reviewing the annual report against agreed actions
- supporting effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encouraging the active promotion of the value of the audit process
- considering the reports and recommendations of internal audit, external audit and inspection agencies and their implications for governance, risk management or control and monitoring management action in response to the issues raised

- reporting regularly on their work and at least annually reporting an assessment of their performance
- the consideration of the unaudited annual accounts of the Council (excluding those of the Pension Fund) as made up at the end of the financial year and approval of the audited accounts (excluding those of the Pension Fund from 2020 onwards) for signature together with the external auditor's annual report on the accounts; (subject to other elected members who are not members of the Committee being given an opportunity to attend the Committee and provide further input).

### **Scrutiny**

- The Committee shall also scrutinise and investigate any particular matter referred to the committee by any member of the Council relating to audit and risk or standards issues and which the Committee consider requires further examination. The Committee shall also have the option of referring matters not within its remit to the relevant Scrutiny Committee.

### **Standards and Audit Committee membership**

The Committee will comprise 10 members, based on political balance calculated as above, but including, where possible, the Convener of the Superannuation Fund and Pensions Committee.

## **Scrutiny Committees**

1. The Council will appoint two Scrutiny Committees with the following titles:-
  - (a) Education and Children's Services, Health and Social Care
  - (b) Environment, Finance and Communities
2. The two Scrutiny Committees will have responsibility for scrutiny of the areas of the following areas:-

### **Education and Children's Services, Health and Social Care**

- Education and Children's Services
- Health and Social Care

### **Environment, Finance, and Communities**

- Finance and Corporate Services
- Communities
- Fife Sports and Leisure Trust
- Fife Coast and Countryside Trust
- Fife Golf Trust
- Fife Cultural Trust
- Enterprise and Environment

3. The Scrutiny Committees will undertake the following functions, insofar as these lie outwith the remit of the Standards and Audit Committee:-
  - monitor overall performance results and undertake specific scrutiny to highlight improvement areas
  - commission reviews
  - consider matters remitted to them by the Council or other Committees
  - scrutinise and, in doing so, review, decisions of the [Strategic Policy & Co-ordination Committee and its Sub-Committees](#) called in by at least seven elected members in line with Standing Orders.
4. The Scrutiny Committees will have the following powers:-
  - to invite individuals and / or representatives of organisations with expertise or interest in aspects of their remit to attend and / or contribute to meetings, either as regular participants or for a specific issue. Such individuals will not have voting powers;
  - to require the Strategic Convener with relevant responsibility and / or relevant Executive Director / Head of Service to attend meetings and respond to relevant questions and / or to submit a report or written evidence on any relevant matter;
  - to request other members of the Council and outside organisations to attend meetings and / or give evidence and advice;
  - to submit comments and recommendations to the Council.
5. The Scrutiny Committees will submit a report on their activities to the Council periodically.

6. When the Education and Children's Services, Health and Social Care Scrutiny Committee meets to advise the Council on the discharge of its education functions, its voting membership shall also comprise three persons representing churches and other religions appointed under section 124 of the Local Government (Scotland) Act 1973 subject to the restrictions on voting during the call in process set out in Standing Orders.
7. Where members of the relevant Scrutiny Committee are also members of the relevant Committee or Sub-committee, they shall not be entitled to vote on the Scrutiny Committee when it considers the subject matter called in.

### **Membership**

The Committees will each comprise 15 members, based on political balance calculated as above.

## **7.0 Regulatory Committees and Boards**

---

### **Planning Committees**

There shall be two Planning Committees for the North East, and Central and West parts of Fife. Their boundaries shall be those of North East Fife Area; and Levenmouth, Kirkcaldy, Glenrothes, Cowdenbeath, Dunfermline and South and West Fife Areas respectively.

The Convener of North East Fife Area Committee shall be the Convener of North East Planning Committee. The Conveners of the remaining Area Committees shall, if possible, be members of the Planning Committee for their Area. One of the Area Conveners shall normally be the Convener of the Central and West Planning Committee. Both Planning Committees shall nominate their own Vice-Conveners if required.

The terms of reference and functions of the Planning Committees are to deal, in respect of their geographical extent, with the following matters:-

- considering all planning applications (including the holding of pre-determination hearings) which are to be determined by the full Council
- determining all planning and other development applications which can be determined by a Committee
- responding on behalf of the Council to all planning and other development applications of whatever nature lodged with other planning authorities which have an impact on Fife
- planning enforcement matters, reports and the serving of notices insofar as not delegated.

Where any application has an impact beyond the geographical boundary of a single Planning Committee, the Proper Officer shall determine (in consultation with the Executive Director (Enterprise and Environment) and the relevant Convener(s)), which Committee should determine the application. Normally, this will be the Committee within which all or the majority of an application site is located. Provision shall be made, as necessary, for the views of other Committees to be sought.

### **Planning Committee membership**

The North East Planning Committee will consist of all members of North East Fife Area.

The Central and West Planning Committee will comprise 15 members, based on political balance within the constituent areas calculated as above.

## **Fife Planning Review Body**

### **Terms of Reference**

Where an applicant requires it:-

- to review any decision by a person appointed to consider applications relating to local developments where the person has:-
  - been refused an application for planning permission or for consent, agreement or approval;
  - been granted it subject to conditions; or
  - failed to determine it within the prescribed period.
- to uphold, reverse or vary any determination by virtue of the preceding paragraph.

The Review Body shall consist of 10 members, based on political balance calculated as above, all of whom will normally also be members of a Planning Committee, or have previous experience of Planning Committee decisions. The Review Body will be chaired by a single Convener or, in the Convener's absence, by a Vice-Convener. Normally, a meeting of the Review Body will consist of 5 members. The quorum shall be 3.

## **Community Empowerment Act Review Committee**

To review, in line with the provisions of the Community Empowerment Act 2015, refusals of asset transfer requests by the Assets and Corporate Services Committee. Normally, a meeting of the Review Committee will consist of 5 members. The quorum shall be 3.

The Committee will comprise the same membership as the Fife Planning Review Body.

## **Regulation and Licensing Committee**

### **Terms of Reference**

The terms of reference and functions of the Regulation and Licensing Committee are to deal with the following matters:-

- the Council's functions as statutory licensing authority under the Civic Government (Scotland) Act 1982 including:-
  - the grant, suspension or cancellation of licences
  - the holding of statutory hearings and appeals
  - the development, maintenance and review of policy
- the Council's functions as statutory licensing authority under the Civic Government (Scotland) Act 1982, including:-
  - the determination of applications for street parades and processions but only in those cases where a written objection has been submitted to the Council. To make orders imposing conditions on the holding of such processions under the Civic Government (Scotland) Act 1982.
- the Council's functions as statutory licensing authority under the Housing (Scotland) Act 2006 including:-



- the grant, suspension or cancellation of licences
- the holding of statutory hearings and appeals
- the determination of all other licensing matters except where these are delegated to officers
- the consideration of police reports which may lead to suspension of a licence.

### **Scrutiny and Performance Review**

The Committee shall be responsible for the scrutiny and review of performance of the functions remitted to it.

### **Membership**

The Committee will comprise 15 members, based on political balance calculated as above.

### **Fife Licensing Board**

In terms of the Licensing (Scotland) Act 2005, the Council has appointed a Licensing Board for Fife as an independent regulatory body. The main function of the Board is to regulate premises selling alcohol to the public. The Board also regulates certain gambling functions.

The membership of the Licensing Board comprises ten members reflecting the political balance of the Council.

### **Rates Appeal Committee**

#### **Terms of Reference**

To consider, and determine, (a) appeals from ratepayers against rates claimed from them on the ground that the ratepayers are being improperly charged in terms of section 238 of the Local Government (Scotland) Act 1947; and (b) appeals from businesses in business improvement districts under the Planning etc. (Scotland) Act 2006 (Business Improvement Districts Levy) Order 2007; in accordance with such rules relating to the lodging and hearing of appeals as the Committee may from time to time determine.

The Committee will comprise 7 members, based on political balance calculated as above.

## **8.0 Other Committees**

---

### **Superannuation Fund and Pensions Committee (9 members)**

#### **Terms of Reference**

The remit of the Superannuation Fund and Pensions Committee shall be:-

- to arrange for the supervision of the management and administration of the investments of the Superannuation Fund and to make decisions in regard to the appointment of fund managers in that regard
- to consider and determine (except insofar as delegated to the Executive Director (Finance and Corporate Services) or any other officer) all matters relating to the Council's functions in regard to pensions administered by the Council including:-
  - the effect for the Council of early retirals (in respect of which regular reports shall be submitted to the Policy and Co-ordination Committee)
  - the effect of "strains on the fund" costs as defined in the Accounts Commission's report "Bye Now, Pay Later"
  - the implications, including financial implications arising from any legal matter relating to the Council's responsibilities for pensions or resulting from any government policy initiative
  - any matter relating to the Council as administering authority for the Superannuation Fund under the Superannuation Regulations
  - actuarial valuation reports and any matter arising therefrom
  - consideration of any government proposals or consultation papers relating to pension issues and responses on behalf of the Council thereto
  - best value/service efficiency reviews in regard to areas within its remit
  - review of contribution rates and admission of new employees to the Fife Council Superannuation Scheme.

#### **Audit and Risk Management**

- to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes in relation to the Fife Pension Fund.
- reviewing with management the adequacy and effectiveness of the following matters:-
  - internal control environment
  - policies and practices to ensure compliance with relevant statutes, directions, guidance and policies
  - financial information presented to the Council
  - risk management arrangements and procedures
  - arrangements for delivering value for money (best value)
  - anti-fraud arrangements
  - anti-corruption arrangements including the Council's whistle-blowing strategy.

- reviewing with management Fife Pension Fund's financial statements, external audit opinion and report to members, management letters or reports and compliance with codes of corporate governance
- reviewing the risk profile of the Fund and assurances that action is being taken on risk-related issues, including partnerships with other organisations
- reviewing the Fund's assurance statements, including the Annual Governance Statement, to ensure that they properly reflect the risk environment and any actions required to improve it and demonstrate how governance supports the achievements of the authority's objectives
- promoting the effective use of internal audit within the assurance framework
- reviewing the overall strategy and annual work programme in relation to the Fund and reviewing the annual report against agreed actions
- considering the reports and recommendations of internal audit, external audit and inspection agencies and their implications for governance, risk management or control and monitoring management action in response to the issues raised
- the consideration of the unaudited annual accounts of the Fife Pension Fund as made up at the end of the financial year and approval of the audited accounts for signature together with the external auditor's annual report on the accounts; (subject to other elected members who are not members of the committee being given an opportunity to attend the committee and provide further input).

## 9.0 Partnership and Statutory Boards

---

### Fife Partnership

Fife Council has a statutory duty to lead community planning for the Fife area. This is carried out by the Fife Partnership. The Council's representatives on the Partnership comprise the Co-Leaders of the Administration and the Leader of the Opposition.

### Community Safety Partnership

The Community Safety Partnership shall include in its membership 7 elected members based on political balance and shall report on a regular basis to the Community and Housing Services Committee.

Its remit shall include:-

- assessment of the adequacy and effectiveness of the Making Fife's Communities Safer strategy in terms of priorities, community engagement and performance measures and the provision of assurance on the effective and efficient implementation of the strategy
- making recommendations on any aspects of the Making Fife's Communities Safer strategy
- scrutiny and oversight of Fife Council community safety services, including Criminal Justice Services
- scrutiny and oversight of the Reducing Offending and Reoffending Group as required under the Community Justice (Scotland) Act 2016, including the oversight and agreement of allocated Social Work (Scotland) Act 1968 section 27 funding, and any other funding available for the purposes of local community justice provision;
- consideration of statistical reports on complaints about safer communities in Fife
- responding to any consultation documents pertaining to safer communities
- scrutiny and oversight of the work of the Chief Officers Public Safety Group.

### Health and Social Care Integration Joint Board

The Council at its meeting on 19th February 2015, approved the Joint Health and Social Care Integration Scheme for Fife, and appoints eight members to the Board, on the basis of political balance.

### Pensions Board

The Council has appointed a Pensions Board under the Pensions Act 2013. Its membership consists of four trade union representatives, and four employer representatives, the latter comprising two elected members (one each from the Administration and Opposition) and one each from the scheduled and admitted bodies.

### Fife Educational Trust Scheme 1958 – East and West Fife Committees

The Council has constituted East and West Fife Committees as required by the Fife Educational Trust Scheme 1958. Appointees include eight elected members on East Committee and nine elected members on the West Committee, allocated by Areas as specified in the Trust Scheme.

## **10.0 Membership and Remits of Sub-Committees**

---

### **Policy and Co-ordination Committee**

#### **1. Appeals Sub-Committee (6 members)**

##### **Terms of Reference**

(The Sub-Committee shall be drawn from a panel comprising twenty-four elected members.)

- except as otherwise provided for in this Scheme of Committee Powers to consider and determine, with powers, appeals submitted by any employee who is entitled to appeal to the Council under any statutory provision contract of employment, condition of service or any Council policy or procedure on employment; and
- to act as the Disputes Sub-Committee of the Council in determining, with powers, the Council's position on any matter which is the subject of a formal dispute (except insofar as a decision has already been taken by the Council).

#### **2. Appointments Sub-Committee (9 members in the case of the Chief Executive, 8 members in the case of first tier posts and 4 members in the case of second tier posts and all other Chief Officers)**

(The Sub-Committee shall be drawn from a panel comprising twenty-four elected members.)

The appropriate Committee Convener for the relevant subject area shall be given the option of a place on the Appointments Sub-Committee whether or not they are a member of the Panel.

##### **Terms of Reference**

- with powers, to consider arrangements, undertake shortlisting, interview and appoint candidates for first and second tier posts including the post of Head of Paid Service.

#### **3. Investigating Committee (4 members)**

##### **Terms of Reference**

- to investigate and make recommendations on any matter requiring investigation in terms of the Scottish Joint Negotiating Committee for Local Authorities Services Disciplinary Procedure for Chief Executives.

**4. Emergency Sub-Committee (4 members comprising the Provost, Co-Leaders of the Administration and Leader of the Opposition or designated Deputies or nominees)**

**Terms of Reference**

to consider with powers:-

- such action as may be necessary with respect to any emergency or disaster (involving actual or apprehended destruction of or danger to life or property) or to any matter of special urgency.

**5. Common Good and Trusts Investment Sub-Committee (9 members, the membership to be the same as that of the Superannuation Fund and Pensions Committee)**

**Terms of Reference**

The remit of the Common Good and Trusts Investment Sub-Committee shall be:-

- to arrange for the supervision of the management and administration of the investments of the common good fund and all trust funds and to make decisions in regard to the appointment of fund managers in that regard.

## **Education and Children's Services Sub-Committees**

### **1. Education Appeal Committee (5 members)**

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 Committees**

**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.

## **Community and Housing Services Sub-Committee**

### **1. Housing Homeless Appeals Sub-Committee (4 members)**

Members of the Housing Homeless Appeals Sub-Committee shall comprise four members of the Council.

#### **Terms of Reference**

- to consider appeals on the grounds of omission, mal-administration, failure to comply with Council policy or statutory obligations (homeless or threatened with homelessness, priority need, intentionality or local connection).



## 11.0 Explanatory Notes

---

### **Functions of Committees**

Committees shall be responsible for the matters remitted to them under the terms of reference assigned to them in this List of Committee Powers.

Committees are authorised to act fully on behalf of the Council in relation to matters remitted to them without prejudice to their right to remit matters to the full Council for determination. Sub-Committees may be authorised to act on behalf of the Council or any Committee if given appropriate powers in specific instances by the Council or the relevant Committee.

In acting in relation to matters remitted to them, Committees shall seek to secure Best Value and continuous improvement and shall maintain an appropriate balance among (a) the quality of its performance of its functions; (b) the cost to the authority of that performance; and (c) the cost to persons of any service provided wholly or partly on a rechargeable basis. In striking that balance, the Committee shall have regard to efficiency, effectiveness, economy and the need to meet equal opportunity requirements. Committees shall perform their functions in a way which contributes to the achievement of sustainable development.

Decisions of Committees which would require the Council to incur expenditure shall only be taken within the authority of Committees to incur expenditure as provided for in Financial Regulations made under section 95 of the Local Government (Scotland) Act 1973. Committees may not incur expenditure which cannot be met from such amounts as may be allocated to them.

Where there is doubt as to which Committee or Sub-Committee should consider any matter, the Proper Officer, in consultation with the appropriate Head of Service, shall determine the issue and refer the matter to the appropriate committee or sub-committee having regard to this List of Committee Powers.

In order that members can identify which items in the minutes are subject to the approval of the Council or another Committee, as the case may be, minuted decisions will be marked as follows:-

- C** = subject to approval of the Council
- S** = subject to approval of the Strategic Committee
- A** = referred to the Area Committee

Members are entitled to serve on Committees as approved by the Council.

Members are entitled to a seat on the Area Committee covering the area which they have been elected to represent. The allocation of seats on all other Committees is based on overall party political balance as determined by the Council.

Members may take up seats on Committees, including Area Committees, after the first Council meeting occurring after the date of their election to the Council.

Members are entitled to change Committees within the group allocations having first notified, by noon on the working day before the meeting, the Proper Officer.

Political Groups shall be entitled (but not obliged) to nominate one substitute for each Strategic and Scrutiny Committee who shall, no later than noon on the working day before the relevant meeting, be entitled to act as a substitute for that single meeting of the Committee for any member of that Group who is a member of that Committee.

~~The Council have responsibility for the appointment of Conveners and Vice-Conveners of Committees (other than Area Committees). Sub-Committees have responsibility for the appointment of Conveners and Vice-Conveners. Conveners of the Committees shall hold office as the Council directs and Vice-Conveners of Committees and Conveners and Vice-Conveners of Sub-Committees shall hold office as the Committee directs. Conveners and Vice-Conveners of Area Committees shall be appointed by the Area Committee.~~

The Council has responsibility for the appointment of Conveners and Vice-Conveners of Committees (other than Area Committees) and the following Sub-Committees:

- Education & Children's Services Sub-Committee
- Environment and Protective Services Sub-Committee
- Economy, Tourism, Strategic Planning and Transportation Sub-Committee
- Assets and Corporate Services Sub-Committee
- Community and Housing Services Sub-Committee

All other Sub-Committees have responsibility for the appointment of Conveners and Vice-Conveners. Conveners and Vice-Conveners of Area Committees shall be appointed by the Area Committee.

The Council Leaders and the appropriate strategic Spokespersons shall be entitled to attend Area Committees in a non-voting capacity but with the right to speak in relation to items within their portfolio where they are not otherwise a member of the Committee.

### Co-option of Members to Committees

All Committees may recommend to the Council the co-option of such other persons to the Committee who are not members of the Council where it is considered that such co-option would be beneficial to the work of the Committee.

Co-opted members shall be non-voting unless otherwise specifically provided for in this Scheme.

Prior to accepting membership of a Committee, co-opted members shall be bound by the Councillors' Code of Conduct.

Committees may appoint non-voting observers or advisers to them and may determine the terms of such appointments, including whether such persons can remain in the committee room to discuss confidential items and whether they should be bound by the Councillors' Code of Conduct.

### **Commencement and Review**

This version of the List of Committee Powers will come into force on ~~11<sup>th</sup> August~~ 12<sup>th</sup> November 2020 and shall function as the Council's Scheme of Administration, replacing all previous documents of either name.

The List of Committee Powers will be kept under review at least once during every Council term and proposed amendments submitted for consideration by the Council, as appropriate.

## Allocation of Committee seats on basis of political balance

Committee	SNP	Labour	Conser- vative	Liberal Democrats	Independ- ent	Total
Policy and Co-ordination Committee	8	7	4	2	0	21
Education and Children's Services <u>Sub-c</u> Committee	6	5	3	1	0	15
Environment and Protective Services <u>Sub-c</u> Committee	6	5	3	1	0	15
Economy, Tourism, Planning and Transportation <u>Sub-</u> <u>c</u> Committee	6	5	3	1	0	15
Assets and Corporate Services <u>Sub-G</u> committee	6	5	3	1	0	15
Community and Housing Services <u>Sub-c</u> Committee	6	5	3	1	0	15
Standards and Audit Committee	4	3	2	1	0	10
Education and Children's Services, Health and Social Care Scrutiny Committee	6	5	3	1	0	15
Environment, Finance and Communities Scrutiny Committee	6	5	3	1	0	15
Regulation and Licensing Committee	6	5	3	1	0	15
Fife Licensing Board Committee	4	3	2	1	0	10
Fife Planning Review Body Committee	4	3	2	1	0	10
Community Empowerment Act Review Committee	4	3	2	1	0	10
Rates Appeal Committee	3	2	1	1	0	7
Superannuation Fund and Pensions Committee	3	3	2	1	0	9

Area Committees	SNP	Labour	Conser- vative	Liberal Democrats	Indepen- dent	Total
North East Fife	5	1	3	6	1	16
Levenmouth	4	3	1	0	0	8
Glenrothes	6	3	1	0	0	10
Kirkcaldy	4	6	2	0	0	12
Cowdenbeath	3	4	1	0	0	8
Dunfermline	4	4	2	1	0	11
South and West Fife	4	2	4	0	0	10

Planning Committees	SNP	Labour	Conser- vative	Liberal Democrats	Indepen- dent	Total
North East Fife	5	1	3	6	1	16
Central and West	9	8	4	0	0	21

Community Safety Partnership	SNP	Labour	Conser- vative	Liberal Democrats	Indepen- dent	Total
	3	2	1	1	0	7

### Allocation of Sub-Committees on basis of political balance

Sub-Committees	SNP	Labour	Conser- vative	Liberal Democrats	Indepen- dent	Total
Appeals (Panel)	10	7	5	2	0	24
Appointments (Panel)	10	7	5	2	0	24
Education Appointments (Panel)	7	5	3	2	0	17
Education Appeal (Panel)	7	5	3	2	0	17
Investigating	2	1	1	0	0	4
Common Good and Trusts Investment Sub-Committee	3	3	2	1	0	9
Housing Homeless	2	1	1	0	0	4

#### **Note**

#### Allocation of Seats on Appointments and Appeals Sub-Committees

The membership for individual meetings of each of the Appointments Sub-Committee and the Appeals Sub-Committee will be drawn from a panel of 24 members based on party political balance as indicated above.

This will normally result in the following allocation per meeting:-

- Appeals - 2 SNP, 2 Labour, 1 Conservative and 1 Liberal Democrat
- Appointments (1st tier) - 3 SNP, 2 Labour, 2 Conservative and 1 Liberal Democrat
- Appointments (2nd tier) – 2 SNP, 1 Labour, 1 from Conservative or Liberal Democrats

#### West Area Common Good Sub-Committee

Should the membership be nominated on the basis of political balance, there would be the following allocation to each group:-

2 SNP, 2 Labour, 1 Conservative and 1 Liberal Democrat.

#### Common Good and Trusts Investment Sub-Committee

Membership to be the same as Superannuation Fund and Pensions Committee.



# Fife Council List of Officer Powers

Fife House,  
North Street,  
GLENROTHES,  
Fife.  
KY7 5LT

Effective from 124th November July, 202019

<b>Date</b>	<b>Author</b>	<b>Version</b>	<b>Status</b>	<b>Reason for Change</b>
27/09/17	ACF	1.0		Draft for changes to be put to Council 05.10.17
17/10/17	ACF	1.1	As approved by Council	Final publication version
20/10/17	ACF	1.2		Working draft incorporating suggested changes from Services for consultation
04/01/18	ACF	1.3		Updated working draft
23/02/18	ACF	1.4		Final version for submission to full Council 8/3/18
15/03/18	ACF	1.5	As approved by Council	Publication version pending approval of planning scheme by Scottish Ministers
22/03/18	ACF	1.6		Final version following approval of 7.3.1 by Scottish Ministers
09/02/19	ACF	1.7	Approved under delegated powers (para 3.2.4)	Technical amendments to take account of consequential changes, forthcoming legislation, etc. Reordering of E & E Directorate list to take account of current structures.
18/06/19	ACF	1.8	Submission version for Fife Council	
04.07/19	ACF	2.0	Finalised version following Fife Council decision of 27/06/19	
	<u>HC</u>	<u>3.0</u>	<u>Submission version for Fife Council</u>	



# List of Officer Powers

## Contents

Section		Page
<b>1.</b>	<b>Application</b>	
	1.1 Commencement	5
	1.2 Interpretation	5
	1.3 Alteration	5
	1.4 General provisions for all users of delegated powers	5
<b>2.</b>	<b>Delegations to all Executive Directors</b>	
	2.1 Emergencies and Cases of Urgency	8
	2.2 Proper Officer	8
	2.3 Employees	8
	2.4 Contracts	9
	2.5 Finance	9
	2.6 Advertising	9
	2.7 Grants	9
	2.8 Ex Gratia Payments	10
	2.9 Power of Well Being	10
<b>3.</b>	<b>Chief Executive</b>	
	3.1 General	11
	3.2 Proper Officer	11
	3.3 Employment Matters	11
	3.4 Elections	12
<b>4.</b>	<b>Executive Director (Finance and Corporate Services)</b>	
	4.1 General	13
	4.2 Proper Officer	14
	4.3 Property Transactions	15
	4.4 Finance	17
	4.5 Delegations relating to Pensions Administration Collaboration	18

Section		Page
5.	<b>Executive Director (Education and Children's Services)</b>	<del>19</del> <u>20</u>
6.	<b>Director of Health and Social Care</b>	<del>21</del> <u>10</u>
7.	<b>Executive Director (Enterprise and Environment)</b>	
	7.1 Assets, Transportation and Environment	<del>23</del> <u>2</u>
	7.2 <del>Economy, Planning and Employability Services</del> <u>Protective Services</u>	<del>24</del>
	<u>7.3 Planning Services</u>	<del>28</del>
	<u>7.4 Business &amp; Employability Services</u>	<del>31</del>
8.	<b>Executive Director (Communities)</b>	
	8.1 Housing Services	<del>33</del> <u>1</u>
	8.2 Communities and Neighbourhoods	<del>34</del> <u>2</u>
	8.3 Customer Service Improvement	<del>35</del> <u>3</u>
	8.4 Communications	<del>35</del> <u>3</u>
9.	<b>Other Delegations</b>	
	9.1 Head of Legal and Democratic Services	<del>36</del> <u>4</u>

Appendix of Relevant Legislation		
Section 1 – Environmental Health		<del>37</del> <u>5</u>
Section 2 – Trading Standards		<del>38</del> <u>6</u>
Section 3 – Children's Social Work Services		<del>40</del> <u>38</u>
Section 4 – Integration Joint Board and Health and Social Care Partnership		<del>40</del> <u>38</u>

# 1. Application

---

## 1.1 Commencement

This List of Officer Powers shall commence and have effect as from 12<sup>th</sup> November~~4<sup>th</sup> July, 2019~~. It replaces the List of Officer Powers which came into effect on ~~4<sup>th</sup> July, 2019~~9<sup>th</sup> February, 2019. It is a summary of the functions, with associated powers, which the Council has chosen to delegate to officers in terms of s.56 of the Local Government (Scotland) Act 1973.

## 1.2 Interpretation

1.2.1 In the document the following words shall have the following meanings assigned to them, that is to say:-

- "Act" means the Local Government (Scotland) Act 1973
- "Council" means the Fife Council
- "Executive Director" means any of the Chief Executive, the Executive Directors (Education and Children's Services), (Enterprise and Environment), (Finance and Corporate Services) and (Communities); and the Director of Health and Social Care.

1.2.2 Any reference to any Act of Parliament shall mean the Act of Parliament as from time to time amended, extended or re-enacted and to include any byelaws, statutory instruments, rules, regulations, orders, notices, directions, consents or permissions made under it. Any reference to any statutory instrument, regulation or order shall mean that instrument, regulation or order (as the case may be) as from time to time amended, extended or re-enacted.

1.2.3 Subject to the rest of paragraph 1.2, the Interpretation Act 1978 shall apply to the interpretation of this document as it applies to the interpretation of an Act of Parliament.

## 1.3 Alteration

Subject to the provisions of the Act, the Council shall be entitled to amend, vary or revoke this document from time to time. Non-substantive amendments may be made by the Chief Executive in terms of paragraph 3.2.4.

## 1.4 General provisions for all users of delegated powers

1.4.1 Where an Executive Director has delegated authority, the principle of subsidiarity should be applied and decisions should be further delegated to as close to the point of service delivery as is appropriate in the circumstances. Each Executive Director must prepare and publish internally a List of Officer Powers / Scheme of Delegation for the Services for which they are responsible which details those decisions which have been delegated to officers within these Services, as well as making a copy available to members of the public on request. Actions which relate to areas of professional specialisms must be delegated to appropriate officers.

1.4.2 An Executive Director may arrange for powers delegated to them to be exercised by another Executive Director. When powers are delegated to another Executive Director, both Executive Directors must retain a written record of the delegated powers in question.

1.4.3 All delegated powers must be exercised subject to adequate budgetary provision being available and having regard to the terms of:-

- all relevant legislation and other legal frameworks
- the Council's Financial Regulations
- Standing Orders - Scheme of Tender Procedures
- the Council's human resources policies and procedures
- relevant plans and policies adopted by the Council, including the Plan for Fife
- National Code of Local Government Conduct
- The Scottish Joint Committee Council's Terms and Conditions for all employees working for Local Councils
- any relevant provisions contained elsewhere in the Council's Governance Scheme (including Standing Orders and the List of Committee Powers)
- The Public Sector Equality Duty.

1.4.4 An employee must not make any decision or take any action in accordance with powers conferred by this document or any Service Scheme of Delegation if the decision or outcome could create the perception that an employee is not strictly adhering to the key principles of public life as set out in the Council's Employee Code of Conduct. These principles are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Respect
- Leadership.

Delegated powers must not be used where either the interests of the employee, the matter to which the decision relates or the identity of any other person involved could lead a member of the public to conclude that the powers had been used to obtain preferential treatment or to avoid scrutiny by the Council or a Committee of the Council. If an employee is in any doubt as to whether they should make use of delegated powers, then they should seek guidance from their Executive Director.

1.4.5 The provisions of this document are intended to assist in the efficient and effective management of the Council's activities and to foster a culture of responsiveness to customers and service users. In applying this document, it is important that officers pay due regard to the need for appropriate periodic reporting of delegated decisions to members of the Council, both for information purposes and to allow Councillors to properly discharge their scrutiny role.

1.4.6 The powers granted directly to officers under statute, and those implicit in the terms of contracts of employment of Executive Directors or other officers, are not covered exhaustively in this document: when set out in the body of this document, it is for information purposes only.

1.4.7 Where a power to be exercised is in pursuance of a specific statutory function, then the relevant officer shall be presumed to have delegated authority to exercise the power, except where:

- the exercise involves the setting of policy
- the power has been specifically reserved to the Council or a Committee or Sub-Committee and paragraph 2.1 does not apply; or
- the power cannot be delegated by law to an officer.

1.4.8 Where appropriate, and as provided for in this document, consultation with relevant elected members should be carried out wherever practicable by officers before exercising delegated powers. Such consultation should be meaningful and have regard to the terms of the Member Officer Protocol whilst balancing the need for open and honest dialogue against time pressures and the efficient dispatch of Council business.

1.4.9 The way we communicate as a Council, and as individuals on behalf of the Council, is bound by The Code of Recommended Practice on Local Government Publicity (1988).

In summary, this confirms all Council communication should:

- be directly relevant to the functions of the Council
- not duplicate unnecessarily publicity produced by another authority
- be targeted, objective, fact based and explanatory
- not be – or liable to be – misrepresented as being party political
- not over simplify controversial issues
- be delivered efficiently and effectively
- be justifiable in terms of public spending

## **2. Delegations to all Executive Directors**

---

### **2.1 Emergencies and Cases of Urgency**

2.1.1 An Executive Director is authorised to take such measures as may be required in emergency situations, or in cases of urgency, including during a vacation period, subject to advising the appropriate Convener and Vice-Convener, as soon as possible, and to reporting to the appropriate Committee as soon as possible thereafter, on any items for which Committee approval would normally be necessary. Where such measures involve the Council in incurring expenditure, then the Chief Executive and Executive Director (Finance and Corporate Services) should be advised.

### **2.2 Proper Officer**

2.2.1 An Executive Director shall, in respect of any report prepared by or on their behalf, act in consultation with the Executive Director (Finance and Corporate Services) as the proper officer for the purposes of section 50D of the Act (Inspection of Background Papers).

### **2.3 Employees**

2.3.1 An Executive Director may amend the establishment of their Services below second tier level where:-

- the Executive Director (Finance and Corporate Services) has been consulted
- costs can be met on a continuing basis
- the post has been graded (new posts) or re-graded (existing posts) under the appropriate Job Evaluation Scheme
- there is no conflict with other Council policies

Any posts established should be reported in the Directorate's annual performance monitoring report to Committee, consulting with the political groups on any major establishment changes.

2.3.2 An Executive Director may appoint an employee below second tier level where:-

- the appointment is in accordance with the Council's pay and grading arrangements
- costs can be met on a continuing basis
- there is no conflict with any current policy on appointments to vacancies

2.3.3 An Executive Director shall be responsible for implementing the provisions of the Council's employment policies and procedures including decisions to dismiss under the agreed Disciplinary and Attendance Management Procedures. Dismissals should be reported in the Annual Workforce Report.

2.3.4 An Executive Director may authorise employees to attend:-

- training and development events, courses, conferences and seminars subject to reports being made available to elected members
- meetings of appropriate professional associations

2.3.5 An Executive Director may approve the voluntary redundancy, early retirement or ill health retirement of any employee in their Directorate where:-

- the Executive Director (Finance and Corporate Services) has been consulted and has agreed (in the case of Finance and Corporate Services employees, the Executive Director shall advise the Chief Executive of any relevant matters)
- the termination is in accordance with the relevant Council policy

Any such terminations should be reported to the Superannuation Fund and Pensions Committee, for monitoring purposes, and to the Policy and Co-ordination Committee as part of the Annual Workforce Report.

2.3.6 An Executive Director may respond to consultations from the Scottish or UK Government, local authorities or other bodies on matters relevant to the Council where, so far as practicable within the timescales available:-

- the Convener, Vice Convener and other members of any appropriate Committee have been consulted as to whether the matter should be considered at Committee
- the views of individual members are taken into account so far as possible

## 2.4 **Contracts**

2.4.1 The delegations to Executive Directors in respect of contracts are set out in the Council's Standing Orders - Scheme of Tender Procedures.

## 2.5 **Finance**

2.5.1 An Executive Director may, in accordance with procedures set out in the Council's Financial Regulations, transfer amounts between heads of expenditure.

## 2.6 **Advertising**

2.6.1 An Executive Director may authorise the accepting of advertising and/or sponsorship in respect of Council controlled media where the value of the contract to be entered into is less than £20,000 and the terms of the Council's Advertising and Sponsorship Policy are complied with, with the agreement of the Executive Director (Communities).

## 2.7 **Grants**

2.7.1 An Executive Director may determine applications for grant which are received from individuals, voluntary bodies, agencies or businesses in those cases where the sum applied for is less than £5,000 ~~(except in the case of applications to a common good fund, in which case, the sum must be less than £2,000)~~ and the Council already has in place agreed criteria and assessment systems relating to the type of grant applied for. An annual report detailing such expenditure must be submitted to the relevant Committee.

2.7.2 Decisions in respect of grants paid from the Community Safety Project Fund should only be made following consultation with the Convener of, and the elected member representatives on, the Community Safety Partnership Group and the Convener of the Environment and Protective Services Committee.

2.7.3 An Executive Director may apply for and accept grants or a challenge fund, so long as these do not give rise to future financial commitments that the Council has to meet, or do not need the Council to provide additional funding that cannot be met from existing resources. A record will be kept of all such additional funding so as to enable its full auditing.

## 2.8 **Ex Gratia Payments**

2.8.1 Where an individual complaint or claim for compensation has been or is likely to be submitted to the Council, then an Executive Director may decide that the circumstances giving rise to the claim merit the making of an ex gratia payment. All ex gratia payments must be made without any admission of legal liability and this must be stated in writing at the time any payment is made. Executive Directors and the Chief Executive are authorised to make such payments up to the value of £2,500 and £5,000 respectively.

## 2.9 **Power of Well-being**

2.9.1 An Executive Director may, following consultation with the Executive Director (Finance and Corporate Services), exercise the Council's Power to Advance Well-being to take measures where expedited action is necessary. The Executive Director shall record the exercise of the power and the costs incurred in a register to be maintained by the Executive Director (Finance and Corporate Services). Where the use of the power relates to a single ward, the ward members shall be advised of its use.



## **3.0 Chief Executive**

---

In addition to the delegated authority specified in section 2 above, the Chief Executive is authorised:-

### **3.1 General**

- 3.1.1 To act as the Head of the Council's Paid Service in terms of section 4 of the Local Government and Housing Act 1989.
- 3.1.2 To give a direction in special circumstances that any employee shall not exercise a delegated function subject to reporting on the terms of the direction to the next meeting of the appropriate Committee.
- 3.1.3 To determine, in the temporary absence of any Executive Director, who may exercise powers not already delegated further on their behalf; in the absence of the Chief Executive, this power will be exercised by the Executive Director (Finance and Corporate Services).
- 3.1.4 To decide, in consultation with the Provost and the Council Leader(s), requests for inward and outward visits in connection with existing twinning links.
- 3.1.5 To determine applications by employees to attend training and development events, courses including conferences and seminars and meetings of professional associations, within and outwith the United Kingdom.

### **3.2 Proper Officer**

3.2.1 To act as the Proper Officer for the following purposes of the Act:-

- (a) section 33A - Declaration of acceptance of office as a councillor
- (b) section 34 - Receipt of resignations of councillors
- (c) section 194 (1) - Execution of deeds.

Other than provided for in this document, this authority cannot be delegated further.

- 3.2.2 To act as Proper Officer for the nomination of a substitute member pro tem for any specific meeting of the Tay Road Bridge Joint Board in the event of neither the member nor the substitute member being available.
- 3.2.3 To act as the Proper Officer for the purpose of determining which Committee or Sub-Committee should consider any matter in terms of the Council's List of Committee Powers.
- 3.2.4 To make, in consultation as necessary with the Council Leader and the Leader of the Opposition, such non-substantive amendments of a technical, or grammatical nature as may from time to time be required to the List of Committee Powers, List of Officer Powers, Standing Orders and / or Financial Regulations, arising from changes to the organisational structure, changes to the law, or otherwise.

### **3.3 Employment Matters**

- 3.3.1 To suspend any Executive Director from duty on full pay for the proper exercise of discipline and to protect the interests of the Council where:-

- there is no conflict with relevant statutory provisions and Council policies
- any suspension should be reported to the Policy and Co-ordination Committee as soon as practicable.

3.3.2 To agree severance terms with any Chief Officer whereby the Chief Officer agrees to terminate their contract of employment with the Council where:-

- there is no conflict with relevant statutory provisions and Council policies

3.3.3 To deal with and, where appropriate, approve applications by employees for assistance with legal expenses for their defence or towards the payment of any fine imposed where:-

- an employee has been charged, convicted or fined in respect of acts or omissions arising in the course of their employment under:
  - the Health and Safety at Work etc. Act 1974
  - the Road Traffic Acts
  - other relevant legislation
- an employee aggrieved by a decision of the Chief Executive has a right to appeal to the appropriate Appeals Committee.

#### 3.4 **Elections**

3.4.1 To act as the Returning Officer or equivalent role for the purpose of any elections or referenda.

## **4.0 Executive Director (Finance and Corporate Services)**

---

In addition to the delegated authority specified in section 2 above, the Executive Director (Finance and Corporate Services), is authorised:-

### **4.1 General**

- 4.1.1 To institute, defend, settle or appear in any legal or tribunal proceedings or any hearing or inquiry held by or on behalf of any minister or public body under any enactment (including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority) and to appoint or consult with external legal advisers including Counsel, where it is considered expedient to do so for the promotion or protection of the Council's interests.
- 4.1.2 To execute, publish or serve on any person or body, any notice, direction, order, licence, summons, writ or other document which the Council is required or authorised to execute, publish or serve under the Act or any other Act or any regulation or order made thereunder, other than where the execution, publication or service of any document has been delegated by the Council to another Executive Director.
- 4.1.3 To make arrangements (where no arrangements are being made on a person's behalf and they are incapable of adequately managing their property and affairs) for applying to the Court for the appointment of a welfare or financial guardian or intervener under the Adults with Incapacity (Scotland) Act 2000 ("the 2000 Act") and to otherwise act on the Council's behalf in any proceedings under the 2000 Act.
- 4.1.4 With reference to planning appeals - to submit a statement on behalf of the Council in respect of such appeals where decisions have been made contrary to the officer's recommendation. This power is to be exercised in consultation with the appropriate officers.
- 4.1.5 To lodge, maintain and withdraw representations or objections on behalf of the Council to liquor licensing applications. This power is to be exercised in consultation with any other Executive Director who wishes to be represented.
- 4.1.6 To lodge, maintain and withdraw representations or objections on behalf of the Council relating to applications for the provision of gaming machines.
- 4.1.7 To consider applications for licences under Section 3 of the Civic Government (Scotland) Act 1982 and thereafter to determine these and other applications for licences, permissions, permits and ancillary matters in terms of that Act, the Theatres Act 1968, the Gambling Act 2005 and the Cinemas Act 1985 that determination being subject to there being no objections to the application.
- 4.1.8 On being satisfied that it is appropriate to do so, to institute proceedings against persons contravening sections 35, 41 or 42 of the Education (Scotland) Act 1980 in relation to irregular attendance of school pupils, in consultation with the Executive Director (Education and Children's Services).

- 4.1.9 To take such measures as considered appropriate to discharge responsibilities set out in the Council's Contract Standing Orders ("the Scheme of Tender Procedures").
- 4.1.10 To carry out all functions of the Council relating to the Children's Panel in terms of the Children's Hearings (Scotland) Act 2011.
- 4.1.11 To carry out all necessary actions to ensure the Council complies with its obligations in relation to data protection and freedom of information legislation as well as the Regulation of Investigatory Powers (Scotland) Act 2000; this power shall include the power to appoint a Data Protection Officer and acting as designated senior officer for the purposes of the Regulation of Investigatory Powers Act 2000.

## 4.2 **Proper Officer**

- 4.2.1 To act as the Proper Officer in terms of section 194 of the Act and to sign all deeds and documents, including stock certificates, bonds and mortgages, which require to be sealed with the common seal of the Council.
- 4.2.2 To act as the proper officer for the following purposes of the Act:-
- (a) section 68 - Recording of disclosures of interest by employees
  - (b) section 50B - Access to agenda and connected reports
  - (c) section 50C - Inspection of minutes and other documents
  - (d) section 50D - Inspection of background papers (in respect of consultation by the appropriate head of service)
  - (e) section 50F - Additional rights of access to documents for members of local authorities
  - (f) section 145 - Ordnance Survey
  - (g) section 190 - Service of legal proceedings, notices, etc.
  - (h) section 191 - Claims in sequestrations and liquidations
  - (i) section 192 - Service of notices etc. by local authority
  - (j) section 193 - Authentication of documents
  - (k) section 197 - Inspection and deposit of documents
  - (l) sections 202 and 202B - Procedure etc. for and register of byelaws
  - (m) section 204 - Evidence of byelaws and
  - (n) Schedule 7, paragraph 2(2) - Receipt of summonses to meetings.
- 4.2.3 To act as the Proper Officer for the purposes of section 2 (politically restricted posts) of the Local Government and Housing Act 1989.
- 4.2.4 To act, in the absence of the Chief Executive, as the Proper Officer for the purposes of section 33A of the Act (Declaration of Acceptance of Office of Councillor).

- 4.2.5 To act as the Proper Officer for the purposes of section 223 of the Act (Property held on trust) unless the Council have otherwise specified the appointment of another officer for any of such purposes.
- 4.2.6 To act as the Proper Officer for the purposes of accepting a notice of resignation by any member of a Committee.
- 4.2.7 To act as Proper Officer for the purposes of section 113 of the Civic Government (Scotland) Act 1982 (evidence of Management Rules).
- 4.2.8 To act, in the absence of the Chief Executive, as Proper Officer for the nomination of a substitute member pro tem for any specific meeting of the Tay Road Bridge Joint Board in the event of neither the member nor the substitute member being available.
- 4.2.9 To carry out necessary duties incumbent on the Council in relation to registration of members, interests under section 7 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and the regulations made thereunder.
- 4.2.10 In the absence of the Chief Executive, to act as the Proper Officer for the purpose of determining which Committee or Sub-Committee should consider any matter in terms of the Council's List of Officer Powers.
- 4.2.11 In the absence of the Chief Executive, to determine, in the temporary absence of any other Executive Director, who may exercise powers not already delegated further on that Executive Director's behalf.

#### 4.3 **Property Transactions**

In paragraphs 4.3.1 – 4.3.4, the term property includes land, buildings and all related rights and obligations. The term "dispose" shall include dealings with Council property less than full disposal, including consent to assignments of leases, exclusivity agreements and appropriating land for another Council function. Where consent to assignment of a lease is for the purpose of the tenant restructuring or changing corporate identity, consultation shall not normally be required.

- 4.3.1 To acquire property by lease or purchase where:-
  - (a) the market value of the property, including in the case of leases the capitalised value of the rent over the term of the lease, or over ten years whichever is the longer, is £750,000 or less; and
  - (b) consultation has taken place with the Convener of the appropriate Committee, the local members and the relevant Executive Director responsible for the property.
- 4.3.2 To acquire property by lease or purchase in cases of urgency where:-
  - (a) the market value of the property, including in the case of leases, the capitalised value of the rent over the term of the lease, or over ten years whichever is the longer, is **more** than £750,000; and

- (b) consultation has taken place with the Convener of the appropriate Committee, the local members and the relevant Executive Director responsible for the property.

#### 4.3.3 To dispose of property by sale or lease where:-

- (a) the market value of the property, including in the case of leases, the capitalised value of the rent over the term of the lease, or over ten years whichever is the longer, is £750,000 or less; and
- (b) consultation has taken place with the relevant Executive Director responsible for the property. Where property is disposed of by sale, the local members must be consulted.

4.3.4 (a) -The power of disposal shall specifically include disposal in circumstances where the Disposal of Land by Local Authorities (Scotland) Regulations 2010 apply, following consultation with the local members where the value of the property, including in the case of leases, the capitalised value of the rent over ten years is £750,000 or less; and ~~subject to reporting back to the Assets and Corporate Services Committee the ways in which the terms of the regulations have been met.~~

(b) -Officers shall periodically report to each Area Committee on those disposals where the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and/or the Council's Subsidised Leases Policy have been applied, setting out the level of subsidy given and the reasons for this.

#### 4.3.5 To dispose of property by sale or lease in cases of urgency where:-

- (a) the market value of the property, including in the case of leases, the capitalised value of the rent over the term of the lease, or over ten years whichever is the longer is **more** than £750,000; and
- (b) consultation has taken place with the Convener of the appropriate Committee, the local members and the relevant Executive Director responsible for the property.

#### 4.3.6 To accept offers received for the purchase of Council property where:-

- (a) the sale of the property has been agreed by the appropriate Committee or Sub-Committee or the Executive Director (Finance and Corporate Services) has delegated powers under this document; and
- (b) the offer which represents the best consideration which could be reasonably obtained by the Council is to be accepted or paragraph 4.3.4 applies.

In this paragraph, the term property includes land, buildings and all rights and obligations relating thereto. Reports on the use of delegated powers shall be reported to the following meeting of the appropriate Area Committee for information.

#### 4.3.7 To accept offers received to purchase tenanted houses in terms of Part III of the Housing (Scotland) Act 1987.

- 4.3.8 To determine requests to withdraw from missives for the sale of a tenanted house subject to the tenant meeting the Council's expenses.
- 4.3.9 To determine when leases should be renewed, either by tacit relocation or otherwise, where:-
- (a) the capitalised market value of the rent over the term of the lease, or over ten years whichever is the longer, is more than £750,000; and
  - (b) consultation has taken place with the Convener of the appropriate Committee, the local members and the relevant Executive Director responsible for the property.
- 4.3.10 To carry out, in conjunction with the Head of Assets, Transportation and Environment, all other necessary functions relating to the Council's estates function, including valuations, rent reviews, and relevant negotiations leading to property acquisition or disposal.

#### 4.4 **Finance**

- 4.4.1 To determine payments in respect of claims made against the Council under Part 1 of the Land Compensation (Scotland) Act 1973 of up to £5,000.
- 4.4.2 To review annually the Scheme for Members' Allowances.
- 4.4.3 To determine the fee to be charged for issuing property enquiry certificates and to determine any miscellaneous legal fees.
- 4.4.4 To make arrangements for the collection and recovery of all income due to or to be collected by the Council including the council tax, water charges, rent, rates and (insofar as still applicable) community charge income.
- 4.4.5 To consider and dispose of applications made to the Council on behalf of pupils for free school meals and school clothing grants. This power is to be exercised in consultation with the Executive Director (Education and Children's Services).
- 4.4.6 To make arrangements for payments, by whatever means, on behalf of the Council in respect of authorised expenditure.
- 4.4.7 To make the necessary arrangements for duly authorised borrowing and lending in terms of Schedule 3 to the Local Government (Scotland) Act 1975.
- 4.4.8 To act, as the proper officer for the purposes of section 92 of the Act (Transfer of securities on alteration of area, etc.).
- 4.4.9 To act, as Registrar of Stocks, Bonds and Mortgages.
- 4.4.10 To make up and maintain the Assessment Roll, to prepare and issue demand notes for the payment of rates and to receive claims for exemption, abatement or remission of rates and to determine applications for discretionary relief, in accordance with Council Policy.

- 4.4.11 Without prejudice to section 69 of the Act, to act for the purposes of section 95 of the Act as the proper officer responsible for the administration of the financial affairs of the Council in accordance with the arrangements made or to be made by the Council for the proper administration of such affairs.
- 4.4.12 To execute and administer treasury management matters in accordance with the Council's policy and treasury management practices and, if relevant, current professional codes.
- 4.4.13 To deal with claims under the self-funded insurance scheme.
- 4.4.14 To determine requests for discretionary payments in respect of housing benefit.
- 4.4.15 To sign operating lease documentation.
- 4.4.16 To arrange, through the Fife Council Pension Fund's Investment Managers, for the making of investments in accordance with the policy of the Council.
- 4.4.17 To arrange through the Fife Council Pension Fund's Investment Managers, for the investment of the moveable capital of the Fife Educational Trust in accordance with the Fife Educational Trust Scheme 1958 and where appropriate to arrange for the investment of moveable capital in other Trusts and common good funds.

#### **4.5 Delegations Relating to Pensions Administration Collaboration**

N.B.: the following delegations are intended to elaborate upon, and be compatible with, the delegation to the Executive Director (Finance and Corporate Services) in the List of Officer Powers (paragraph 4.4.16) to “arrange, through the Fife Council Pension Fund’s Investment Managers, for the making of investments in accordance with the policy of the Council.”

##### **Delegation to Executive Director (Finance and Corporate Services) and Head of Finance**

1. To carry out all actions required to implement the Memorandum of Understanding with the City of Edinburgh Council (CEC) relating to collaboration on pensions administration and all subsequent iterations of it.
2. To enter into more detailed terms and conditions with CEC and/or its subsidiaries tasked with pension arrangements, being companies part of the LPF Group; subject to taking all appropriate advice in relation to such matters including that of the Head of Legal and Democratic Services.
3. To implement strategies and policies agreed by the Superannuation Fund and Pensions Committee including the investment strategy of the pension fund and performing any function on behalf of the pensions fund which would reasonably be deemed to be investment business subject to taking all appropriate advice.
4. To implement pension regulations including the application of discretions as required in accordance with policies approved by the Superannuation Fund and Pensions Committee from time to time.
5. To appoint, monitor and review such specialist managers and advisers as are necessary to make sure that the pension fund’s assets are managed effectively.



### **Delegation to Head of Finance**

To act as the Council's representative on the Joint Investment Strategy Panel which shall govern the collaboration with CEC and others, with all necessary powers to execute that function.

## **5.0 Executive Director (Education and Children's Services)**

---

In addition to the delegated authority specified in section 2 above, the Executive Director (Education and Children's Services) is authorised to carry out the functions of the Council relating to education and children, including (but not limited to) those conferred by the legislation set out at Section 3 of the Appendix to this document, and, specifically:-

- 5.1 To exercise the functions of the Council under the Education (Additional Support for Learning) (Scotland) Act 2004 in relation to children and young persons with additional support needs.
- 5.2 To appoint persons recommended by an Education Appointment Committee for the posts of Headteacher and Depute Headteacher of a school.
- 5.3 To determine, in the first instance, placing requests under section 28A of the Education (Scotland) Act 1980.
- 5.4 To exercise the Council's powers in relation to irregular attendance of school pupils under sections 36, 37, 38, 39 and 42 of the Education (Scotland) Act 1980; this power to be exercised in conjunction with the Executive Director (Finance and Corporate Services)'s power to take proceedings in relations to such matters.
- 5.5. To carry out the functions of the Council under section 11 of the Matrimonial Proceedings (Children) Act 1958.
- 5.6 To administer the Panel or Panels appointed under the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 1984, including arrangements for training of members of said Panel or Panels.
- 5.7 To carry out the functions of the Council under the Adoption (Scotland) Act 1978 and Regulations made thereunder including the operation of the Adoption Allowance Scheme.
- 5.8 To operate the scheme for the payment of allowances under section 50 of the Children Act 1975.
- 5.9 To carry out the functions of the Council under the Foster Children (Scotland) Act 1984 and the Private Fostering (Scotland) Regulations 1985.
- 5.10 To carry out the functions of the Council in relation to the provision of services for children in terms of the Children (Scotland) Act 1995 and regulations made thereunder.
- 5.11 To consider and dispose of applications made to the Council for licences in respect of children taking part in public performances.
- 5.12 Nothing in this paragraph 5 shall be taken to empower the Executive Director (Education and Children's Services) to carry out any functions which are specifically reserved by law to the Chief Social Work Officer, which remains a separate appointment.

## **6.0 Director of Health and Social Care**

---

In addition to the delegated authority specified in section 2 above, the Director of Health and Social Care and, as appropriate in relation to such matters as relate to their statutory duties, and/or in relation to Children and Families and Criminal Justice, the Chief Social Work Officer is authorised to carry out the functions of the Council relating to health and social care, including (but not limited to) those conferred by the legislation set out at Section 4 of the Appendix to this document, and, specifically:-

- 6.1 To carry out the functions of the Council in terms of the following sections of the Social Work (Scotland) Act 1968:-
- section 12 - general social welfare services of local authorities,
  - section 13 - power of local authority to assist persons in need in disposal of produce of their work,
  - section 14 - home help and laundry facilities,
  - section 27 - supervision and care of persons put on probation or released from prisons or under the community service scheme,
  - section 28 - burial or cremation of the dead,
  - section 29 - power of local authority to defray expenses of parents, etc. visiting persons or attending funerals.
- 6.2 To make arrangements, in consultation with the Executive Director (Finance and Corporate Services), for the care of persons who are suffering from grave chronic disease or who, being aged, infirm or physically incapacitated, are living in unsanitary conditions and are unable to devote to themselves - and are not receiving from others - proper care and attention, in terms of section 47 of the National Assistance Act 1948.
- 6.3 To make arrangements for the protection of property of persons admitted to hospitals, etc. in terms of section 48 of the National Assistance Act 1948.
- 6.4 To carry out the functions of the Council under sections 1 and 2 of the Chronically Sick and Disabled Persons Act 1970.
- 6.5 To make arrangements for facilities for seriously disabled persons for sheltered employment and training in terms of the Disabled Persons (Employment) Act 1958.
- 6.6 To make arrangements with respect to the prevention of illness, care and aftercare of persons suffering from mental disorder under sections 7(1)(a) - in so far as relating to the care of persons for the time being resident in accommodation - 7(1)(b) to (d) and 8 of the Mental Health (Scotland) Act 1984.
- 6.7 To instruct, in consultation with the Executive Director (Finance and Corporate Services), the provision of aids and the adaptation of property of chronically sick and disabled persons in accordance with the relevant Council policy.
- 6.8 Approval of luncheon clubs subject to provision having been made for any expenditure in the approved estimates of the Council.

- 6.9 To issue contracts under the National Health Service and Community Care Act 1990 for the provision of residential accommodation subject to the terms of the contracts having been approved in advance by the Executive Director (Finance and Corporate Services).
- 6.10 To carry out the functions of the Chief Social Work Officer and to exercise the powers and duties of the Council in terms of the following provisions of the Adults with Incapacity (Scotland) Act 2000:-
- section 10 - exercise of general functions in relation to guardians, welfare attorneys and persons authorised under intervention orders
  - section 12 - safeguarding of property, financial affairs or personal welfare following investigation
  - Part 6 - various powers and duties in respect of intervention orders and guardianship orders.
- 6.11 The Director of Health and Social Care will also act as the Chief Officer of the Health and Social Care Integration Joint Board for Fife as provided for by section 10 of the Public Bodies (Joint Working) (Scotland) Act 2014.
- 6.12 In consultation with the elected members on the Board of the Health and Social Care Partnership, to make staff appointments at second tier within the Health and Social Care Partnership.
- 6.13 Nothing in this paragraph 6 shall be taken to empower the Director of Health and Social Care to carry out any functions which are specifically reserved by law to the Chief Social Work Officer, which remains a separate appointment.

## 7.0 Executive Director (Enterprise and Environment)

In addition to the delegated authority specified in section above, the Executive Director (Enterprise and Environment) is authorised:-

### ~~7.1~~ **Assets, Transportation and Environment**

~~7.1.1~~ To determine in relation to all services within the Directorate Roads and Transportation, Facilities Management, Property (including Bereavement), Environment and Building Services, the following matters:-

- numbers of staff and workforce;
- provision of vehicles for Council;
- tendering strategies; and
- provision of materials, plant and equipment

### 7.1.1 Assets, Transportation and Environment

-

### 7.1.2 Roads and Transportation

To carry out the functions of the Council as local roads authority and as traffic authority under the Roads (Scotland) Act 1984, the Road Traffic Regulation Act 1984, the New Roads and Street Works Act 1991, the Transport (Scotland) Act 2005 and all other relevant legislation, including specifically:

7.1.2.1 the serving of notices, withdrawal of any notices, issue of any licences, giving any consents, the temporary prohibition or restriction of traffic (whether by order or notice) and generally taking any necessary action on behalf of the Council in terms of the Council's functions in relation to roads, road traffic regulation transport, and parking;

7.1.2.2 to accept tenders in accordance with the powers delegated by the Council's Standing Orders – Scheme of Tender Procedures;

7.1.2.3 to implement the functions of the Transport Act 1985 and Transport (Scotland) Act 2001 and Transport (Scotland) Act 2019, in relation to bus services;

7.1.2.43 without prejudice to the generality of paragraph 2.1.1 of this document, to instruct immediate repairs to engineering works which have become damaged in order to mitigate any loss, damage or injury to property or persons;

7.1.2.54 to operate the national scheme for Disabled Persons under the Disabled Persons (Badges for Motor Vehicles) Scotland Regulations 2000;

7.1.2.65 to determine applications for street parades and processions and to make orders imposing conditions on the holding of such processions under the Civic Government (Scotland) Act 1982. This power may not be exercised if a competent written objection to the application has been submitted to the Council;

7.1.2.76 to exercise the functions of the Council under the Flood Risk Management (Scotland) Act 2009;

7.1.2.~~87~~ to exercise the functions of the Council under the Coast Protection Act 1949 regarding the carrying out of coast protection work for the protection of land;

7.1.2.~~98~~ to exercise the functions of the Council under the Harbours, Docks and Piers Clauses Act 1847 and all supplementary and subsequent legislation.

### 7.1.3 **Property Services (including Bereavement Service)**

7.1.3.1 To accept tenders in accordance with the powers delegated by the Council's Standing Orders - Scheme of Tender Procedures.

7.1.3.2 Without prejudice to the generality of paragraph 2.1.1 of this document, to instruct immediate repairs to buildings over which the Council has control which have become damaged in order to mitigate any loss, damage or injury to property or persons; where practicable, such repairs must be carried out after consultation with the appropriate Executive Director.

7.1.3.3 To instruct the repair and maintenance of any Council building and to furnish and re-furnish such accommodation subject to provision having been made therefor in the approved budget estimates of the Council and, where appropriate, compliance with the Council's Standing Orders relating to Contracts.

7.1.3.4 Where necessary, in the interests of public safety or for other reasons of expediency, to authorise the demolition of any Council building.

7.1.3.5 To enter into wayleaves of any duration for services and utilities crossing council land following consultation with relevant Services and to enter into leases or agreements relating to heritable property the duration of which does not exceed one year.

7.1.3.6 To advertise any land or property for sale after consultation and agreement with the relevant Executive Director and the local members.

7.1.3.7 To carry out the Council's functions relating to burial and cremation, including the management, maintenance, regulation and control of burial grounds, cemeteries and crematoria, all in accordance with the Burial Grounds (Scotland) Act, the Cremation Acts 1902 and 1952, and/or the Burial and Cremation (Scotland) Act 2016, insofar as in force.

### 7.1.4 **Facilities Management**

7.1.4.1 To conclude and sign agreements with partners under the Council's "Comfort Scheme".

### 7.1.5 **Environment and Building Services**

7.1.5.1 To accept tenders in accordance with the powers delegated by the Council's Standing Orders - Scheme of Tender Procedures.

7.1.5.2 To act as, or arrange for the appointment of, a suitably qualified officer to be the Council's vehicle operator and hold the Council's vehicle operator's licence in terms of the Goods Vehicles (Licensing of Operators) Act 1995.

## 7.2 **~~Economy, Planning and Employability~~Protective Services**

~~7.2.1 To determine in relation to Protective Services, Employability and Planning the following matters:-~~

~~numbers of staff and workforce~~

~~provision of vehicles for Council~~

~~tendering strategies~~

- ~~• provision of materials, plant and equipment.~~

## **7.2.2 Protective Services**

### **7.2.1 Building Standards and Public Safety Team**

- 7.2.12.1 In connection with the enforcement of Building Standards:- to issue any Building Standards qualifying statement where this is considered appropriate; to serve any notice or certificate relating to works carried out without or in contravention of a Building Warrant; to require buildings to be brought up to standard; to require such action as it is considered necessary or appropriate to take in connection with defective or dangerous buildings including the removal of people from them or any adjoining building; and to authorise entry to land under any statutory power available to the Council to enable the Council to discharge their functions under Building Standards legislation.
- 7.2.12.2 In cases of urgency to authorise any action by the Council as Building Standards authority which is considered necessary or appropriate to protect people or property.
- 7.2.12.3 To determine and to take all action necessary to enable the determination of any application for Building Warrant and to determine any application for relaxation of the Building Standards Regulations unless the application has attracted relevant and unresolved representations or objections and to determine whether any representation or objection made in response to such an application is a relevant representation or objection.
- 7.2.12.4 To approve/refuse grants for the improvement of water quality for private water supplies in terms of the Private Water Supplies (Grants) (Scotland) Regulations 2006.
- 7.2.12.5 To refuse applications for a repairs grant where the owner's proposals are such that, in terms of section 248 of the Housing (Scotland) Act 1987, a financial assessment requires to be applied and it appears that the owner would be able to finance the expense of the work to which the application relates without undue hardship:-
- to approve extensions to the date by which authorised works should be completed up to a maximum extension of 18 months; and
  - to approve applications for discretionary improvement grants including those for the conversion of buildings into houses.
- 7.2.12.6 To serve, suspend and/or revoke Notices/Orders in terms of the Housing (Scotland) Acts 1987 and 2006 insofar as they relate to the closure, demolition, repair, maintenance or improvement of property; in relation to Houses in Multiple Occupation, to exercise such powers under the 2006 Act relating to enforcement as shall be agreed with the Executive Director (Communities).

7.2.12.7 To approve applications for grants in terms of the Housing (Scotland) Act 1987 insofar as the applications relate to financial assistance in respect of:-

- the improvement of property; and
- the repair of property.

7.2.12.8 To determine Housing Improvement Orders and revoke Closing Orders in terms of the Housing (Scotland) Act 1987.

7.2.12.9 To approve and issue Caravan Site Licences in terms of the Caravan Sites and Control of Development Act 1960.

7.2.12.10 To determine applications for safety certificates submitted under the Safety of Sports Grounds Act 1975 and to issue, amend, replace and cancel such certificates.

### **7.2.2 Environmental Health Teams**

7.2.2.14 To carry out the functions and to designate employees to carry out the functions assigned to the Council as the local food authority, health and safety authority, pollution control authority, public health authority, and pest control and animal health and welfare authority; which functions include (but are not limited to) those conferred by legislation (as set out at section 3.2.4).

7.2.2.42 In consultation with the Head of Legal and Democratic Services, serve notices, designate land and recover costs including that of remediation as they relate to contaminated land.

7.2.2.43 To carry out the functions of the Council in terms of Parts 1, 2 and 3 and Schedules 1 and 2 of the Civic Government (Scotland) Act 1982 and to serve Notices and issue certificates in terms of the relevant legislation.

7.2.2.44 To act as Chief Inspector for the purposes of the relevant animal health and welfare legislation, and to appoint as Inspectors such employees as are deemed necessary and appropriate.

### **7.2.2.5 To designate a sufficient number of persons under the Public Health etc (Scotland) Act 2008 (Local Authority Competent Person).**

7.2.2.645 —To appoint officers to carry out the functions of Licensing Standards Officers.

7.2.2.746 To grant certificates relative to Food Hygiene.

7.2.2.817 To agree transfer of responsibility for enforcement in terms of the Health and Safety (Enforcing Authority) Regulations.

7.2.2.948 To appoint inspectors in terms of section 19 of the Health and Safety at Work, etc. Act 1974 for the purposes of the said Act.

7.2.2.109 To carry out the functions of the Council under the Offices, Shops and Railway Premises Act 1963.

7.2.2.1120 To issue Improvement and Prohibition notices and to inspect, detain and seize suspect food under the Food Safety Act 1990.



- 7.2.2.~~1224~~ To arrange for burials in terms of section 50 of the National Assistance Act 1948 and/or section 87 of the Burials (Scotland) Act, 2016, when in force.
- 7.2.2.~~1322~~ To determine applications for approval of the height of chimneys in terms of the Clean Air Act 1993.
- 7.2.2.~~1423~~ To appoint the Council's Public Analyst, Agricultural Analyst and Deputy Agricultural Analyst.
- 7.2.2.~~1524~~ To serve notices in terms of Parts II, III and IV of the Environmental Protection Act 1990.
- 7.2.2.~~1625~~ To serve notices in terms of the Council's Management Rules relating to Civic Amenity Sites.
- 7.2.2.~~1726~~ To enforce the provisions contained within the Smoking, Health and Social Care (Scotland) Act 2005.
- 7.2.2.~~1827~~ To control the employment of children in terms of the Council's Bye-Laws. This power is to be exercised in consultation with the Executive Director (Finance and Corporate Services) and the Executive Director (Education and Children's Services).

### **7.2.3—Trading Standards Team**

- 7.2.~~3.12.28~~ To carry out the functions and to designate employees to carry out the functions assigned to employees of the Council as the trading standards and local weights and measures authority which functions include (but are not limited to) those conferred by the legislation set out at Section 2 of the Appendix to this document and, specifically:-
- 7.2.~~32.29~~ To serve notices on occupiers or owners of premises or land on which disused petrol tanks are situated, requiring them to take such steps as are reasonably necessary to prevent damage from the containers.
- 7.2.~~32.30~~ To provide facilities to Class F2 standard, or other such approved standard.
- 7.2.~~32.431~~ To exercise the functions of the Council under the Explosives Act 1875 and Explosives Regulations 2014.
- 7.2.~~32.532~~ To carry out the functions and to designate employees to carry out the functions of the Council in relation to the enforcement of the Environmental Protection (Controls On Ozone- Depleting Substances) Regulations 2002.
- 7.2.~~32.633~~ To carry the functions of the Council in relation to the powers conferred on the Council by the Unfair Terms in Consumer Contracts Regulations 1999.
- 7.2.~~32.734~~ To accept on behalf of the Council undertakings in terms of the Enterprise Act 2002.
- 7.2.~~32.835~~ To exercise the licensing powers of the Council under the Fireworks Regulations 2004.

7.2.~~32.936~~ To authorise any officers of Trading Standards Scotland to operate in Fife under the Consumer Credit Act 1974 and any other relevant legislation.

7.2.~~32.1037~~ To enforce the provisions relating to (a) noise and (b) the sale of paint to those under 16 years of age contained within the Anti-Social Behaviour, etc. (Scotland) Act 2004.

7.2.~~32.1138~~ To enforce the provisions contained within the Smoking, Health and Social Care (Scotland) Act 2005.

### 7.~~32.3~~ **Planning Services**

#### ~~7.3.1~~ **Local Developments**

NB: The following paragraph ~~7.3.1.17.2.3.1~~ below shall constitute the Council's planning scheme of delegation as required by s.43A of the Act (as defined below).

~~7.3.1.2.3~~.1 To determine all applications for planning permission by means of an appointed person which fall within the relevant categories below. In this paragraph:-

- **"the Act"** shall mean the Town and Country Planning (Scotland) Act 1997;
- **"the appointed person"** shall mean any officer appointed by the Council to carry out the actions delegated to them in terms of this document;
- **"Local development application"** shall mean an application for planning permission or planning permission in principle for a development within the category of local developments, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, as well as all local development applications made under section 42 of the Act and all local development applications for Approval of Matters Specified in Conditions.

The appointed person is authorised:-

To determine all local development applications whether for approval or refusal with the exception of:-

1. Applications attracting six or more separate individual representations (i.e. this excludes six letters of representation from a single person / organisation) which are contrary to the officer's recommendation.
2. Applications which are significantly contrary to the Development Plan and which are recommended for approval.
3. Applications which are submitted by members of staff directly either employed in Planning Services or who regularly provide advice in relation to the assessment of planning applications~~involved in the consideration of planning applications~~, Fife Councillors and officers of the Council who are Senior Managers, Heads of Service, Executive Directors or the Chief Executive of Fife Council or any persons who have held any of these posts up to twelve months preceding the date of the application.

4. Applications attracting objections from statutory consultees, where the officer's recommendation is for approval.
5. Applications which the Council considers should be referred to Committee for determination in terms of section 43A(6) of the Town and Country Planning, etc. (Scotland) Act 1997.
6. Applications requiring an environmental impact assessment.
7. Applications which have associated applications for other forms of consent (e.g. listed building consent) where the appointed person considers it expedient for both applications to be considered by Committee.
8. Applications which require a retail impact assessment.
9. Any application for a wind turbine or turbines where the height of those turbines exceeds 50m to the top of the blade.

10. Section 42 Applications where the application relates to a condition specifically added by Committee

The above exceptions shall not prevent applications from being determined which are not progressing satisfactorily due to protracted delays by the applicant/agent or failure on their part to provide appropriate levels of detail or information.

**Major Applications**

7.~~3.12~~.3.2 In this paragraph:

“Major Application” shall mean an application for planning permission or planning permission in principle for a development within the category of Major developments as defined in the hierarchy of Development. This shall include all Major applications made under section 42 of the Act and all applications for Approval of Matters Specified in Conditions in relation to a Major development.

The appointed person is authorised to determine the following Major Applications, whether for approval or refusal:-

1. Any application for Approval of Matters Specified in Conditions relating to a Major Application for Planning Permission in Principle attracting 5 or less separate individual representations (i.e. this excludes 5 letters of representation from a single person/organisation) which are contrary to the officer's recommendation.
2. Major section 42 Applications where the application does not relate to a condition specifically added by Committee.
3. Major applications which are not progressing satisfactorily due to protracted delays by the applicant/agent or failure on their part to provide appropriate levels of details or information, including the conclusion of a legal agreement.

3.4.

**Other Development Applications and related matters**

7.~~3.12~~.3.3 Subject to 7.2.3.1 and 7.2.3.2, to determine all applications of whatever nature submitted to the Council for determination as planning authority, including (but not limited to) certificates of lawfulness, listed building consent,

advertisement consent and conservation area consent as well as consent to undertake work on protected trees; whether for approval or refusal, with the exception of:-

1. Applications attracting six or more separate individual representations (i.e. this excludes six letters of representation from a single person / organisation) which are contrary to the officer's recommendation.
2. Applications which are submitted by members of staff directly involved in the consideration of planning applications, Fife Councillors and officers of the Council who are Senior Managers, Heads of Service, Executive Directors or the Chief Executive of Fife Council or any persons who have held any of these posts up to twelve months preceding the date of application.
3. Applications attracting objections from statutory consultees, where the recommendation is for approval.

The above exceptions shall not prevent applications from being determined which are not progressing satisfactorily due to protracted delays by the applicant/agent or failure on their part to provide appropriate levels of detail or information.

- 7.3.1.2.3.4 In consultation with the Convener of the relevant Committee, to take any decision or determine any procedural or substantive matter in connection with the consideration or assessment of any planning or other application including such matters as pre-application notification and consultation, referral of local development applications to committee, decisions relating to which Committee(s) should determine specific applications, deciding whether or not to hold a Discretionary Hearing and determining the Council's position at any appeal in relation to planning matters.

7.3.1.5 To respond to Consultations from an adjoining Planning Authority or Scottish Government in relation to development proposals being considered by that authority, whether under the provisions of The Planning Acts, The Electricity Act or Marine Licensing Provisions.

- 7.3.1.2.3.65 To promote and, in the absence of six or more objections, confirm orders made to stop up roads or footpaths under sections 207 and 208 of the Act.

- 7.3.12.3.76 To determine whether to take enforcement action including issuing fixed penalty notices and the service of any other relevant notices, including:

- Enforcement Notice, Planning Contravention Notice, Breach of Conditions Notice, Discontinuance Notice;
- High Hedges Notice;
- Building Repairs Notice or Urgent Repairs Notice.

- 7.3.12.3.87 To refer alleged breaches to the Procurator Fiscal, and to authorise entry to land made under any statutory power available to the Council to enable the Council to discharge any of their functions as planning authority including direct action.

- 7.3.12.3.98 To serve any notice in connection with or to secure the removal of advertisements displayed in contravention of any regulations controlling the display of advertisements.

- 7.3.12.3.109 In the interests of expediency, to take such action as necessary or appropriate in the interests of, or to preserve the position of the planning authority including the service of any stop notice (including a temporary stop notice) or the making of any statutory order including a Tree Preservation Order.
- 7.3.12.3.110 In consultation with the Executive Director (Finance and Corporate Services), to enter into legal agreements ancillary to the approval of local development applications under section 7.2.3.1 or 7.2.3.2; and such other agreements including processing agreements and variation and discharge of other agreements as are nonmaterial to the determination of the relevant application. For the avoidance of doubt, this shall include determining applications for the modification and discharge of agreements made under s.75A of the Town and Country Planning (Scotland) Act 1997.
- 7.3.12.3.124 In relation to all mineral consents, to ensure that appropriate terms, s.75 Agreements and bonds are in place and properly recorded, reported, monitored and enforced. In the absence of a formal Committee decision taken and recorded to the contrary, the termination terms of bonds should be enforced.
- 7.3.12.3.132 To take all action necessary to protect Fife's trees and enhance the environment, including the making of Tree Preservation Orders and giving consent to felling, pruning, lopping and other matters relating to existing Orders.
- 7.3.12.3.143 To approve or refuse, as appropriate, any application for a Notice under the High Hedges (Scotland) Act 2013.
- 7.3.12.3.154 To grant, subject to such conditions as the Executive Director (Enterprise and Environment) may recommend, construction consents under section 21 of the Roads (Scotland) Act 1984 in all cases where six or more representations are received in respect of applications for said consents, or any representations so received are withdrawn.

#### 7.42.4 **Business & Employability Services**

- 7.2.4.1 To determine applications for grant assistance under any Scheme approved by the Council which is operated by the Executive Director (Enterprise and Environment).
- 7.2.4.2 To incur expenditure on single items up to £100,000 in respect of maintaining and expanding the Council's Business Property Portfolio.
- 7.2.4.3 To determine applications for financial assistance to businesses administered by Business Gateway Fife (or its successors) or the Scottish Local Authority Loan Fund (or their successors) in the form of grants, loans, or repayable grants up to the value of £100,000 (or 50% of the cost of the project – whichever is lower); subject to the submission of a report to the relevant Scrutiny Committee annually, detailing such expenditure.
- 7.2.4.4 To allocate street names and numbers in terms of section 97 of the Civic Government (Scotland) Act 1982 and in accordance with the Council's names and numbering policy and procedure.
- 7.2.4.5 To approve the advance reservation of space of participating in trade exhibitions, missions or events in the UK and overseas.

## **8.0 Executive Director (Communities)**

---

In addition to the delegated authority specified in section 2 above, the Executive Director (Communities) is authorised:-

### **8.1 Housing Services**

- 8.1.2 To allocate housing (including the allocation of pitches to Travelling Persons and the letting of garages) and to make decisions on homeless priority and the allocation of housing to homeless applicants, in accordance with Council policy.
- 8.1.3 To pay statutory compensation to tenants up to a maximum of £5,000 in any case subject to confirmation by the Executive Director (Finance and Corporate Services) that the tenant is entitled to said compensation.
- 8.1.4 To determine, in consultation with the Executive Director (Finance and Corporate Services), requests for communal heating charge rebates.
- 8.1.5 To act as the Proper Officer in terms of sections 193 and 194 of the Act for the purposes of granting leases and serving notices in terms of Part III of the Housing (Scotland) Act 1987.
- 8.1.6 To raise court action for eviction of tenants on the grounds of nuisance or other breach of tenancy, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services).
- 8.1.7 To raise court action to compel compliance with each tenant's obligation to maintain their garden ground, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services). Such court action to be as follows:-
  - (a) specific implement which failing warrant to carry out the works and recover the costs;
  - (b) Variation of Tenancy Agreement to allow the Council to remedy the tenant's failure to maintain the garden ground and recover its reasonable costs; or
  - (c) re-possession of the dwelling house for persistent failure to maintain garden ground amounting to a deterioration of the premises.
- 8.1.8 To raise court action to compel compliance with each owner-occupier's obligation to maintain their garden ground, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services).
- 8.1.9 To take houses out of management following consultation with the relevant Area Convener and the local members.
- 8.1.10 To take action on behalf of the Council in accordance with the exercise of the Council's powers and functions under Part 7 (Housing: Antisocial Behaviour Notices) and Part 8 (Housing: Registration of Certain Landlords) of the Antisocial Behaviour, etc. (Scotland) Act 2004.



- 8.1.11 To determine applications for licences in respect of houses in Multiple Occupation in accordance with the terms of the Housing (Scotland) Act 2006, except where there are 6 or more timeous objections in which case the matter will be determined by the relevant Committee; and otherwise to act on the Council's behalf in relation to all other matters relating to the licensing of Houses in Multiple Occupation, including variations and enforcement (including rent suspension notices) except where such matters are to be carried out by officers in other Directorates with the agreement of the Executive Director (Communities).
- 8.1.12 To agree to the voluntary disposal of individual Council houses and individual parcels of land held on the Housing Revenue Account; this power to be exercised in consultation with the Executive Director (Finance and Corporate Services).
- 8.1.13 To register a notice of potential liability for costs in terms of the Tenements (Scotland) Act 2004, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services).
- 8.1.14 To submit all necessary applications, evidence and reports required by the Property Factors (Scotland) Act 2011 to the Scottish Ministers.

## 8.2 **Communities and Neighbourhoods**

- 8.2.1 To serve Notices and to designate employees of the Council to carry out the functions assigned to employees in terms including (but not limited to) those conferred by the legislation set out at Section 1 of the Appendix to this document:-
- 8.2.2 To seize dogs under section 5(1) of the Dangerous Dogs Act 1991.
- 8.2.3 To take action in terms of the control of dogs powers set out in sections 149, 150 and 151 of the Environmental Protection Act 1990.
- 8.2.4 To serve fixed penalty notices under Section 79(e) of the Environmental Protection Act 1990 as amended by the Public Health Etc. (Scotland) Act 2008.
- 8.2.5 Grant or refuse applications for an order to exempt land from access in terms of section 11 of the Land Reform (Scotland) Act 2003 where the order is:-
  - for the purpose of allowing a charge to be levied for an event
  - required as there are no other reasonable alternative available
  - for the minimum period possible, and in any event, five days or less.
- 8.2.6 Except insofar as reserved to a Committee for decision in terms of the List of Committee Powers, to carry out the Council's functions in relation to community planning and community empowerment.
- 8.2.7 To consider requests for free lets or lets at a reduced charge of community facilities. The Executive Director shall include reference to the exercise of powers in this connection in their annual performance monitoring report to Committee.
- 8.2.8 To have responsibility for overall budgetary control for the Council's common good funds, including decisions relating to repair and maintenance of common good assets, and approval of grant applications up to £52000.

8.3 **Customer and Online Services Improvement**

- 8.3.1 To carry out the functions of Registrar of Births, Marriages and Deaths.
- 8.3.2 To administer, in accordance with agreed policy, payments etc., under the Scottish Welfare Fund.
- 8.3.3 To implement the Council's responsibilities as category 1 provider under the Civil Contingencies Act 2004.
- 8.3.4 To carry out the Council's obligations under freedom of information environmental information and data protection legislation, as well as matters arising to the Scottish Public Service Ombudsman.

8.4 **Communications**

- 8.4.1 To communicate on the Council's behalf by means of all available media, in line with the relevant legislation and the Local Government Code of Practice; overseeing the Council's reputation and corporate identity.
- 8.4.2 Exercise oversight of advertising and sponsorship activities.



## **9.0 Other Delegations**

---

In addition to the delegations specified above, the following matters are delegated to officers who are not Executive Directors:-

### **9.1 Head of Legal and Democratic Services**

- 9.1.1 To act as the Monitoring Officer for the purpose of section 5 of the Local Government and Housing Act 1989.
- 9.1.2 To act as Clerk to Fife Licensing Board in terms of the Licensing (Scotland) Act 2005.
- 9.1.3 To act as the Electoral Registration Officer for the purposes of section 8(3) of the Representation of the People Act 1983; and to appoint such a deputy as may be required to carry out the relevant functions.

## Appendix – List of relevant legislation

### Section 1 – Environmental Health

Abandonment of Animals Act 1960  
Agriculture Act 1970  
Agriculture (Miscellaneous Provisions) Act 1968  
Animal Boarding Establishments Act 1963  
Animal Health and Welfare Act 1984  
Animal Health & Welfare (Scotland) Act 2006  
Animal Health Act 1981

Breeding of Dogs Acts 1973 and 1991  
Breeding & Sale of Dogs (Welfare) Act 1999  
Burial and Cremation (Scotland) Act 2016

Caravan Sites & Control of Development Act 1960  
Civic Government (Scotland) Act 1982  
Clean Air Act 1993  
Control of Dogs Order 1992  
Control of Dogs (Scotland) Act 2010  
Control of Pollution Act 1974  
Contaminated Land (Scotland) Regulations 2000  
[Coronavirus Act 2020](#)

Dangerous Dogs Acts 1989 and 1991  
Dangerous Wild Animals Act 1976  
Deer (Scotland) Act 1996  
Dog Fouling (Scotland) Act 2003  
Dogs Act 1906

Environment Act 1995  
Environmental Protection Act 1990  
European Communities Act 1972

Fire Safety and Safety of Places of Sports Act 1987  
Food and Environment Protection Act 1985 (S.19)  
Food Hygiene (Scotland) Regulations 2006  
Food Safety Act 1990  
[Food Information \(Scotland\) Regulations 2014 as amended](#)  
[Food \(Scotland\) Act 2015](#)

Gambling Act 2005  
General Product Safety Regulations 2005  
Guard Dogs Act 1975

Health and Safety at Work etc. Act 1974  
[Health Protection \(Coronavirus\)\(Restrictions\)\(Scotland\) Regulations 2020](#)  
[Health Protection \(Coronavirus, Restrictions\)\(Directions by Local Authorities\)\(Scotland\) Regulations 2020](#)

Housing (Scotland) Act 1987/88/2001/2006

Licensing (Scotland) Act 2005

The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009

Local Government Act 1972

National Assistance Act 1948

Noise and Statutory Nuisances Act 1993

~~Official Feed and Food Control (Scotland) Regulations 2005~~

Official Feed and Food Controls (Scotland) Regulations 2009

Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019

Pet Animals Act 1951

Performing Animals (Regulation) Act 1925

Prevention of Damage by Pests Act 1949

Version 23/11/2017

Protection of Animals (Scotland) Act 1912 and 1954

Public Health (Ships) Regulations 1979

Public Health (Ships) (Scotland) Regulations 1971

Public Health (Ships) (Scotland) Amendment Regulations 2007

Public Health etc. (Scotland) Act 2008

Refuse Disposal (Amenity) Act 1978

Regulation (EU) 2017/625 and Associated Tertiary Legislation

Riding Establishments Act 1964 and 1970

Sewerage (Scotland) Act 1968

Smoking, Health and Social Care (Scotland) Act 2005

The Beef and Veal Labelling (Scotland) Regulations 2010

The Bovines & Bovine Products (Trade) Regulations 1999

The Novel Foods (Scotland) Regulations 2017

The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007

The Spirit Drinks Regulations 2008 as amended

~~The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002~~

The Trade in Animals and Related Products (Scotland) Regulations 2012

~~The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002~~

Theatres Act 1968

Tobacco and Primary Medical Services Act 2010

Water (Scotland) Act 1980

Zoo Licensing Act 1981

## Section 2 – Trading Standards

### Coronavirus Act 2020

Hallmarking Act 1973

Health Protection (Coronavirus)(Restrictions)(Scotland) Regulations 2020

Health Protection (Coronavirus, Restrictions)(Directions by Local Authorities)(Scotland) Regulations 2020

Health and Safety at Work etc. Act 1974

Medicines Act 1968

Petroleum (Regulations) Acts 1928 and 1936

Poisons Act 1972

Prices Acts 1974

Road Traffic Act 1988

Tobacco Advertising and Promotions Act 2002

Trade Descriptions Act 1968

Trade Marks Acts 1994

Video Recordings Act 1984 and 1993

Weights and Measures Act 1985;

Agriculture Act 1970

Agricultural Produce (Grading & Marking) Act 1928

Antisocial Behaviour (Scotland) Act 2004, Secs 122 and 123

Children & Young Persons (Protection from Tobacco) Act 1991

Civic Government (Scotland) Act 1982

Clean Air Act 1993

Consumer Credit Act 1974

Consumer Protection Act 1987 (including the issue of Suspension Notices under Sec 14)

Consumer Protection from Unfair Trading Regulations 2008

Consumer Rights Act 2015

Copyright Designs & Patents Act 1988

Customs and Excise Management Act 1979

Development of Tourism Act 1969

Education Reform Act 1988

Energy Act 1976

Energy Conservation Act 1981

Environment Act 1995

Enterprise Act 2002

Estate Agents Act 1979

European Communities Act 1972

Explosives Act 1875

Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Fireworks Act 2003  
Food and Environmental Protection Act 1985

Hallmarking Act 1973  
Health and Safety at Work etc. Act 1974  
Housing (Scotland) Act 2006

Intellectual Property Act 2014

Medicines Act 1968  
Motorcycle Noise Act 1987

Poisons Act 1972  
Prices Acts 1974-75  
Psychoactive Substances Act 2016

Road Traffic Act 1988

Tobacco Advertising and Promotion Act 2002  
Tobacco and Primary Medical Services (Scotland) Act 2010  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Unsolicited Goods and Services Act 1971  
Video Recordings Act 1984 (as amended by the Video Recordings Act 2010) and 1993

Weights and Measures Act 1976 and 1985

### **Section 3 – Children’s Social Work Services**

Part IV of the Children and Young Persons (Scotland) Act 1937  
Children and Young People (Scotland) Act 2014  
The Matrimonial Proceedings (Children) Act 1958  
The Children Act 1975  
The Adoption (Scotland) Act 1978  
The Adoption and Children (Scotland) Act 2007  
The Foster Children (Scotland) Act 1984  
Social Care (Self-directed Support) (Scotland) Act 2013  
Scheme of Governance| 135  
Part 2B - List of Officer Powers  
The Children (Scotland) Act 1995  
The Children’s Hearings (Scotland) Act 2011  
The Criminal Procedure (Scotland) Act 1995  
Secure Accommodation (Scotland) Regulations 2013  
Antisocial Behaviour etc. (Scotland) Act 2004

## **Section 4 – Integration Joint Board and Health and Social Care Partnership**

National Assistance Acts

Disabled Persons (Employment) Act 1958

Social Work (Scotland) Act 1968

Chronically Sick and Disabled Persons Act 1970

Disabled Persons (Services, Consultation and Representation) Act 1986

National Health Service and Community Care Act 1990

Criminal Procedure (Scotland) Act 1995

Adults with Incapacity (Scotland) Act 2000

Housing (Scotland) Act 2001

Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001

Community Care and Health (Scotland) Act 2002

Homelessness etc. (Scotland) Act 2003

Mental Health (Care and Treatment) (Scotland) Act 2003

Adult Support and Protection (Scotland) Act 2007

Public Services Reform (Scotland) Act 2010

Social Care (Self-directed Support) (Scotland) Act 2013

12th November, 2020

Agenda Item No. 10

## Appointment to External Organisation – St Andrews Links Management Committee

---

Report by: Morag Ferguson, Head of Legal & Democratic Services

---

Wards Affected: All wards

---

### Purpose

---

To appoint an elected member to the St Andrews Links Trust Management Committee.

### Recommendation(s)

---

The Council is asked to appoint an elected member to the St Andrews Links Management Committee for the four year period 1<sup>st</sup> January, 2021 to 31<sup>st</sup> December, 2024.

### Resource Implications

---

None

### Legal & Risk Implications

---

External organisations have their own governance structures, and members should seek advice from Finance & Corporate Services on any concerns they have on membership of the organisations. In particular, members may be subject to other legislation such as the Companies Acts (directors' responsibilities) and charity law.

### Impact Assessment

---

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

### Consultation

---

The respective organisation confirmed at the last review of External Organisations that they still require Council representation.

## 1.0 Background

---

- 1.1 The St. Andrews Links Trust Management Committee consists of eight members, four of which are appointed by Fife Council and appointments are made for a four year period. In accordance with the Protocol Agreement which exists between the Council and the St. Andrews Links Trust, the local golf clubs are invited to take up two of the Council places on the Management Committee. The St. Andrews Links Order 1974 also states that persons appointed to the Management Committee shall have close connections with the town of St. Andrews and its golfing community.
- 1.2 Councillor Lesley Backhouse was appointed to the St. Andrews Links Management Committee by Fife Council on 5<sup>th</sup> October, 2017, and her term of appointment expires on 31st December, 2020. This was a continuation of the elected member appointment made from 1<sup>st</sup> January, 2017.
- 1.3 The appointment of an elected member representative on the St Andrews Links Management Committee is for a rolling 4 year period and appointments will cross over between Administration periods.
- 1.4 It should be noted that members cannot be appointed to the St. Andrews Links Management Committee if they are already members of the St. Andrews Links Trust (or vice versa).

## 2.0 Rights and Responsibilities of Elected Members

---

- 2.1 Advice has been given in the past to elected members and officials who have been nominated to take up directorships of companies or trusts. Further advice can be provided to include information on the rights and responsibilities of elected members taking up positions on other forms of outside organisations such as Management Committees and unincorporated associations if required.

### Report Contact

Emma Whyte  
Committee Officer  
Legal & Democratic Services  
Fife House  
Glenrothes

Telephone: 03451 555555 ext. 442303; e-mail – [emma.whyte@fife.gov.uk](mailto:emma.whyte@fife.gov.uk)



12th November, 2020

Agenda Item No. 11

---

## NOTICE OF MOTIONS

---

Report by: Morag Ferguson, Head of Legal and Democratic Services

---

Wards Affected: All

---

### Purpose

---

In terms of Standing Order 8.1, the attached notice of motions have been submitted.

### Recommendation(s)

---

Council is asked to consider the motions.

### Resource Implications

---

Not applicable.

### Legal & Risk Implications

---

Not applicable.

### Impact Assessment

---

Not applicable.

### Consultation

---

Not applicable.

Morag Ferguson  
Head of Legal and Democratic Services  
Fife House, North Street, Glenrothes

03451 55 55 55 Ext No 442180  
[morag.ferguson@fife.gov.uk](mailto:morag.ferguson@fife.gov.uk)

## Fife Council – 10<sup>th</sup> September, 2020 – Motions Update

Motion	Update
Motion 1 (Amendment 1 carried)	Report to Policy and Coordination Committee planned for early 2021.
Motion 2 (Conjoined motion carried)	Working group established and date for first meeting agreed.
Motion 3 (Agreed unanimously)	Letter sent to the Director of Health and Social Care on 1 <sup>st</sup> October, 2020.

### **Motion 1**

Supporting ‘Teach the Future’

“Fife Council notes the continuing climate emergency and the efforts, both local and national, being undertaken to tackle this.

Fife Council also notes the positive work by ‘Teach the Future’, led by young people in schools and further education, to ensure that the climate emergency is high in the education agenda. Teach the Future has noted that only 4% of students feel they know a lot about climate change, 68% of students want to learn more about the environment and 75% of teachers feel they have not received adequate training to education students about climate change.

Council resolved to support the following asks of the Scottish Government by Teach the Future:

Ask 1: A government commissioned review into how the whole of the Scottish formal education system is preparing students for the climate emergency and ecological crisis.

Ask 2: Inclusion of the climate emergency and ecological crisis in teacher education and a new professional teaching qualification.

Ask 3: Increased priority for sustainability in school inspections and publicly influencing educational rankings

Ask 4: A Scottish Climate and Biodiversity Emergency Education Act

Fife Council asks the Council co-leaders to write to the Scottish Education Secretary in support of this.

Furthermore Fife Council also calls for a paper on Climate Change education to be brought to the Education and Children’s Services Subcommittee at some point in the near future, detailing what action is currently being taken.”

Proposed by Councillor James Calder

Seconded by Councillor Tim Brett

### **Motion 2**

“Subject to the recommendations in the Report on Changes to the List of Committee Powers and Officer Powers being approved, this motion proposes the following changes to the Conveners of the following Sub-Committees:-

Assets and Corporate Services sub-committee , replace Councillor Craig Walker with Councillor David Barratt.

Education and Children's Services sub-committee, replace Councillor Fay Sinclair with Councillor Craig Walker."

Proposed by Councillor David Alexander  
Seconded by Councillor Karen Marjoram

### **Motion 3**

#### **WHIR Project/16DAYS**

"Council notes that 25<sup>th</sup> Nov begins the Annual "16 days of action against Gender-based violence;

Recognises that as we have retreated into our homes during an unprecedented lockdown, reports of domestic abuse have increased in Fife.

Believes that we as Councillors are leaders in our communities; and as such have responsibility to highlight and call out domestic or gender-based violence wherever it is found.

We recognise the tireless work of our staff - through the WHIR (Womens' Health Improvement Research) Project, working in Housing Services and across the Fife Housing Partnership - and other Council Services, through the Violence against Women Partnership; and others who work with victims and survivors to improve housing support and reduce homelessness among this group of clients; and support this work with our communities.

Today, we commit once again to the White-Ribbon Campaign to stand up; speak out and say NO to violence against women. As Leaders in our communities, we will pledge to Never Commit; excuse or remain silent about violence against women."

Proposed by Councillor Judy Hamilton  
Seconded by Councillor David Ross

### **Motion 4**

"Fife Council believes that no child should go hungry in the school holidays. This Council fully supports Marcus Rashford in his campaign to ensure no child in England goes hungry in the school holidays."

Proposed by Councillor Lesley Backhouse  
Seconded by Councillor Derek Glen

### **Motion 5**

Independent Review of the Impact of Policing during the Miners' Strike 84/85

"Fife Council welcomes the Final Report of the Independent Review of the Impact of Policing on Affected Communities in Scotland during the Miners' Strike from March 1984 to March 1985, which was commissioned by the Scottish Government in 2018.

The Report concluded that it was impossible to separate out the impact of policing during the Strike from the many other factors at play during that time and recognised that, despite the constitutional, legal and cultural landscapes in Scotland having changed fundamentally in the 35 years since the Strike, the strength of feeling and the sense of injustice at the treatment of the miners and their families continues to be felt in mining communities.

We welcome the single recommendation in the Report which is that “subject to establishing suitable criteria, the Scottish Government should introduce legislation to pardon men convicted for matters related to the Strike”.

Fife Council recognises the positive impact that this will have on ex miners, the families of deceased miners and the mining communities in Fife and we ask that the Scottish Government proceeds to introduce the necessary legislation as soon as practicable.

In its consideration of this legislation, we ask the Scottish Parliament to interpret the recommendation as widely as possible and to also consider the issue of compensation for unjustified loss of livelihoods and pension rights.

We also recognise the need for a UK wide public inquiry into the Strike and ask the Scottish Government to continue to press the UK Government to undertake this.

Finally, Fife Council thanks those who pressed for this Review and all who contributed in any way to the Report and its outcome, particularly the National Union of Mineworkers and the Retired Police Officers’ Association as well as individual miners, police officers and members of the mining communities who provided accounts of their experiences in order to aid understanding and reconciliation.”

We ask the Co Leaders to convey the views of Fife Council on this matter to the Cabinet Secretary for Justice.”

Proposed by Councillor Alice McGarry  
Seconded by Councillor David Alexander