

THE FIFE COUNCIL - FIFE COUNCIL – BLENDED MEETING

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

8th December, 2022

10.00 a.m. – 3.30 p.m.

PRESENT: Councillors Jim Leishman (Convener), Tom Adams, David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Aude Boubaker-Calder, Patrick Browne, John Caffrey, James Calder, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Rod Cavanagh, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis, Linda Erskine, Julie Ford, Derek Glen, Brian Goodall, David Graham, Peter Gulline, Jean Hall Muir, Judy Hamilton, Alycia Hayes, Cara Hilton, Stefan Hoggan-Radu, Gary Holt, Andy Jackson, Louise Kennedy-Dalby, Allan Knox, Robin Lawson, James Leslie, Kathleen Leslie, Rosemary Liewald, Jane Ann Liston, Mary Lockhart, Donald Lothian, David MacDiarmid, Julie MacDougall, Lea McLelland, Lynn Mowatt, Sarah Neal, Derek Noble, John O'Brien, Nicola Patrick, Gordon Pryde, Bailey-Lee Robb, David Ross, Sam Steele, Alistair Suttie, Jonny Tepp, Ann Verner, Andrew Verrecchia, Ross Vettraino, Craig Walker, Darren Watt, Daniel Wilson, Jan Wincott and Conner Young.

APOLOGY FOR ABSENCE: Councillor Margaret Kennedy.

38. DECLARATIONS OF INTEREST

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

39. CIVIC BUSINESS BULLETIN

Decision

The Council noted the Civic Business Bulletin.

40. MINUTE

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

Decision

The Council approved the minute.

41. MINUTE OF COMMITTEES AND SUB-COMMITTEES

Minutes/

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

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

Decision

The Council noted the minutes.

42. LEADER'S REPORT

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

Decision

The Council noted the report.

43. QUESTION TIME

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

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

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

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

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

Councillor Hilton, Spokesperson for Education, answered question 6.

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

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

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

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

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

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

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

Roll Call

For Councillor Verner – 33 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Ken Caldwell, Rod Cavanagh, Julie Ford, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, David MacDiarmid, Lea McLelland, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner, Ross Vettraino, Craig Walker and Daniel Wilson.

For Councillor Liston – 10 votes

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

Abstained – 28 votes

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

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

Decision

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

45. LICENSING BOARD APPOINTMENT

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

Decision

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

46. NOTICE OF MOTIONS

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

Motion 1

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

Motion 2

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

Voting rights of religious representatives

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

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

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

Amendment

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

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

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

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

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

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

Roll Call

For the Motion – 40 votes

Councillors Tom Adams, Mary Bain-Lockhart, Aude Boubaker-Calder, Patrick Browne, John Caffrey, James Calder, Alistair Cameron, Ian Cameron, Alex Campbell, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis, Linda Erskine, David Graham, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Allan Knox, Robin Lawson, Jim Leishman, James Leslie, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Julie MacDougall, Derek Noble, Gordon Pryde, David Ross, Jonny Tepp, Andrew Verrecchia, Darren Watt, Jan Wincott and Conner Young.

For the Amendment – 30 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Ken Caldwell, Rod Cavanagh, Julie Ford, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, Lea McLelland, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner and Ross Vettrano.

Abstained – 2 votes

Councillors David MacDiarmid and Craig Walker.

Decision

The Council agreed in terms of the motion.

Motion 3

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

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

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

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

Amendment 1

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

“Delete second Paragraph and replace it with:

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

Amendment 2

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

Paragraph 2

Add

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

Delete

“and the Scottish Government”

Delete

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

And replace with

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

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

Roll/

Roll Call (to continue with debate)

Yes – 38 votes

Councillors Tom Adams, Mary Bain-Lockhart, Aude Boubaker-Calder, Patrick Browne, James Calder, Alistair Cameron, Ian Cameron, Alex Campbell, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Linda Erskine, David Graham, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Allan Knox, Robin Lawson, Jim Leishman, James Leslie, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Julie MacDougall, Derek Noble, Gordon Pryde, David Ross, Jonny Tepp, Andrew Verrecchia, Darren Watt, Jan Wincott and Conner Young.

No - 32 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Ken Caldwell, Rod Cavanagh, Julie Ford, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, David MacDiarmid, Lea McLelland, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner, Ross Vettraino and Craig Walker.

The motion was accordingly carried.

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

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

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

Roll Call

For the Amended Conjoined Motion – 38 votes

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

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

For Amendment 1 – 31 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Ken Caldwell, Rod Cavanagh, Julie Ford, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, David MacDiarmid, Lea McLelland, Lynn Mowatt, Sarah Neal, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner, Ross Vettraino and Craig Walker.

Decision

The Council agreed in terms of the amended conjoined motion.

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

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

Motion 4

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

“Benefit Sanctions

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

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

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

Amendment

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

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

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

Council/

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

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

Roll Call

For the Motion – 59 votes

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

For the Amendment – 7 votes

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

Decision

The Council accordingly agreed in terms of the motion.

Motion 5

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

Motion 6

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

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

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

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

Decision

The Council agreed the motion unanimously.

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

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