

**THE FIFE COUNCIL - FIFE COUNCIL – BLENDED MEETING**

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

**22 June, 2023**

**10.00am – 12.00pm**

**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, James Calder, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Rod Cavanagh, Al Clark, Eugene Clarke, 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, Margaret Kennedy, Louise Kennedy-Dalby, Allan Knox, Robin Lawson, James Leslie, Kathleen Leslie, Rosemary Liewald, Carol Lindsay, 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, Ross Vettraino, Craig Walker, Darren Watt, Daniel Wilson, Jan Wincott and Conner Young.

**APOLOGIES FOR ABSENCE:** Councillors John Caffrey, Fiona Corps and Andrew Verrecchia.

**71. DECLARATIONS OF INTEREST**

Councillors Lockhart, Pryde, Erskine, Hayes, Davidson and Caldwell all made transparency statements relating to Para 79 – Religious Representatives' Voting Rights and Appointment – by reason of their membership of a relevant religious organisation.

Councillor Kennedy declared an interest in Para 79 – Religious Representatives' Voting Rights and Appointment – as she is an elder in a local church and knows one of the appointed religious representatives personally.

Councillor Campbell declared an interest in Para 81 - Revised Contract Standing Orders Scheme of Tender Procedures – as the owner of a local business which carries out work on behalf of the Council.

**72. CIVIC BUSINESS BULLETIN**

**Decision**

The council noted the Civic Business Bulletin.

**73. DEPUTATION - VOTING RIGHTS OF RELIGIOUS REPRESENTATIVES**

The council considered a Deputation from Margaret Barton, Religious Education Advisor for Secondary Schools and Archdiocese of St Andrews and Edinburgh.

**Decision**

The council noted the Deputation.

**74. MINUTE**

The Provost, seconded by Councillor Graham, moved that the minute of the meeting of 11 March, 2023 be approved.

**Decision**

The council approved the minute.

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

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

- (1) West & Central Planning Committee of 10 May and 7 June, 2023.
- (2) North East Planning Committee of 3 May and 31 May, 2023.
- (3) Fife Planning Review Body of 12 June, 2023.
- (4) Regulation and Licensing Committee of 11 April and 16 May, 2023.
- (5) Cabinet Committee of 4 May and 1 June, 2023.
- (6) Standards, Audit & Risk Committee of 25 May, 2023.
- (7) Glenrothes Area Committee of 24 May, 2023.
- (8) Levenmouth Area Committee of 31 May, 2023.
- (9) City of Dunfermline Area Committee of 6 June, 2023
- (10) Kirkcaldy Area Committee of 6 June, 2023.
- (11) North East Area Committee of 26 April, 2023.
- (12) Education Scrutiny Committee of 23 May, 2023.
- (13) Fife Health & Social Care Integration Joint Board of 31 March, 2023.

**Decision**

The council noted the minutes.

**76. 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.

**77. 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 Hilton, Spokesperson for Education answered Question 1.

Councillor Hamilton, Spokesperson for Housing and Buildings Services answered Question 2.

**78. CAPITAL PLAN REVIEW 2023 - 2033**

The council considered a report by the Executive Director, Finance and Corporate Services providing information for consideration by members in setting a capital plan for 2023/2033 and a motion from the Administration moving the recommendations in the report.

**Decision**

The council:-

- (1) noted the report by the Executive Director, Finance and Corporate Services presenting the proposed Capital Investment Plan 2023-33;
- (2) approved the Capital Strategy at Appendix 1 of that report;
- (3) agreed the revised Capital Investment Plan 2023-33 at Appendix 2 of that report;
- (4) approved the terms of the Administration's statement and the circulated investment proposals to commit £19m available one-off funding;
- (5) approved the prudential indicators at Appendix 3 of the report; and
- (6) agreed that a further review of the capital plan be carried out during 2024-25.

*Councillor Kennedy left the meeting prior to consideration of the following item, having earlier declared an interest.*

**79. RELIGIOUS REPRESENTATIVES' VOTING RIGHTS AND APPOINTMENT**

The council considered a report by the Executive Director, Finance and Corporate Services asking the council to determine its position in relation to religious representatives' voting rights at committee and to appoint a new representative to the Church of Scotland position.

Motion

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

“It is recommended that council:

Deletes paragraphs 2 and 3 of the report's recommendations and substitutes with the following:-

2. note that at its meeting held on 9<sup>th</sup> June 2022 it agreed, by approving Committee Powers, that each of the religious interest representatives should have voting powers in connection with the Council's education functions but that they would not be able to vote at a scrutiny committee on any education matter which the scrutiny committee has called in from the Cabinet Committee;
3. resolve that, as this was agreed by the Council in June 2022, Fife Council should abide by that decision and carry the voting rights of the appointed religious representatives through to the end of this Council term in 2027. It would be for the next Council to consider this matter again when agreeing its future governance arrangements.”

Amendment

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

“Amend recommendation 2 to read:-

2. Council agrees to remove the voting rights of religious representatives.”

**Roll Call**

**For the Motion** – 32 votes

Councillors Tom Adams, Mary Bain-Lockhart, Patrick Browne, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Altany Craik, Colin Davidson, Dave Dempsey, Graeme Downie, Gavin Ellis, Linda Erskine, Julie Ford, David Graham, Peter Gulline, Judy Hamilton, Cara Hilton, Andy Jackson, Robin Lawson, Jim Leishman, James Leslie, Kathleen Leslie, Donald Lothian, Julie MacDougall, Lea McLelland, Derek Noble, Gordon Pryde, David Ross, Darren Watt, Jan Wincott and Conner Young.

**For the Amendment** – 36 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, Lynn Ballantyne-Wardlaw, David Barratt, Auxi Barrera, John Beare, Aude Boubaker-Calder, James Calder, Rod Cavanagh, Al Clark, Eugene Clarke, Sean Dillon, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes,

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Stefan Hoggan-Radu, Gary Holt, Louise Kennedy-Dalby, Allan Knox, Rosemary Liewald, Carol Lindsay, Jane Ann Liston, David MacDiarmid, Lynn Mowatt, Sarah Neal, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Jonny Tepp, Ross Vettraino and Daniel Wilson.

**Abstained** – 3 votes

Councillors John O'Brien, Ann Verner and Craig Walker.

The amendment was accordingly agreed.

### **Decision**

The council:-

- (1) noted that it is a legal requirement to appoint three religious representatives to a committee advising the authority on, or discharging, functions of the education authority;
- (2) agreed to remove the voting rights of religious representatives;
- (3) delegated authority to the Head of Legal and Democratic Services to make any consequential changes to Standing Orders (includes those approved at this meeting) and the List of Committee Powers, following council's determination;
- (4) noted the resignation of Mr Brian Blanchflower effective from 26 May 2023 and the subsequent nomination of Ian Macaulay as the Church of Scotland religious representative; and
- (5) agreed the appointment of Ian Macaulay.

*The meeting adjourned at 11.30am and reconvened at 11.40am.*

*Councillor Bain left the meeting during the recess and Councillor Kennedy rejoined the meeting.*

## **80. GOVERNANCE ARRANGEMENTS - STANDING ORDERS**

The council considered a report by the Executive Director, Finance and Corporate Services which presented a revised set of Standing Orders for consideration and approval.

### **Motion**

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

“Amend Draft Standing Order 11.0 (Removal from Office)

Delete:

### **11.0 Removal from Office**

11.1 The Council may remove the Provost, Depute Provost(s), Leader, Depute Leader, Convener (excluding Area Conveners), Depute Convener or Spokesperson, where a Notice of Motion is submitted to the next Council

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meeting, in accordance with Standing Order No. 10. This will form the first item of business at the next applicable meeting. Following debate, a decision as to whether to remove from office the Provost, Depute Provost(s), Convener, Depute Convener or Spokesperson will be decided by not less than two-thirds of members present and entitled to vote at the meeting; or

- 11.2 Any motion for removing an Area Convener or a member of a Committee or Subcommittee- (excluding Area Committee) may be brought forward at a relevant meeting of the Area Committee, Committee or Sub Committee as appropriate and be carried by a majority vote by those members present and eligible to vote at the meeting at which the motion is put. If a majority decision cannot be reached the matter will be referred back to full Council for determination.
- 11.3 If the matter was deemed urgent, a special meeting of the Council could be called in accordance with Standing Order No.6.

Add:

### **11.0 Removal from Office**

11.1 The Council may remove the Provost, Depute Provost(s), Leader, Depute Leader, Convener, Depute Convener, Spokesperson, Area Convener or a member of a Committee or Sub-Committee, where either: -

- (1) A Notice of Motion to remove the Provost is submitted to the next Council meeting, in accordance with Standing Order No. 10. This will form the first item of business at the next applicable meeting. Following debate, a decision as to whether to remove from office the Provost will be decided by not less than two-thirds of members present and entitled to vote at the meeting; or
- (2) A Notice of Motion to remove the Depute Provost(s), Leader, Depute Leader, Committee Convener/Depute Convener, Spokesperson, or a member of a Committee or Sub-Committee, is submitted to the next Council meeting, in accordance with Standing Order No. 10. This will form the first item of business at the next applicable meeting. Following debate, a decision as to whether to remove from office a Depute Provost(s), Committee Convener/Depute Convener, Spokesperson, or a member of a Committee or Sub-Committee may be carried by a majority vote by those members present and eligible to vote at the meeting at which the motion is put; or

11.2 Any motion to remove an Area Convener may be brought forward at a relevant meeting of the Area Committee and be carried by a majority vote by those members present and eligible to vote at the meeting at which the motion is put. If a majority decision cannot be reached the motion will fall.

Or

11.3 If the matter was deemed urgent, a special meeting of the Council could be called in accordance with Standing Order No.6.”

Amendment

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

Item 11 - Governance Arrangements – Standing Orders.

“Amend Draft Standing Order 11.0 (Removal from Office)

**11.0 Removal from Office**

11.1 The Council may remove the Provost, Depute Provost(s), Leader, Depute Leader, Convener (excluding Area Conveners), Depute Convener or Spokesperson, where a Notice of Motion is submitted to the next Council meeting, in accordance with Standing Order No. 10. This will form the first item of business at the next applicable meeting. Following debate, a decision as to whether to remove from office the Provost, Depute Provost(s), Convener, Depute Convener or Spokesperson will be decided by not less than two-thirds of members present and entitled to vote at the meeting; or

11.2 Any motion for removing an Area Convener or a member of a Committee or Subcommittee- (excluding Area Committee) may be brought forward to be discussed at the next meeting of the Area Committee, Committee or Sub Committee as appropriate and be carried by a majority vote by those members present and eligible to vote at the meeting at which the motion is put. If a majority decision cannot be reached the matter will be referred back to full Council for determination. 11.3 If the matter was deemed urgent, a special meeting of the Council could be called in accordance with Standing Order No.6.”

**Roll Call**

**For the Motion** – 33 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, 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, Carol Lindsay, 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 the Amendment** – 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, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis, Linda Erskine, David Graham, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Margaret Kennedy, 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, Darren Watt, Jan Wincott and Conner Young.

The amendment was accordingly agreed.

**Decision**

The council:-

- (1) approved the proposed changes to the Council's Standing Orders as set out in the Appendix to the report, to come into effect on Friday 23 June 2023, (subject to any changes required by the council's determination on the voting position of religious representatives);
- (2) agreed to amend Standing Order 11 – Removal from Office wording to that agreed in the amendment; and
- (3) noted that it is intended that updated Lists of Committee and Officer Powers will be submitted to the meeting of Fife Council, on 21 September 2023 for approval.

**81. REVISED CONTRACT STANDING ORDERS SCHEME OF TENDER PROCEDURES**

The council considered a report by the Head of Revenue and Commercial Services seeking approval to adopt the proposed revised Contract Standing Orders Scheme of Tender Procedures.

**Decision**

The council agreed to adopt the proposed new Contract Standing Orders Scheme of Tender Procedures.

**82. APPOINTMENT OF RETURNING OFFICER**

The council considered a report by the Executive Director, Finance and Corporate Services seeking approval to appoint Ken Gourlay, Chief Executive Officer as the Returning Officer for Fife Council.

**Decision**

The Council agreed to appoint Ken Gourlay, Chief Executive Officer the Returning Officer for Fife Council from 3 July, 2023.

**83. FIFE LICENSING BOARD APPOINTMENT**

The council considered a report by the Head of Legal and Democratic Services seeking approval of a change of membership of the Fife Licensing Board.

**Decision**

The council agreed to:-

- (1) note the resignation of Councillor Ballantyne-Wardlaw; and
- (2) appoint Councillor Kennedy-Dalby to the Fife Licensing Board.

**84. FIFE LICENSING FORUM MEMBERSHIP**

The council considered a report by the Head of Legal and Democratic Services to increase the number of members on the Fife Licensing Forum from fifteen to eighteen.

**Decision**

The council approved the increase of membership of the Fife Licensing Forum from fifteen to eighteen.

**85. NOTICE OF MOTIONS**

In terms of Standing Order 8.1, no motions were submitted.

**86. 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.