

THE FIFE COUNCIL - FIFE COUNCIL - GLENROTHES

27th June, 2019

**10.00 a.m. – 12.25 p.m.
and 1.20 p.m. – 3.45 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, Neil Crooks, Colin Davidson, Dave Dempsey, John Docherty, Gavin Ellis, Linda Erskine, Ian Ferguson, Julie Ford, 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, Jane Ann Liston, Mary Lockhart, Donald Lothian, David MacDiarmid, Karen Marjoram, Alice McGarry, Lea McLelland, Tony Miklinski, Derek Noble, Dominic Nolan, John O'Brien, Tony Orton, Ross Paterson, Bill Porteous, Graham Ritchie, David Ross, David J Ross, Fay Sinclair, Ryan Smart, Sam Steele, Kate Stewart, Jonny Tepp, Brian Thomson, Ann Verner, Andrew Verrecchia, Ross Vettraino, Craig Walker, Darren Watt, Vikki Wilton and Jan Wincott.

APOLOGIES FOR ABSENCE: Councillors Alan Craig, Margaret Kennedy, Mino Manekshaw and Richard Watt.

The Provost advised, in terms of Standing Order No. 1.3, that he had agreed to consider agenda Item 10 Madras College, St Andrews Update prior to Item 8 Question Time.

125. DECLARATIONS OF INTEREST

Councillors Andy Heer, David Barratt and Jan Wincott all declared an interest in paragraph 134 below - Motion 3, as they are all on the Board of Fife Resource Solutions, however they considered that this was covered by the Specific Exclusion so they would remain and participate.

Councillor Brian Thomson declared an interest in paragraph 131 – Madras College, St Andrews – Update, as he had been in discussions previously with the University of St Andrews with regard to the site.

126. DEPUTATION - CANINE CONCERN SCOTLAND

A presentation was made to members from representatives of Canine Concern Scotland (Nick Henley Price, June Hutton, James Macdonald and Mel Hughes) Their presentation provided members with an overview of the work carried out by Canine Concern Scotland and the invaluable services they provide across Fife.

Following questions from members, the Provost thanked Nick, June, James and Mel for their presentation.

127. CIVIC BUSINESS BULLETIN

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

128. MINUTE OF FIFE COUNCIL OF 2ND MAY, 2019

The Provost, seconded by the Depute Provost, moved that the minute of the meeting of Fife Council of 2nd May, 2019 be approved.

Decision

The minute was approved.

129. MINUTES OF COMMITTEES AND SUB-COMMITTEES

The minutes of the undernoted Committee and Sub-Committees, as contained in the volume of minute (available on FISH and FifeDirect), were submitted for accuracy.

- (1) Regulation and Licensing Committee of 16th April, 2019 and 7th May, 2019.
- (2) North East Planning Committee of 1st May, 2019 and 29th May, 2019.
- (3) Central Area Planning Committee of 29th April, 2019 and 27th May, 2019.
- (4) West Planning Committee of 8th May, 2019 and 5th June, 2019.
- (5) Fife Planning Review Body of 20th May, 2019.
- (6) Education and Children's Services Committee of 21st May, 2019 (together with the minutes of the Education Appointment Committee of 21st March and 22nd March, 2019).
- (7) Assets, Property and Facilities Committee of 16th May, 2019.
- (8) Scrutiny Committee of 28th May, 2019.
- (9) Standards and Audit Committee of 30th April, 2019.
- (10) Economy, Tourism, Strategic Planning and Transportation Committee of 9th May, 2019.
- (11) Environment, Protective Services and Community Safety Committee of 6th June, 2019.
- (12) City of Dunfermline Area Committee of 14th May, 2019.
- (13) Glenrothes Area Committee of 24th April, 2019.
- (14) South and West Fife Area Committee of 24th April, 2019.
- (15) Kirkcaldy Area Committee of 23rd April, 2019.
- (16) North East Fife Area Committee of 8th May, 2019.
- (17) Levenmouth Area Committee of 15th May, 2019.
- (18) Cowdenbeath Area Committee of 1st May, 2019.
- (19) Health and Social Care Integration Joint Board of 28th March, 2019 (subject to approval by the Integration Joint Board at their meeting on 21st June, 2019).

Decision

The minutes were noted.

130. CO-LEADERS REPORT

The Council considered a report from 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.

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

131. MADRAS COLLEGE, ST ANDREWS - UPDATE

The Council considered a report by the Head of Assets, Transportation and Environment which asked members to approve progression of the purchase of the Langlands site for the replacement of Madras College, St Andrews.

Decision

The Council agreed to authorise the Head of Legal and Democratic Services, in conjunction with the Head of Assets, Transportation and Environment to:-

- (1) purchase the option site at Langlands, St Andrews from the University of Stand Andrews as per the terms of the Option Agreement agreed with the University; and
- (2) dispose of the South Street campus to University of St Andrews and lease back at a nominal rent and for a term until completion of construction of the new school and transfer of the school into it, again on the basis of the Option Agreement.

Councillor Thomson rejoined the meeting.

132. QUESTION TIME

In terms of Standing Order No. 1.7, the questions put by members to the meeting, the written answers and supplementary questions, are contained in Appendix 2 to the minute.

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

The/

The meeting adjourned at 12.25 p.m.

The meeting reconvened at 1.20 p.m.

PRESENT: Councillors Jim Leishman (Convener), David Alexander, Lesley Backhouse, David Barratt, John Beare, Tim Brett, 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, David Graham, Mick Green, Gary Guichan, Garry Haldane, Jean Hall-Muir, Judy Hamilton, Zoe Hisbent, Linda Holt, Gordon Langlands, Helen Law, Kathleen Leslie, Rosemary Liewald, Jane Ann Liston, Donald Lothian, David MacDiarmid, Karen Marjoram, Alice McGarry, Lea McLelland, Tony Miklinski, Derek Noble, Dominic Nolan, John O'Brien, Tony Orton, Ross Paterson, Bill Porteous, Graham Ritchie, David Ross, David J Ross, Fay Sinclair, Ryan Smart, Sam Steele, Kate Stewart, Alistair Suttie, Jonny Tepp, Brian Thomson, Ann Verner, Andrew Verrecchia, Ross Vettraino, Craig Walker, Darren Watt, Vikki Wilton and Jan Wincott.

The Provost advised in terms of Standing Order No. 8.1 (2) that he had agreed to accept an urgent Motion in relation to Mossmorran which would be considered under Notice of Motions.

Councillor Holt declared an interest in the urgent motion as her husband is the Chair of Mossmorran Action Group.

133. REVIEW OF COMMITTEE STRUCTURE

The Council considered a report by the Head of Legal and Democratic Services which provided members with an update on the outcome of discussions with the Governance Working Group set up to review the governance documents. The changes proposed arose from the Governance Working Group, changes recommended by External Audit and a review of the List of Officer Powers.

Members were provided with a list of further amendments to the governance documentation, as follows:-

Page 20 additional recommendations:

- (7) agrees that the changes to the governance documents take place from 4th July 2019, allowing the scheduled meeting of West Planning Committee to take place;
- (8) agrees to appoint a Convener from amongst the relevant six Area Conveners to the new Central and West Planning Committee; agrees that the current Convener of the Superannuation and Pensions Sub-Committee will continue as Convener of the Superannuation and Pensions Committee when reconstituted, and of the coterminous Common Good and Investments Sub-Committee; Convenerships of the new Scrutiny Committees to be decided at the next meeting of the Council;

Page 59 – specify that the Community Safety Partnership will be politically balanced, i.e. currently SNP 3, Labour 2, Conservative 1, and Liberal Democrats 1;

Page 71 – amend the allocation of seats on Policy and Co-ordination Committee to reflect the current position (since the last by-election) of SNP 8, Labour 6, Conservative 5, and Liberal Democrats 2; amend numbers accordingly in South and West Fife Area Committee on next page accordingly;

Page 68 – the new substitution provisions shall apply to Strategic and Scrutiny Committees only, and not to the Superannuation and Pensions Committee. Groups shall be entitled but not obliged to nominate substitutes.

Page 72 – amend membership of Central and West Planning Committee to reflect political balance in the 6 Areas it covers – i.e. SNP 9; Labour 8; Conservative 4; Liberal Democrat 0.

Page 79 – delete ‘not already upon the agenda’ from the Question Time provisions at 1.7, as the agenda will not be fixed by the time the questions are submitted;

Page 86 – add the Pensions Committee to those committees unable to continue to meet in the event of being inquorate, following the current Sub-Committee’s recommendation in that regard at its last meeting.

Motion

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

“Accept proposed amendments circulated and revert changes to Full Council Question Time and Area Committee question time to current position.”

Amendment 1

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

“The Liberal Democrat Group supports the proposed changes in the Committee Structure as detailed in the report but proposes the following changes: -

- a. Environment and Protective Services Committee (Page 38) - move the following functions to the new Community Safety Partnership remit, page 59.
 - Assessment and approval of the adequacy and effectiveness of the Fife Local Fire and Rescue Plan in terms of priorities, community and 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/

- Making recommendations on any aspects of the Fife Policing and Fire and Rescue Plans.
 - 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.
- b. Scrutiny, page 51 – Each of the new Scrutiny Committees should have 10 members. A member who is a member of a Strategic Committee should not be a member of the Scrutiny Committee dealing with those issues.
- c. New Community Safety Partnership should be included in the list of committees on pages 71 – 73.
- d. Call-in - The number of Elected Members to activate the call-in process, para 12.11 should be 10 members rather than 20 members.”

Amendment 2

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

“All of Liberal Democrat amendment with the removal of section B”.

With the agreement of the Provost, Councillor Brett agreed to accept Councillor Dempsey's amendment and Amendment 1 with the removal of Section B became the substantive amendment for the purposes of the vote.

Vote

Amendment	-	17 votes
Motion	-	47 votes

The Council agreed in terms of the motion.

Following the agreement of the report, the Provost called for nominations for the Convener of the newly combined Central and West Planning Committee.

Councillor Ross, seconded by Councillor Alexander, moved that Councillor McGarry be appointed as the Convener of the Central and West Planning Committee

Decision

The Council agreed:-

- (1) the recommendations in the report and further amendments circulated as per the motion; and
- (2) to appoint Councillor McGarry as Convener of the Central and West Planning Committee.

134. 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 No. 8.1

Motion 1

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

“Fife Council notes the work by SAMH across Scotland since its formation in 1923 supporting a wide network of local mental health services.

In 2016 Sir Chris Hoy launched work on the development of Scotland’s mental health charter and this was launched in Feb 2018

Scotland’s Mental Health Charter for Physical Activity and Sport’ aimed to use sport to improve equality and reduce stigma through positive conversations and action on mental health.

The Charter calls on organisations to

“make pledges to improve equality and reduce discrimination for anyone with a mental health problem, ensuring there is no barrier to engaging, participating and achieving in physical activity and sport”, and to develop action plans that demonstrate commitment to these pledges.

According to the Charter website more than 300 organisations have signed the pledge including only 1 Council and more than 50 action plans have been developed.

This motion proposes that Fife Council should sign the pledge now and write to Fife Sports & Leisure Trust and Fife Golf Trust asking that it do the same and urging it to develop an action plan to support and further develop the aims of the charter across Fife.”

Decision

The Council agreed the motion unanimously.

Motion2

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

“Fife Council recognises the sacrifice and bravery of the British and Allied Service personnel who took part in the D Day invasion of Normandy on 6 June 1944. We honour their commitment to preserve our Great British nation and the liberal/democratic heritage that we, and Europe, enjoy today.

Tens/

Tens of thousands of Scots, including many Fifers, some still with us, put their lives on the line to defeat the Nazi forces and preserve our freedom and way of life. We thank them, and all Allied participants, for that most precious of gifts."

Decision

The Council agreed the motion unanimously.

Motion 3

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

"On 16th August 2018 the Environment, Protective Services & Community Safety Committee considered a report on access to Household Waste Recycling Centres which stated "Double axle trailers are primarily commercial and will be classed as a commercial vehicle and can only access the site if the user is registered with the commercial payment system.

It has become apparent that this is not accurate and many private householders who own double axle trailers are now barred from taking these trailers to recycling centres.

There is provision for owners of large vans to sign a Household Waste declaration form to declare that their waste is household and non-commercial and Council moves that owners of double axle trailers should now be afforded the same facility."

Amendment

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

"Council notes that the Policy to restrict access by two axle trailers to the Council's Civic Amenity Sites was implemented as from 1st January this year and, in common with all changes to Policy, the outcome of the implementation of the Policy will be reviewed by the Strategic Committee by way of an interim review, which will include including consideration of the policy on two axle trailers, at its next meeting.

Council agrees that it would be unwise to review any policy in the absence of advice from Officers about the outcome of the implementation of that policy and, as a consequence, to change the current Policy prior to it being reviewed by the Strategic Committee would be premature."

Vote

Amendment	-	47 votes
Motion	-	16 votes

Decision

The Council agreed in terms of the amendment.

Motion/

Motion 4

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

“Council supports the campaign by the STUC, Unite and GMB in calling for EDF to source the turbine jackets for the NNG Wind Farm, situated only 15 miles from the coast of Fife, with Bifab.

It calls on EDF to live up to their commitments to ‘source locally whenever possible’ and to work with all stakeholders to find a way to do so.

Council commits to work with the Scottish Government to continue with a ‘Team Scotland’ approach to bring the work to Bifab and support the Scottish Economy building on our capability in renewable and green energy.

It cannot be right, in this time of declared climate emergency, to be building on the other side of the world and transporting to the coast of Fife and we urge EDF to reconsider.”

Decision

The Council agreed the motion unanimously.

Motion 5

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

“Council notes with deep disappointment the proposal to remove completely the Out of Hours service at Glenrothes Hospital which will be considered by the Integrated Joint Board (IJB) of Fife’s Health and Social Care Partnership on Friday 21st June. Should this proposal be agreed, the communities served by the OOH service can, rightly, feel let down by this decision.

Council believes that a failure by the Scottish Government to recruit and train enough GPs and other medical staff has been a key factor leading to the position whereby, after more than a year in contingency measures, the Health and Social Care Partnership are faced with a difficult decision on how to deploy the available staff across Fife.

While we do not agree with the proposal to remove the Out of Hours service from Glenrothes, we accept the need to deliver a safe service that is sustainable in the longer term. However, it is deeply upsetting to the communities who have used the service at Glenrothes Hospital that they are bearing the impact of poor workforce planning at government level.

Council welcomes the proposal to introduce a revised transport policy which should ensure that those without use of a car are still able to access Out of Hours services without detriment.

In/

In light of concerns about the negative impact the closure of the Glenrothes Out of Hours service will have on the local community, Council calls for a review of the reconfigured service by the IJB after one year with the report to be scrutinised by the relevant Fife Council committee.”

Amendment

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

“Council notes with deep disappointment the proposal to remove completely the Out of Hours service at Glenrothes Hospital. Council also notes that whilst a shortage of GPs has an impact on other areas of the NHS, it was not the main driver in the lack of cover from GPs in the Out of Hours service.

Scotland has the highest number of GPs per head of population in the UK.

The major reduction in the number of medics preparing to cover the OOH service, and other services throughout the NHS, is directly linked to the impact of the Pension and Tax changes introduced by the Chancellor of the Exchequer George Osborne in April 2016.

The “unintended consequences” of the changes meant that medics were being hit with big tax charges for exceeding their pension allowance limits, especially if they do extra work. As a result, some GPs and consultants refused to take on extra work.

In Fife, the service was hit by a perfect storm and in just one year, many medics who were regularly putting themselves forward to do the 12 to 8 am shift stopped and in many cases never returned.

Council urges the Co-leaders to write to Philip Hamond, the Chancellor, and Matt Hancock, the Health and Social Care Secretary, to urgently take measures to end this pension trap that is exacerbating the Health Service’s already severe staff shortage.

Council also notes that the two areas that send most people to hospital per head of population, Levenmouth and the Cowdenbeath area, also do not have a local Out of Hours Service.

Council calls for a review of the reconfigured service by the IJB after one year, and the monitoring of the volume of Levenmouth and Cowdenbeath area patients accessing the service, with the report to be scrutinised by the relevant Fife Council committee and hopes when the number of GPs start to rise and the “pension trap” on NHS medics has been solved the OOH service in Fife may be able to devolve further throughout Fife, with Levenmouth and the Cowdenbeath area as prime candidates, and the re-instatement of the Glenrothes service.”

Roll/

Roll Call

On the motion of Councillor Craik, seconded by Councillor Erskine, it was agreed, by the required majority of members, that the vote be taken by calling the roll.

Members voted as follows:-

For the Motion – 37 votes

Councillors Tim Brett, Alistair Cameron, Ian Cameron, Alex Campbell, Bobby Clelland, Dave Coleman, Altany Craik, Colin Davidson, Dave Dempsey, Gavin Ellis, Linda Erskine, David Graham, Mick Green, Gary Guichan, Garry Haldane, Judy Hamilton, Linda Holt, Gordon Langlands, Helen Law, Jim Leishman, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Tony Miklinski, Derek Noble, Dominic Nolan, Tony Orton, Ross Paterson, Bill Porteous, David Ross, David J Ross, Ryan Smart, Jonny Tepp, Brian Thomson, Andrew, Verrecchia, Darren Watt and Jan Wincott.

For the Amendment – 24 votes

Councillors David Alexander, Lesley Backhouse, David Barratt, John Beare, Ken Caldwell, Rod Cavanagh, Bill Connor, John Docherty, Ian Ferguson, Jean Hall Muir, Zoe Hisbent, Rosemary Liewald, David MacDiarmid, Karen Marjoram, Lea McLelland, Alice McGarry, John O'Brien, Fay Sinclair, Sam Steele, Alistair Suttie, Ann Verner, Ross Vettraino, Craig Walker and Vikki Wilton.

Decision

The Council agreed in terms of the motion.

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

Councillors Leslie, Marjoram, Smart and Orton left the meeting following consideration of the above motion.

Motion 6

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

“That Fife Council commends Plastic Free Anstruther on the steps it is taking to achieve Plastic Free Community Status, and that it supports the community on this journey by committing to plastic-free alternatives and plastic-free initiatives in Anstruther and throughout the whole of Fife where possible within existing resources.”

Amendment

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

“Council commends Plastic Free Anstruther on the steps it is taking to achieve Plastic Free Community Status and notes the motion passed by Council on 13th December/

December 2018, which applauded the efforts of plastic-free community groups in championing the elimination of avoidable single use plastics and agreed to provide support through promotion of their activities.

Council further notes the actions agreed by the Environment, Protective Services and Community Safety Committee as part of the Zero Waste Fife Strategy to tackle single use plastics within Fife Council and the decision to develop a register of plastics as a tool to advise and support communities and businesses in Fife.

Council confirms its commitment in principle to supporting plastic-free alternatives and plastic-free initiatives and remits the Environment and Protective Services Committee to develop a practical action plan to implement this aspiration, to review the commitments in the Plan4Fife in relation to climate change and carbon reduction and to address the growing concern about the impacts of plastic waste.”

With the consent of the Provost, Councillor Porteous accepted Councillor Vettraino's amendment.

Decision

The Council agreed the amendment unanimously.

Councillors Ferguson, Ellis and Coleman left the meeting during consideration of the above motion.

Councillor Holt left the meeting prior to consideration of the following item having previously declared an interest.

Urgent Motion (As agreed by the Provost under Standing Order 8.1(2))

Councillor Erskine, seconded by Councillor Guichan, moved as follows:-

“Fife Council does not accept the Scottish Government's response to our request for an independent enquiry commissioned by the Scottish Government.

We do not accept the Cabinet Secretary's assertion that SEPA's independent status would be prejudiced by the initiation of an independent enquiry.

Fife Council therefore instructs the Co-Leaders to again write to the Cabinet Secretary to initiate the independent expert enquiry as agreed by this Council on 2nd May and invite her to come and visit communities to hear first hand the impact the Fife Ethylene Plant is having on their lives.”

Decision

The Council agreed the motion unanimously.

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