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Royal Burgh of St Andrews Community Council

Agenda – February 2003

There will be a meeting of the community council at 7pm on Monday 3rd February in the Burgh Chambers of the Town Hall, Queen's Gardens. There will be a short break at about 8pm during which the 200 Club draw will be made.

0. Young Citizen Awards

1. Apologies

2. Minutes of January 2003

(Read for accuracy in matters of substance – harangue the secretary for minor errors (spelling etc) outwith the meeting).

3. Presentations

(For anyone wishing to address the meeting on a matter relevant to St Andrews. Please contact the Secretary or Chair before the meeting. Priority will be given to those who have been invited to speak or have given advance notice).

4. Fife Councillors

4.1. Frances Melville (West)

4.2. Sheila Hill (South)

4.3. Bill Brooks (Central)

4.4. Jane Ann Liston (South East)

5. Planning Committee Report

6. Matters Arising from previous meetings

6.1. Twinning

[October 3.2] Appendix G: sample responses from the public.
The final count will be given at the meeting

6.2. Bandstand Concerts

Will anyone run them this year?

6.3. Scheme for Community Councils

Appendix H: draft response for approval

6.4. Hustings

[January 7.2.] Progress report

6.5. Common Good Funds

Appendix F: Draft response. Archie Strachan.

6.6. Rights of Way

6.6.1. Meeting with Scottish Rights of Way Society : as part of planning meeting, 7.30pm Monday 24/2, Fife Council Offices, St Mary's Place.

6.6.2. Letter on Rights of Way Officer : [January 4.1.2.] Appendix A (forwarded by Cllr Frances Melville).

6.7. A-Boards

[November 2002] Penny Uprichard.

7. New Business

7.1. Fire Stakeholder Consultation

Appendix B.

7.2. Review of Byelaws: Alcohol Free Zone

Appendix E: from Frank Jensen, Law & Administration. Response by 7 March.

7.3. Removal of Trees

Appendix C: Martin Jeffcott of Community Services, seeks our advice.

7.4. Police Level of Service

Appendix D: Letter from Superintendent Alan Maich, Eastern Division. Invitation to discussions at Cupar Police Station, 7.30pm on Wednesday 19th February 2003.

7.5. East Sands/Woodburn Place

David Loudon, Director of the University Estates & Buildings Dept, asks for our backing over concerns of inadequate lighting ("complete absence") at East Sands/Woodburn Place. This is a cause of concern regarding personal safety/security to university staff who work in the area and to the general public.

7.6. Council Tax and Second Homes

Ken Fraser points out:

There is a consultation on Council Tax on Second Homes (closing date 20 February so the next meeting would be in time). The Scottish Parliament's Local Government Committee has suggested a scheme

including:

- Removal or reduction of the current 50% discount on Council Tax for second homes.
- Removal or reduction of the 50% discount for unfurnished, long-term empty properties.
- Council discretion over future discount rates. (I am not sure if this is an alternative to the previous two; but there is a document available which I shall try to get.)

As there must be many second homes in St Andrews, I think this would be worth putting on the agenda for the February meeting.

8. Reports from Officers

8.1. Chair

8.1.1. Rectorial Drag & Installation

8.2. Treasurer

8.3. Secretary

8.3.1. Community Council Seminar we have booking sheets for places at this (9.30-Lunch, 22 Feb, Glenrothes) and its seminars and workshops.

In response to our comments on timing of the seminar and the deadline Iain Grant replies:

"The deadline for responses will not be extended however comments will be welcomed in the couple of weeks after the seminar. It would be helpful to receive responses prior to the seminar as this would help discussion at the seminar on areas of comment."

9. Reports

9.1. from Committees

Written reports of meetings are required by terms of the Scheme for Community Councils.

9.2. from Representatives

For any verbal reports of meetings attended etc. Issues requiring a decision by community council should be raised under items 6 Matters Arising or 7 New Business, as appropriate.

10. Any Other Competent Business

Please notify Chair of AOCB items before the start of the meeting or at the break. Hint: Given that the end of the meeting is often taken in something of a rush, unless items are urgent it might be better to submit them for next meeting's New Business.

Appendix A – Rights of Way Officer

Letter from Sandy Cook, East Area Planning Manager, to Cllr Frances Melville.

I refer to your letter of 6 December 2002 in which you expressed your own concern and that of your colleagues at the deletion of the Professional Assistant (Rights of Way) post from the establishment of this office.

The concerns expressed about the loss of the Professional Assistant post are something, which I fully understand. I believe my Head of Service, Mr Rae, has already written to you and others who have expressed concern, to explain the reasons for the discontinuation of the post. In summary, the Planning and Building Control Service has embarked upon a necessary and demanding programme of work to deliver an up to date development plan across Fife (not least of which involves ensuring planning policy is brought up to date in East Fife), to establish projects for implementation through the development plan, and to undertake a series of tasks related to partnership working in town centres and for urban and rural regeneration. Included in that programme of work will be a contribution towards the preparation of the 20-Year Plan for Fife, which will set a strategic vision for land use and development up to approximately 2026. From your own experience of the work carried out within the Planning and Building Control Service, you will appreciate that the programme of work in front of us requires to be properly resourced and will involve setting priorities. That is the reason for taking the rare opportunity to re-designate a vacant post (bearing in mind that Keith Cohen was temporarily seconded to this Service following Cathy Kinnear's appointment as a Planner) and so add an additional professional planner to the establishment.

That said, it is not this Service's intention to allow day to day rights of way enquiries to fall by the wayside. General enquiries on rights of way issues will be handled by professional planning staff and other colleagues on a priority basis. We are preparing to review our current system of providing information on access enquiries so that the planners in the Plans and Projects Team and other professional and technical assistants, can answer general enquiries regarding the existence and status of rights of way – much as we do in relation to the existence and status of listed buildings, conservation areas, and so on. Any enquiry, which becomes more involved and complicated through, for

example, neighbour disputes will be dealt with by professional planners in association with colleagues from other Services as required. Again, this is likely to be handled on a priority basis. The priorities we are likely to work to are as follows.

High Tasks and projects to which we are already committed: priority statutory duties relating to rights of way (prioritised by urgency and importance); projects started and with a definite end date which, if discontinued, would result in a collapse of the project and the loss of funding; commitments set by the Planning and Building Control Service Plan; other corporate commitments (these must be clearly identified against Community Plan or other corporate document) but in partnership with other Services/Community Planning partners, as appropriate; work essential to the discharge of our development control duties.

Medium Tasks and projects which support the Planning and Building Control priority Service Plan and/or support the implementation of the Fife Development Plan:

- EFLP programmed tasks;
- Other programmed Development Plan tasks.

Low Tasks and projects which are discretionary and which would not priority have a significant effect on the Planning and Building Control Service Plan or other Council objectives if they are discontinued.

I do not pretend that the nature of service related to rights of way enquiries and developed over a number of years in East Fife will not change, but I am confident that the level and effectiveness of service can continue and, in some cases, be more focused. The operation of this new approach will require to be monitored and evaluated.

Turning to the funding you referred to in your letter, I should make clear that we have submitted bids for funding but as yet we have not heard the outcome of those applications. The bids if successful, will assist in establishing a number of projects on the ground which will involve working with communities to enhance the path network and complement other initiatives being undertaken by Fife Council and external partners. If the bids prove to be unsuccessful they will not directly affect the approach we will take in connection with access enquiries as described above.

I well understand the concerns of everyone who has received a high level of service from Cathy Kinnear and Keith Cohen in recent years but I need to stress that there is a wider range of issues which are in many ways more critical to the future development and management of land use in Fife. David Rae is likely to be writing to you and some of your colleagues early in

the new year inviting you to a meeting at which we can outline what is currently happening in respect of development plan work and project work in East Area, and how this fits with specific issues such as access/rights of way and the St Andrews Green Belt. In the meantime, I hope this reply is helpful to you.

Appendix B – Fire Consultation

Fife Fire & Rescue Service Performance Management & Planning Service Plan Stakeholder Consultation.

Fife Fire & Rescue Service is currently drafting a new Service Plan to be issued in April 2003.

A very important part of this process is to elicit opinion from our stakeholders. On the basis of your experience and general impressions, please answer the following questions by ticking the boxes that most closely correspond to your views. The information you provide is important as it will contribute to the strategic direction that your Service is taking.

1. Our current mission statement reads "The Service is committed to providing a safe community in Fife". Do you agree that this statement adequately reflects the main purpose and direction of Fife Fire & Rescue Service?

Strongly agree / Agree / Disagree / Strongly disagree / Don't know

Comments or suggestion for an alternative mission statement:

2. The Service currently has four strategic aims;

1. Raise the awareness of the dangers of fire and other hazards by the giving of advice, thereby lessening their effect on the communities and "Making Fife Safer".

2. To secure and maintain, appropriate financial and physical assets to meet the primary needs required to maintain a quality service for the people of Fife; ensure economy, efficiency and effectiveness to enable continuous improvement through the Best Value process.

3. Provide an effective means of receiving, handling and responding to all calls, to enable provision of efficient services at emergency incidents, in order to reduce the threats to residents, property and the environment.

4. To recruit, retain and develop a caring, healthy, competent, safe, quality orientated workforce, representative of and accountable to the communities within Fife and committed to the principles of equality and fairness.

Do you agree that these strategic aims adequately serve to focus Fife Fire & Rescue Service on its primary focus of fire prevention and intervention.

Strongly agree / Agree / Disagree / Strongly disagree / Don't Know

Comments or suggestion for an alternative strategic aims:

3. Service Plan will be used not only as working document for senior managers, but also as a Public Performance Report for elected members and other stakeholders. The general ethos being to inform stakeholders of progress being made with Service objectives, and setting out a three year planning cycle which includes Service objectives and financial implications. Do you agree with this approach?

Strongly agree / Agree / Disagree / Strongly disagree / Don't Know

Comments or alternative approach to be considered:

4. In addition to the Service Plan, Fife Fire & Rescue Service produces an annual report, which includes more detailed performance information. This information is predominately 'Statutory Performance Information' which is required by the Accounts Commission. The areas covered are Response times to fires, sickness absence, emergency call handling times, accidental dwelling fires and fire casualties. Do you agree that the amount of performance information provided is satisfactory?

Strongly agree / Agree / Disagree / Strongly disagree / Don't Know

If you disagree, what other types of performance information do you require?

5. Do you have any other comments about the strategic approach Fife Fire & Rescue Service is taking or any suggestions about any aspect of service delivery.

Comments or suggestions?

Appendix C – Removal of trees

From Martin Jeffcott, Community Services

Request by Private Householder to remove trees on Open Spaces

Some time ago I was asked to visit the owners of a property at 11 Horsleys Park, St Andrews. They are complaining that trees outside their property are shading their front and rear garden which is leading to poor growth of garden plants. They also claim that the trees to the South of their property are causing a loss of light within their house.

The trees are part of a line down one side of the footpath joining Horsleys Park with Drumcarrow Road. I have to say that I have little sympathy with this claim. The trees are all small growing species Crataegus (Hawthorn); Prunus (Purple Leafed Plum) and Sorbus (Rowan) and I am of the opinion that the nuisance caused by these is minimal.

It certainly does not warrant their removal, which is what has been requested. Failing their removal, I was then asked to reduce the height of the trees, which again I declined to do on the grounds that (a) it would spoil the natural shape of the trees and (b) the trees on the other side of the footpath would also require them to be at the back.

I have agreed to thin out the thicker crowns of one or two trees as and when the funds are available (this being a low priority task).

I suggested to the householders that I would write to your Council to explain the situation and see if there was any support for their request to remove or top the trees. If I do not hear from you within 6 weeks, I will assume that there is no such support and I will carry on as outlined earlier.

Appendix D – Policing

Letter from Superintendent Alan Maich, Eastern Division

You may be aware of the recent press speculation about the alleged reduction in police services in the North East Fife area with articles referring to the 'closure' of Newport police station featuring in the Courier. I write to you to dispel any such rumours and to inform you about exciting and positive changes to our policing methods in the coming months.

We currently operate a four team shift system, which provides 24 hour cover in the division. This system is rigid and requires officers to work in blocks of seven days, many studies have been carried out into its effects on officers and it has been found that it can be detrimental to health both physical and mental. Due to the inflexibility of the system we find ourselves in the position that we have the same amount of staff on duty at all times in the day. This is not good business practice as at certain parts of the day and certain days of the week the demand on our services increases greatly putting a heavy strain on our resources. The knock on effect is that we spend much of the low demand times playing 'catch up'. I'm sure you will agree that this must affect the service we provide.

The management team within the division have been researching shift systems in an attempt to find a system, which combines maximum use of resources, flexibility and is healthy for our officers. We believe that we have such a system and have been experimenting with it over the past 9 months at

Newport and Anstruther. The 'triple two' system has operated there to great effect and as a result police presence has been increased and as it is kinder to health our sickness levels have reduced. The combined result of these factors is more police hours spent on the beat.

We are so impressed by the system we are preparing a report to the Chief Constable asking his permission to change the entire division to the system for a trial period. Prior to doing so we would wish to discuss its implications with you in an attempt to further explain how it will work and to iron out any points of concern.

The hard fact is that by increasing the number of officers available at high demand times, low demand times will see a decrease. I must stress however that there are no planned closures of police stations or any likely reduction in service.

As a coincidence we will be making slight changes to our section station policing with the addition of an extra Inspector to the division. The coming months will see Inspector Donald Jenks transferring to Eastern Division to join the existing staff and to take specific responsibility for the policing of Auchtermuchty, Newport and Anstruther. Donald has worked in the division as a constable and a sergeant and has an in depth knowledge of the policing needs of the area. Donald's arrival at the division will see a change to the management of these areas with him and two sergeants being responsible for the three section stations. The supervision and policing of the section stations will we would hope be enhanced by this move.

It is my intention to give a short presentation on the proposed changes to the division and invite a representative of the Community Council to attend Cupar Police Station at 7.30pm on Wednesday 19th February 2003, when I will be more than happy to discuss these or any other issues which may give rise to concern.

Please notify myself or Sergeant Ian Stevenson at Cupar Police Station if you, or a representative of the Community Council is likely to attend. I look forward to seeing you there.

Appendix E – Alcohol Free Zone

From Frank Jensen, Law & Admin.

Review of Byelaws Consultation: The Fife Council Byelaws Prohibiting the Consumption of Alcoholic Liquor in Designated Public Places

As you will be aware the Council made byelaws in 1997 and in 1999 to prohibit the consumption of alcohol in public places at various towns and settlements throughout Fife (these byelaws are often referred to as the Alcohol Free Zone byelaws).

Since then, there have been a number of requests to include other areas of Fife as an alcohol free zones. The Council has, therefore, agreed to review the position and is seeking comments on the operation and effectiveness of the byelaws in the areas which are covered already and also any representations about adding additional areas.

By way of background, the byelaws were originally promulgated as a means of tackling alcohol misuse and this is still the primary purpose of such byelaws. The byelaws make it a criminal offence to consume alcohol in designated public places (unless the place has liquor licence or an occasional liquor licence).

It is important to bear in mind the "alcohol misuse" aspect as it should not be necessary to have byelaws simply to prevent drinking in public where there is no nuisance caused or misuse of alcohol.

I should be grateful, therefore, to know your Community Council's views and to have their comments on the operation of existing byelaws, if your area is included, or if not, if there are any areas within your community which you feel would benefit from being included. Some representations have already been received from Community Councils and these will be included in the consultation process but these Community Councils are welcome to make further representations.

The practice of the Council has been to designate as alcohol free zones all of the public places within towns and settlements, in other words, on the byelaw plans, the boundary line is drawn around the whole built up area of the town and not just individual streets and open spaces.

If you would like any further information or wish to discuss any aspect of this review please do not hesitate to contact me.

I should be much obliged if I could have your views or comments by Friday 7th March 2003.

Appendix F – Review of Common Good Fund Grant Procedures

Bearing in mind the aims of the review as noted in para 1.2, with which this Council is in complete agreement, and Fife Council's oft stated policy of 'decentralisation' it is submitted that the undernoted model be adopted as a basis for the administration and processing of grant applications in the Central and East Areas.

1. (a) the appropriate Local Member(s) should be consulted on all applications for assistance from Common Good Funds in which they have an interest.
- (b) the appropriate Community Council(s) should be consulted

on all applications for assistance from Common Good Funds in which they have an interest, unless they are the applicant.

2. Recommendations from the above to be considered at a meeting of (a) the appropriate Local Member(s) and (b) the representative(s) of the appropriate Community Council. The meeting to be convened and chaired by a Local Member. The recommendation of this meeting to be conveyed to the Area Common Good Fund Sub-Committee.

3. The recommendation of the meeting of local representatives, if there is agreement, should be ratified by the Area Common Good Fund Sub-Committee if it complies with the accountability and general principles in-volved. Where there is not agreement at the local level, or the general principles are not fully adhered to, the Area Common Good Fund Sub-Committee determines the outcome bearing in mind the recommendations of the Local Member(s) and Community Council(s).

The appropriate Local Member(s) and Community Council(s) should be informed of decision(s) taken by the Area Sub-Committee on applications in which they have an interest and reasons given if this decision is contrary to their recommendations.

(We also suggest that it would be helpful if the Area Sub-Committee could meet, when necessary, on a known schedule to enable applicants and consultees to more easily schedule their own submissions.)

N.B. For Discussion:

There are two inherent assumptions contained in the above model

- 1) that Local Members and Community Councils will be consulted on all calls on the funds of Common Good Funds and
- 2) that if the recommendations presented to the Area Common Good Fund Committee comply with the ac-countability and general principles involved the recommendations would be automatically ratified by the Area Committee.

Proposed alterations to the Review

- 1) Para 7.2 – 2 – 'recurring' requires amplification. We believe that it should read 'grants only available within year of approval'. It should not exclude a further application for the same project in any subsequent year.
- 2) Para 9.2(b) reference to 'the wider electorate' should be erased as not in keeping with item 7.1.

Appendix G – Loches Twinning

Two Samples. The full file will be available at the meeting.

Anti: Sandy Edwards

It has always puzzled me why, unlike most other towns in the UK, St. Andrews has never twinned with places in Europe. We certainly have an excellent cultural exchange programme with Kiel (through Madras) and Loches, but this is not twinning.

The very word itself implies a high level of identity with the other town, so places such as Heidelberg or Avignon would seem suitable, but not Loches which has neither a University nor golf course!

St. Andrews should surely twin with a Town, or City, of equivalent status, age and a comparatively similar social structure.

Please do not confuse cultural exchange with twinning!

Pro: Sam Taylor

There are always arguments against doing this or that. Yet, on the St Andrews – Loches twinning proposal, the only relevant one is, it might surrender control to Fife Council, its chiefs, senior officials and junketeers in general. Control of any twinning has to stay with the burgh or it dies. That said, the arguments for formal twinning are impressive. It has already been in operation in all but name for six years and there is real friendship between the groups on both sides. This is not limited to the organisers, but extends throughout important sections of the St Andrews community, as it should, to be real. It involves our young footballers, their families and their coaches. Madras and St Leonards teachers and pupils exchange regularly and we have an exchange that reflects that with Kiel. Art galleries, the Photographic Society, musical groups and church organists have been involved in concerts, recitals and frequent exhibitions. There are university contacts since Loches is in the hinterland of Tours, Orleans and Blois. Even after so few years, many visitors from St Andrews are on personal terms with Loches families and stay with them and there is an increasing trickle of individuals with holiday cottages in that area.

This is no formal, purely ceremonial relationship but a vigorous, healthy, organic one showing none of the signs of strain that precede gentle decay. That is not, I suspect, the situation for our relationship with Upper Arlington. I know as photographic society secretary for a number of years that our regular exhibition exchange with Arlington was one of the very few surviving links and that exchange simply did not involve the town at large. The one argument that cannot be used against twinning with Loches is that it would not work. The facts prove otherwise. There has, interestingly, been no serious suggestion that twinning should involve further surrender of places on the golf courses. It is not an agreed exchange of jealously guarded privileges, but a real and warm relationship. We have been

extremely fortunate that, on the French side, the mayor and deputy mayor are actively engaged in the alliance. Their committee includes an MP, MEP and various council members, but it also involves dentists, teachers etc. The nice part of it is that husbands, wives and children are also involved. Townspeople are aware of the St Andrews link and you can't go ma shop without this cropping up. If this is not twinning, I don't know what twinning is. As the exchange now is, it is far more active than most twinings.

The act of twinning, I believe, opens the alliance to various forms of European support which we are denied with-out it. This can be crucial for teams trying to gather resources for a visit. Finally, if the Community Council does, as I hope, endorse twinning, it would be that much more effective if there were official CC representation on the Loches-St Andrews committee. The committee's present strength is that it is largely composed of people who work at it and who have built the present relationship. They have to remain involved, but the Community Council needs to be more formally represented. They don't have to be able to speak French!

Appendix H – Scheme for Community Councils Submission

A. Points raised by the covering letter from Iain Grant, Law & Admin Service

1. (b) Community Council Election Procedures

We welcome the introduction of postal ballots. We would though like to emphasise the need to allow for inclusion of candidates' statements with the ballot papers.

(c) Procedure for Complaints Against Community Councils

While we have not seen any need for a complaints procedure we accept the basic principle that community council actions should be subject to appropriate review. That being said, community councils are, in theory at least, more democratically accountable than even Fife Council or the Scottish Parliament, in facing election every three years.

To inform debate on a complaints procedure Fife Council should provide examples of problems that have arisen, suitably anonymised, and proposed remedies under the procedure.

Two steps & External arbiter

We are not sure that a two step process will be sufficient if Fife Council is the second and final step. Unlikely though it may seem, it may be that a community council would wish to appeal a decision against it by Fife Council. It is difficult to see how, in that case, the latter could fairly conduct procedures.

Grounds for complaint should be closely defined to prevent, as far as possible, harassment and attempts to reverse decisions complainants merely disagree with.

Any complaints procedure should involve more a conciliation process rather than a trial and punishment metaphor. It is hard to see what Fife Council or an independent arbiter could do to overturn a decision or apply sanctions to a community council without undermining the independence of community councils as part of the consultative process and the volunteer sector.

Whether or not community councils are to be subject to such an internal procedure of Fife Council the existing legal responsibilities and liabilities of community councils and officers should be better explained. It was a matter of concern a few years ago for this community council to be told that the office bearers might be personally responsible for the actions of community council and might possibly bear financial penalties for actions deemed inappropriate. The general legal position of community councils and their members in such circumstances should be clarified and explained.

Draft Scheme

1.1 General Purpose

It might be worth while noting that most of this wording comes from the original Act of Parliament setting up the purpose of community councils

"...the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable." – Local Government (Scotland) Act 1973

If the final sentence isn't part of that quote it should be put in to another paragraph.]

1.2 In addition ... may carry out such other functions approved where appropriate ...

This is ungrammatical. If the word "such" appears there should be an "as" later. It would be better to remove the word "such"

ENTRUST

Our constitution states

3.1. The general purpose of the Community Council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents in relation to matters for which those

authorities are responsible, and to take or initiate such action in the interests of that community as appears to it to be expedient and practicable *and to safeguard and improve the amenities and environment of St Andrews.*

The italicised section was found, after some discussion, to meet the Entrust requirements.

We feel that community councils should decide whether to include such statements in their constitutions rather than have it imposed on them by the Scheme. There was some concern when we were discussing matters with Entrust that the funding tail was trying to wag the dog...

3.0 Establishment of Community Councils

3.1-3.2. Compare 6.1-6.3. The latter seems quite unambiguous. If so, 3.1/3.2 are unnecessary. In any case 3.1 is worded as a comment rather than as a prescription. If it has a meaning this would be better expressed simply by inserting the word "Regular" before "elections" at the start of 6.1.

5. Qualification – Minimum Age query

We would support a reduction in the minimum age to 16 provided a practical method of determining an electoral roll could be found.

7. Composition of Community Councils

7.1.(c) Co-opted and 7.2. Nominated Members

It should be pointed out that in setting the term of co-options/nominations (7.1.c penultimate sentence) the upper limit is the lifetime of the community council. Such positions must be re-established after community council elections.

The difference between nominated and co-opted members is not entirely clear. As currently worded it appears that the only difference is that a nominated member happens to represent some other organisation. We understand that in the case of co-opted members the community council chooses who will sit, whereas nominated members the nominating body chooses who will represent them. Can the nominating body swap representatives at will or must each be specifically appointed/accepted by community council?

Additionally perhaps it should be specified that though nominated and co-opted members do not have voting rights they do have speaking rights. There was a problem over this in the distant past.

Finally there is some feeling, though not unanimous, that the maximum proportion of nominated and co-opted members is too high at one quarter of the elected members each, that half of a community council could be un-elected. Up to one fifth the number of elected members each is suggested.

8. Casual Vacancy

The wording of the green box query was at first read to imply that following six months after elections unsuccessful candidates should not be selected. A clearer statement of the intended policy would be appreciated.

We have taken the next candidate down the result list in the case of casual vacancy, as suggested in the old scheme. We see no reason to limit this to a six month period following the elections, but would prefer this item to remain a suggestion, rather than a requirement.

The suggestion of a public meeting to elect replacement members is also poorly described. Is this intended to hold a proper, independently overseen, secret ballot at such a meeting, with postal ballots for those unable to attend? In the absence of detail we fear that voting at a public meeting might be open to abuse and cannot support this suggestion.

We wonder whether it is necessary to fill such vacancies, particularly in the larger community councils (when the loss of one or two places may actually ease the seating arrangements). If a community council falls sufficiently short of members over time to the extent that it finds difficulty reaching quorum then perhaps it should dissolve and seek a full new compliment through full elections, or go into abeyance until the next full Fife-wide elections.

8.2 (d) Unreasonable non-attendance

"Unreasonable" should be struck out. If someone is unable to attend community council meetings for an extended period they are not fulfilling their function to represent their community, however good their reasons.

The period of 6 months should be reconsidered as it represents different level of lack of function for different community councils, depending on frequency of meetings. A scenario could be envisaged of someone attending once every 5 or 6 monthly meetings to maintain themselves as a member in "good" standing. A requirement for a minimum 50% attendance over the period of a year seems fairer.

Where someone has had a good reason to drop off community council for an extended period, through illness or whatever, the community council does after all have the option of co-opting them back on later to fill the casual vacancy they left if it has not been filled.

9.1 (a) First meeting within 21 days.

We wonder if this could be extended to 31 days, which would benefit existing community councils with a monthly meeting cycle by not obliging them to hold a special interstitial meeting just to comply with the 21 days rule.

9.1 (b) availability of members

The addition does not seem to clarify the item. It should not be made.

9.2 (c) Requisition of Special Meeting

The requirement for only 20 electors seems low for a community council covering a large electorate. Perhaps it could be better expressed as a proportion of the electorate – 1% would require very roughly 100 people to requisition a meeting in St Andrews. Neither the number itself nor the proportion could be dismissed as insignificant.

9.3 Quorum

a) We do not believe that one third is representative enough and have chosen a 50% quorum, implemented through our constitution. This higher figure has only been failed once in the last four years when a meeting fell below it late on.

b) if a meeting is below quorum it should be that business can be carried on, but must be ratified at the next quorate meeting ("homologated").

c) If Constitutions are abolished, as suggested in item 12, some degree of flexibility needs to be introduced here, or a more appropriate figure adopted].

9.4 Public Access to Meetings - exceptions

(b) Discussion of personal details

We would like to see extension of the right to exclude the public where sensitive health details of an individual may be discussed.

(d) legal opinion-

It has been suggested that this item could usefully be extended to cover discussions relating to quasi-judicial matters, such as formal planning and public inquiries when premature disclosure of facts or tactics might not be in the public interest.

9.7 Minutes in relation to 9.4 exclusions

There should be guidance given (not necessarily in the body of the Scheme itself) on what must be minuted in this case. While we choose to give fairly extensive minutes the formal requirements, we understand, are only that top-ics discussed and any decisions are recorded. If no decision is taken on the basis of a 9.4. exclusion then pre-sumably no minute need exist save that recording the decision to exclude and the general grounds?

9.8 Declaration of Interest

Provided the declaration of interest is made in some detail the removal of the right to speak is over-restrictive and may exclude a useful point of view. It could be seen in some cases

that removing the right to listen to the discussion might be appropriate in some of the situations covered by 9.4. To remove the right to speak would leave a member of community council with a declared interest with fewer rights on an issue than an ordinary member of the public with the same interest, which is absurd.

Guidance on what constitutes "a material interest" would certainly be useful. As would consideration of practical action that can be taken to penalise non-disclosure, if discovered.

Expression of dissent

(Is this really relevant to declaration of interest?)

Members should certainly be able to have dissent minuted (whether the dissenter is a him or a her, by the way...). What they then do on a personal basis is irrelevant to community council, provided they do not claim to be representing community council or acting on behalf of community council, and should not need to be minuted.

10.1 first meeting

[See previous remarks on the 21 day requirement]

There is a strong body of opinion that the titles of Chair and Vice-Chair are contrary to the spirit and letter of the English language. Certainly some Secretaries seem to spend a lot of time suppressing stray -men from papers submitted to them. Could not community councils choose to use the traditional Scottish word "Convenor" – like a certain Fife Council, such a fine example to us all...

11.2 Removal of Office Bearers by 2/3 present

This is a dangerously small proportion of the membership of a community council given the proposed quorum for meetings of one third of elected members.

For example: St Andrews has 20 elected members, quorum (as proposed here) would be 7, and a two thirds majority of that would be 5 members – so one quarter of the elected membership could engineer the ousting of an office bearer.

Strike out the phrase "present at the meeting" to leave the requirement as 2/3 of elected membership.

Term of office

The current scheme does not require office bearers to be elected for the full life of three years, it just assumes it, as we have established in discussions with Fife Council as to whether St Andrews' existing one year term for officer bearers, set in our constitution, is valid.

We suggest that a one year term for officer bearers would relieve some of the pressure for specific provision for removal, and give AGMs something useful to do.

Campaigning for other elected office

As a candidate is likely to be too busy to function as an officer of community council while campaigning a provision for them to temporarily stand down may be useful. We emphasise 'temporarily'.

12.1 This Scheme will act as the Constitution

We support separate constitutions.

While agreeing that the Scheme covers most of the items seen in constitutions it seems to us that there is still room for, and benefit in, some locally set variation in community councils' governing rules to fit local conditions and preferences. What fits a community council like St Andrews with 20 elected members, 4 Fife Councillors, 3 student representatives and some co-opted/nominated members might not be appropriate for smallest councils of 6-8 members plus one Fife Councillor, and vice versa. To retain local constitutions would be in line with Fife Council's support for policies of decentralisation and the EU's support for Subsidiarity. To do away with them is highly centralising.

We have highlighted aims, quorum and term of offices as items determined by our constitution we would be unhappy to be forced to use the proposed defaults. They are sufficiently important items to keep reasonably well-protected from casual tinkering by making them constitutional rather than merely standing orders.

We propose that each community council be given the option to adopt a constitution if they so desire. Any who are happy with the defaults of the Scheme should be able to run under it. If, as a result of this consultation exercise, the defaults are well-chosen perhaps few community councils will exercise the option and remove the administrative burden of confirming them from Fife Council. The Scheme itself will need very slight rewording to include the acceptable ranges of variation: eg a maximum and minimum proportion for quorum, and to define what areas may be subject to constitution. We suggest:

- its objects;
- quorum
- term of officers
- titles of officers (convenor vs chair etc)
- alteration to the Constitution
- signatories for cheques
- dissolution including provision as to the disposal of the assets of the Community Council on dissolution

13.8 Use of monies raised

What is this item for? It seems to be covered by item 1.1 "...and

to take such action in the interests of that community as appears to it to be expedient and practicable." unless it is intended to contradict it?

13.11 Number of authorised signatories.

The number of authorised signatories beyond a minimum requirement of two and a strong recommendation for three for practical reasons should be a matter for individual community councils to determine according to their needs. The requirement for 4, no more or less, is over prescriptive.

14.1 Consultation

Ahem! Acknowledgement of and response to communications are (still) poor from some parts of Fife Council. Even if community councils sign up for this, if we had a choice, will Fife C?

15.1 Heritable property

Refers to taking title in the name of Chair. Vice-Chair, etc. What is the effect of having more than one Vice-Chair as allowed in 10.1.b.

17.1 Dissolution of Community Councils

If a Community Council decides that it is advisable to dissolve the Community Council it shall call a public meeting of which not less than 21 days notice stating the terms of the resolution to be proposed there at shall be given. If such a decision is confirmed by two thirds majority of those present the Community Council shall, after payment of all debts and liabilities transfer the assets to Fife Council or to such other organisation as the Fife Council may determine.

Disposal of assets should contain an option to go to 'such other organisation' that meets the aims of the expiring community council and operates locally. Return to Fife Council should be a secondary option, if this first cannot be met.

Correspondence

| | | |
|---------|------------------------------|------------------------------------|
| 6/1/03 | Scottish Executive | Green Belt Boundaries – St Andrews |
| ?/1/03 | SEPA | SEPAView Winter 02 |
| ?/1/03 | Frances Melville | Rights of Way letters |
| 10/1/03 | East Area Services Committee | Agenda |
| 13/1/03 | Fife Procurement | Contract Info |
| 14/1/03 | TMP | Agenda 14/1/03 |
| 17/1/03 | Scottish Civic | Election-related Events |

| | Forum | |
|---------|--------------------------------|---|
| 18/1/03 | Fife Police | Policing Changes – briefing 19/2/03 |
| 20/1/03 | NHS Fife | Board Meeting 28/10 Dunfermine |
| 20/1/03 | Law & Admin | Alcohol Free Zone |
| 20/1/03 | Planning Service | EIA scoping opinion: proposed western expansion. |
| 20/1/03 | Law & Admin | CC seminar Sat 22/1/03 |
| 20/1/03 | Community Services | Removal of trees at Horsley Park |
| 22/1/03 | Fife Fire & Rescue Service | Stakeholder Consultation |
| 22/1/03 | Rural Scotland | Renaming of The Association for the Protection of Rural Scotland |
| 22/1/03 | Scottish Civic Forum | eVox & eLeg newsletters |
| 25/1/03 | Record Playground Equipment | New 2003 products |
| 25/1/03 | Rambers Association | Bums off Seats |
| 27/1/03 | Fife CCTV Advisory Group | Agenda 30/i/03 |
| 28/1/03 | Water Customer Panels | Meetings |
| 28/1/03 | Glasdon Ltd | Street furniture |
| 28/1/03 | Police | CCTV Advisory Group agenda 30/1/03 |
| 30/1/03 | Police | Community Newsletter |
| 31/1/03 | University | East Sands Security Risk |