



**MINUTES OF THE MEETING OF  
EAST LoTHIAN COUNCIL**

**TUESDAY 23 MAY 2017  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Council Officials Present:**

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Mrs M Paterson, Depute Chief Executive (Partnerships and Community Services)  
Mr D Small, Director of East Lothian Health & Social Care Partnership  
Mr J Lamond, Head of Council Resources  
Mr D Proudfoot, Head of Development  
Ms F Robertson, Head of Education  
Mr T Shearer, Head of Communities and Partnerships  
Mr S Cooper, Team Manager – Communications  
Ms F Currie, Committees Officer  
Ms J Mackay, Media Manager  
Mrs K MacNeill, Service Manager – Licensing, Admin & Democratic Services  
Mr I McFarlane, Service Manager – Planning  
Ms F Stewart, Committees Officer  
Mr P Vestri, Service Manager – Corporate Policy and Improvement

**Visitors Present:**

None

**Clerk:**

Mrs L Gillingwater

**Apologies:**

None

## **INTIMATIONS**

The Returning Officer took the Chair. Prior to announcing the intimations, she invited Councillor Innes to make a statement in relation to the terrorist attack on Manchester of 22 May.

Councillor Innes expressed his dismay at the attack on the Manchester Arena, which had killed and injured many young people. He conveyed his sympathy to all those involved, and asked that letters of condolence and support be sent on behalf of the Council to the Mayor of Manchester and the Leader of Manchester City Council. There followed a minute's silence.

The Returning Officer then welcomed all new and returning Members to the meeting. She thanked Members for their attendance and participation in the ongoing induction programme, and encouraged all Members to continue their development through the Members' briefing programme.

## **A. MEMBERSHIP**

The Returning Officer intimated that, following the Local Government Elections on 4 May 2017, in terms of the Local Government etc. (Scotland) Act 1994 and the Representation of the People Act 1993, the membership of East Lothian Council was as follows:

Ward 1 – Musselburgh	Stuart McDonald Currie Andrew Stewart Forrest Katie Crichton Mackie John Charles Williamson
Ward 2 – Preston, Seton and Gosford	Lachlan Bruce Neil George Gilbert William Innes Fiona O'Donnell
Ward 3 – Tranent, Wallyford and Macmerry	Fiona Dugdale Gordon Mackett Colin Peter McGinn Kenneth John Douglas McLeod
Ward 4 – North Berwick Coastal	Jeremy Douglas Findlay James Grierson Goodfellow Jane Elizabeth Henderson
Ward 5 – Haddington and Lammermuir	Shamin Akhtar John Fleming Allan McMillan Brian Small Thomas Trotter
Ward 6 – Dunbar and East Linton	Norman Hampshire Susan Anne Kempson Paul Stewart McLennan

## **SEDERUNT**

All the foregoing Members of East Lothian Council were present.

**B. DECLARATION OF ACCEPTANCE OF OFFICE OF COUNCILLORS UNDER SECTION 33A OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

The Returning Officer intimated that all members of the Council, in accordance with the provisions of Section 33A of the Local Government (Scotland) Act 1973, had signed a Declaration of Acceptance of Office of Councillor.

**BUSINESS**

**1. ELECTION OF PROVOST (PROVOST TO THE CHAIR)**

The Returning Officer called for nominations for the appointment of Provost to the Council. Councillor Innes, seconded by Councillor Small, moved that Councillor John McMillan be elected as Provost of East Lothian Council.

There were no other nominations and Councillor McMillan was duly elected as Provost of East Lothian Council.

Provost McMillan took the Chair. He thanked the Chief Executive, Council officers, his Labour Group colleagues and Members' Services support staff for their support. He declared that he would strive to ensure reasoned debate within the Chamber and would seek consensus in decision-making. He also advised that he would use his role as Provost to promote East Lothian and to protect and grow the local economy, celebrate success with schools, the Council's partners and communities, and to represent all of East Lothian's residents.

**2. ELECTION OF DEPUTE PROVOST**

Nominations were invited for the appointment of Depute Provost of the Council. Councillor Innes, seconded by Councillor Small, moved that Councillor Andy Forrest be elected as Depute Provost of East Lothian Council. No other nominations were made and Councillor Forrest was duly elected as Depute Provost.

**3. ELECTION OF LEADER OF THE COUNCIL**

Nominations were invited for the appointment of Leader of the Council. Councillor Hampshire, seconded by Councillor Akhtar, moved that Councillor Willie Innes be elected as Leader of East Lothian Council. No other nominations were made and Councillor Innes was duly elected as Leader of the Council.

In accepting the position as Leader of the Council, Councillor Innes congratulated Councillors McMillan and Forrest on their appointments, noting that they would be excellent ambassadors for East Lothian. Councillor Innes thanked the electorate for their support at the recent elections. He confirmed that the Labour Group would work as a minority Administration, believing that his group had the required experience and expertise to do so. He highlighted the importance of the role of councillor and the responsibilities that this brought, and urged all Members to prioritise representing their communities over any party political interests. He also called on experienced Councillors to support their newly elected colleagues. Councillor Innes concluded his speech by asking all Members to work in the interests of the people of East Lothian to ensure that they received the best possible services from the Council.

Councillor Currie welcomed Councillors McMillan and Forrest to their new positions, and congratulated Councillor Innes on his return as Leader of the Council. He also congratulated all Members on their election to the Council, describing it as a huge honour. He paid tribute to those Members who had stood for election but who had not been re-elected.

Councillor Small also congratulated Councillors McMillan, Forrest and Innes and wished them well in their respective roles. He thanked the Chief Executive and Council staff for their support to new councillors. He noted that the Conservative Group would provide a strong, robust and effective opposition, and spoke of the importance of good conduct and behaviour. He wished all 22 councillors well, hoping that they would all work together to meet the challenges ahead.

#### **4. NOTIFICATION OF LEADERS OF THE POLITICAL GROUPS**

The Provost invited each political group to notify the Council of their respective leaders. The following notifications were made:

Leader of the Labour Group – Councillor Willie Innes  
Leader of the Conservative Group – Councillor Brian Small  
Leader of the SNP Group – Councillor Stuart Currie

The Provost then invited nominations for the appointment of Leader of the Opposition. Councillor Findlay, seconded by Councillor Mackett, proposed Councillor Small for this position.

There were no other nominations and Councillor Small was duly nominated as the Leader of the Opposition.

#### **5. COUNCILLORS' REMUNERATION AND EXPENSES**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising the Council of the setting of Councillors' remuneration and on expenses allowances.

The Head of Council Resources, Jim Lamond, presented the report, advising that this report set out the proposed salary structure and advice on expenses for councillors. He drew attention to Appendix 1 (as amended), and the remuneration levels for specific post holders and senior councillors.

Councillor Currie questioned whether the role of Depute Provost should be designated as a senior councillor position. Mr Lamond advised that this was not a requirement of the regulations, but that he would look into this and report back, as required, noting that this was a matter for Council to determine. Councillor Innes noted Councillor Currie's comments, adding that this matter may be reconsidered at a later date.

#### **Decision**

The Council agreed:

- i. to approve the remuneration structure for Councillors, as proposed with Appendix 1 to the report;
- ii. to note the continued use of a national expenses and allowances process, including the use of a standardised claim form and the payment of remuneration and expenses monthly in arrears; and

- iii. to note that all remuneration and expense information forms part of the public record, a summary of which the Council must publish each year.

## **6. APPOINTMENT OF MEMBERS TO COUNCIL COMMITTEES, SUB-COMMITTEES, ASSOCIATED COMMITTEES AND PARTNERSHIPS**

A report was submitted by the Depute Chief Executive (Resources and People Services) requesting the Council to appoint the membership of the Council's committees, sub-committees, associated committees and partnerships.

The Clerk presented the report, drawing attention to a number of vacancies to be filled by the SNP Group. She suggested that the Depute Conveners for the scrutiny committees should be appointed at the first meeting of those committees, as per previous practice. She also noted that Elizabeth Malcolm had replaced Marjorie Goldsmith as the Church of Scotland representative on the Education Committee, and that Councillor Innes would chair the Musselburgh Joint Racing Committee.

Councillor McMillan sought nominations from Councillor Currie in relation to the vacancies noted by the Clerk. Councillor Currie advised that the SNP Group had not yet taken decisions on the appointments to these committees, and that he would consult his group further. Councillor McMillan requested that further nominations should be submitted by Friday 26 May.

Councillor Innes noted an amendment to the Administration's membership of the IJB, in that Councillor Akhtar would represent the Council, rather than Councillor Dugdale.

Councillor Currie suggested that a cross-party approach should be adopted as regards the membership of the Musselburgh Joint Racing Committee (MJRC), and nominated Councillor McLeod for a position on the MJRC.

The Provost moved to the vote on all five members nominated for the four positions on the MJRC:

	<u>For</u>	<u>Against</u>
Councillor McLeod	6	8
Councillor Forrest	8	0
Councillor Innes	8	0
Councillor O'Donnell	8	0
Councillor Mackie	15	0

Councillors Forrest, Innes, O'Donnell and Mackie were duly appointed to the MJRC.

### **Decision**

The Council agreed to establish the following committees, sub-committees, associated committees and partnerships, with the convener and membership as set out below, noting the request for further nominations from the SNP Group.

#### **Cabinet**

Leader of the Council and Convener  
(and Cabinet Spokesperson for  
Community Planning)

Councillor Innes

#### **Cabinet Spokesperson for**

Economic Development & Tourism  
Education & Children's Services  
Environment

Councillor McMillan  
Councillor Akhtar  
Councillor Hampshire

Health & Social Care  
Housing and Community Wellbeing

Councillor O'Donnell  
Councillor Goodfellow

**Audit and Governance Committee**

Convener  
Depute Convener  
Members

Councillor Henderson  
tbc  
Councillor Dugdale  
Councillor Findlay  
Councillor Mackie  
Councillor Small  
3 x SNP (*to be advised*)

**Common Good Committees**

**Dunbar**

Convener  
Members

tbc  
Cllr N Hampshire  
Cllr S Kempson  
Cllr P McLennan

**Haddington**

Convener  
Members

tbc  
Cllr S Akhtar  
Cllr J McMillan  
Cllr B Small  
Cllr T Trotter

**Musselburgh**

Convener  
Members

tbc  
Cllr S Currie  
Cllr A Forrest  
Cllr K Mackie  
Cllr J Williamson

**North Berwick**

Convener  
Members

tbc  
Cllr J Findlay  
Cllr J Goodfellow  
Cllr J Henderson

**Education Committee**

Convener  
Depute Convener  
Council Members

Councillor Akhtar  
tbc  
Councillor Dugdale  
Councillor Goodfellow  
Councillor Forrest  
Councillor Innes  
Councillor Findlay  
Councillor Gilbert  
Councillor Kempson  
Councillor Mackie  
Councillor McLennan  
Councillor Small  
Councillor Williamson

External Members

*Mr S Bunyan*  
*Ms E Malcolm*  
*Ms T Sharp*  
*Ms G Gillan (EIS)*

**Petitions Committee**

Convener  
Members

Councillor McMillan  
Councillor Currie  
Councillor Innes  
Councillor Small

**Planning Committee**

Convener  
Depute Convener  
Members

Councillor Hampshire  
tbc  
Councillor Bruce  
Councillor Currie  
Councillor Findlay  
Councillor Innes  
Councillor Kempson  
Councillor McGinn  
Councillor McLeod  
Councillor McMillan  
Councillor O'Donnell  
Councillor Small  
Councillor Trotter

**Police, Fire and Community Safety Scrutiny Committee**

Convener  
Depute Convener  
Members

Councillor Goodfellow  
tbc  
Councillor Bruce  
Councillor Dugdale  
Councillor Findlay  
Councillor Henderson  
Councillor Gilbert  
Councillor McGinn  
Councillor McLeod

**Policy and Performance Review Committee**

Convener  
Depute Convener  
Members

Councillor Bruce  
tbc  
Councillor Henderson  
Councillor McGinn  
Councillor Mackett  
Councillor Small  
3 x SNP (*to be advised*)

**Licensing Sub-Committee**

Convener  
Depute Convener  
Members

tbc  
tbc  
Councillor Findlay  
Councillor Henderson  
Councillor McGinn  
Councillor McMillan

2 x SNP (*to be advised*)

**Employee Appeals Sub-Committee**

Leader of the Council (Chair)  
Provost (Vice-Chair)  
Depute Provost  
Leader of the Opposition  
+ *Cabinet Member of relevant area*

Councillor Innes  
Councillor McMillan  
Councillor Forrest  
Councillor Small

**Associated Committees**

**Joint Consultative Committee**

Convener  
(*Trades Unions side 2017/18*)  
Depute Convener  
(*Council side 2017/18*)  
Council Members

tbc  
Councillor Innes  
Councillor Currie  
Councillor Findlay  
Councillor Henderson  
Councillor McMillan  
Councillor O'Donnell  
Councillor Small  
+ 1 x SNP (*to be advised*)

Trade Union Members

*to be advised*

**Musselburgh Joint Racing Committee**

Convener  
Council Members

Councillor Innes  
Councillor Forrest  
Councillor Mackie  
Councillor O'Donnell

Lothian Racing Syndicate Members

Mr R Anderson Green  
Mr R Miller-Bakewell  
Mr J Prideaux

**Partnerships**

**IJB (4 + 4 external)**

Convener  
(*NHS side 2017-19*)  
Depute Convener  
(*Council side 2017-19*)

Mr P Murray  
Councillor O'Donnell

Council Members

Councillor Akhtar  
Councillor Currie  
Councillor Kempson

NHS Non-Executive Members

Ms F Ireland  
Mr A Joyce  
Professor M Whyte



**East Lothian Partnership**

Convener  
(Council side)

Councillor Innes

Council Members

Councillor Currie  
Councillor Small

External Members (16)

*to be advised*

**Resilient People Partnership**

Convener  
Council Members

tbc  
Councillor Akhtar  
Councillor Mackie  
1 x SNP (*to be advised*)

External Members (9)

*to be advised*

**Safe and Vibrant Communities Partnership**

Convener  
Council Members

tbc  
Councillor Goodfellow  
Councillor Kempson  
1 x SNP (*to be advised*)

External Members (10)

*to be advised*

**Sustainable Economies Partnership**

Convener  
Council Members

tbc  
Councillor Findlay  
Councillor McMillan  
1 x SNP (*to be advised*)

External Members (11)

*to be advised*

**7. APPOINTMENT OF MEMBERS TO EAST LOTHIAN LICENSING BOARD**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking the appointment of Members to serve on East Lothian Licensing Board.

The Clerk to the Licensing Board, Kirstie MacNeill, presented the report, reminding Members that the Licensing Board is a separate apolitical quasi-judicial legal entity. She set out the disqualification criteria, and advised that the Council was required to appoint 5-10 Members to serve on the Board. Drawing attention to the nominations already proposed, she noted that the SNP Group had not yet advised of their nominations.

Councillor Currie remarked upon the Council's decision as regards the membership of the MJRC (which would disqualify those four Members from serving on the Licensing Board), advising that he would reflect on this when considering his Group's position in relation to Licensing Board nominations.

**Decision**

The Council agreed to appoint the following Elected Members to serve as members of the East Lothian Licensing Board, noting the request for nominations from the SNP Group:

Councillor Bruce  
Councillor Dugdale  
Councillor Goodfellow  
Councillor Henderson  
Councillor McGinn  
Councillor McMillan  
+ 2 x SNP (*to be advised*)

## **8. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES**

A report was submitted by the Depute Chief Executive (Resources and People Services) requesting the Council to make appointments to outside bodies.

The Clerk to the Council provided an update to the information detailed in Appendix 1 to the report, advising that there remained a small number of vacancies as regards appointments to outside bodies, namely in relation to the CoSLA Convention and the East Lothian Education Trust. She noted that Councillor Mackie had been nominated as the representative on the Scottish Seabird Centre Trust, and that Councillor Henderson had been nominated as the second representative on the Russell Bequest.

The Provost sought nominations for the CoSLA Convention, one from each of the Labour, Conservative and SNP Groups.

In nominating Councillor Innes as the Labour Group representative (seconded by Councillor Akhtar), Councillor Hampshire spoke in support of proportional nominations, as requested by CoSLA. He added, however, that if other councils did not follow CoSLA's advice, the Administration may bring this matter back to Council for further consideration.

Councillor Findlay, seconded by Councillor Henderson, nominated Councillor Small as the Conservative Group representative.

Councillor McLeod, seconded by Councillor Williamson, nominated Councillor Currie as the SNP Group representative.

Councillor McMillan welcomed these appointments and wished all three councillors well in representing the Council at CoSLA.

### **Decision**

The Council agreed to make appointments to the outside bodies listed in Appendix 1 to the report, and as updated by the Clerk to the Council, noting the request for nominations from the SNP Group for the East Lothian Education Trust.

## **9. SUMMARY OF BUSINESS APPROVED IN ACCORDANCE WITH ELECTION RECESS ARRANGEMENTS**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing Council of the urgent business undertaken over the election recess period in terms of the procedures set out in Standing Order 15.5 and in line with the decision taken by the Council at its meeting of 28 March 2017.

The Clerk advised that one item of business had been undertaken during the election recess, in respect of amendments to the Scheme of Administration and Scheme of Delegation. She explained that the report had required approval prior to the first meeting of the new Council as it dealt with changes to the membership and quorum of the Musselburgh

and Haddington Common Good Committees resulting from the recent ward boundary changes, and that it also sought approval to remove the requirement for a minimum number of meetings of the scrutiny committees. She noted that the Scheme of Delegation had also been amended to take account of changes to proper officer appointments.

**Decision**

The Council agreed to note the business undertaken over the election recess period.

**10. SUBMISSIONS TO THE MEMBERS' LIBRARY, 16 MARCH – 10 MAY 2017**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of the reports submitted to the Members' Library since the last meeting of the Council.

The Clerk pointed out that a number of the reports listed had not been published on the Council's website until very recently, and that she would be happy to re-present this bulletin to the Council meeting in June, if required, to allow Members more time to consider the reports submitted.

Referring to Ref: 63/17, Councillor Goodfellow welcomed the creation of an additional Assistant Behaviour Support Officer post at North Berwick High School.

The Provost commended the Partnership Funding 2017/18 report (Ref: 40/17) to all Members, commenting on the range of organisations and activities being supported by the Council, and welcoming the partnership working involved.

**Decision**

The Council agreed to note the reports submitted to the Members' Library Services between 16 March and 10 May 2017, as listed in Appendix 1 to the report.

Signed .....

Provost John McMillan  
Convener of the Council