MINUTES of the FIRST MEETING after the ELECTION of EAST LOTHIAN COUNCIL held in the COUNCIL CHAMBERS, HADDINGTON on 13 MAY 2003

In Attendance

Mr J Lindsay, Chief Executive and Returning Officer
Mr A J Blackie, Director of Education and Community Services
Mr R Hannah, Director of Environment and Technical Services
Mr A McCorrie, Director of Corporate Finance and IT
Mr B Walker, Director of Social Work and Housing
Mr P Collins, Head of Planning and Building Standards
Mr A Forsyth, Head of Property Services
Mr J Lamond, Head of Policy and Business Management
Mr R Montgomery, Head of Transportation
Ms S Saunders, Head of Personnel Services
Mr C Shand, Head of Finance and IT
Mr T Shearer, Head of Community Services
Ms A Cosgrove, Legal Officer
Mr J Denning, Political Research Officer
Mr B Duncan, Policy Development Manager
Mrs L Gillingwater, Committee Services Officer
Mrs N Gray, Web Manager
Mr K MacConnachie, Council Solicitor
Mr D Russell, Corporate Communications Manager

INTIMATIONS

The Returning Officer in the Chair

A. MEMBERSHIP

The Returning Officer intimated that, following the Ordinary Elections on 1 May 2003, 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 West) – John Ross
Ward 2 (Musselburgh South) – John McNeil
Ward 3 (Musselburgh North) – Maureen Talac
Ward 4 (Musselburgh Central) – Norman Murray
Ward 5 (Musselburgh East) – Andrew Forrest
Ward 6 (Wallyford and Whitecraig) – Patrick O’Donnell
Ward 7 (Prestonpans West) – William Innes
Ward 8 (Prestonpans East) – Patrick O’Brien
Ward 9 (Cockenzie and Port Seton) – Margaret Libberton
Ward 10 (Longniddry) – Peter Ford
Ward 11 (Tranent West) – Bishop Shepherd
Ward 12 (Tranent and Macmerry) – Donald Grant
Ward 13 (Tranent and Elphinstone) – Robert McNeill
Ward 14 (Ormiston and Pencaitland) – David Costello
Ward 15 (Aberlady, Gullane and Dirleton) – Gilbert Meikle
Ward 16 (Haddington West and Saltoun) – Sheena Richardson
Ward 17 (Haddington Central) – Ann McCarthy
Ward 18 (Haddington East and Athelstaneford) – Charles Ingle
Ward 19 (East Linton and Gifford) – Ludovic Broun-Lindsay
Ward 20 (North Berwick West) – Neil Rankin
Ward 21 (North Berwick East) – David Berry
Ward 22 (Dunbar and West Barns) – Norman Hampshire
Ward 23 (Dunbar East) – Kevin Jarvie

SEDERUNT

All the foregoing Members of East Lothian Council were present, with the exception of Councillor P Ford in respect of whom an apology for absence was intimated.
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 of the Council. Councillor Murray seconded by Councillor Costello moved that Councillor O’Brien be elected as Provost of East Lothian Council. No other nominations were made. Councillor O’Brien was duly elected as Provost and took the Chair.

Councillor O’Brien thanked the Council for his nomination and remarked that it was a great honour to be elected to the position of Provost. He welcomed all members to the Council and added that he looked forward to the business of the Council being conducted in a fair and efficient manner. He also outlined his ambition of enhancing the fine reputation of East Lothian Council, building on the Council’s past successes and in particular, making improvements to educational attainment.

2. ELECTION OF DEPUTE PROVOST

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

3. APPOINTMENT OF LEADER OF THE COUNCIL

Councillor Talac seconded by Councillor Jarvie moved that Councillor Murray be elected as Leader of the Council. No other nominations were made and Councillor Murray was duly elected as Leader of the Council.

4. APPOINTMENT OF LEADER OF THE MINORITY GROUP

Councillor Broun-Lindsay seconded by Councillor Rankin moved that Councillor Meikle be elected as Leader of the Minority Group. No other nominations were made and Councillor Meikle was duly elected as Leader of the Minority Group.
5. **SUBMISSION OF MAJORITY GROUP MANIFESTO FOR EAST LOTHIAN COUNCIL**


Councillor Murray spoke to the document, remarking that it was a forward-thinking manifesto. He stated that there was a commitment to delivering 2000 new affordable homes in East Lothian, as well as providing more sheltered housing. He felt that there was an over-dependency on the Edinburgh economy and said that the Council would strive to expand employment opportunities in East Lothian. He also pledged improvements in education standards and facilities for young people in East Lothian.

Councillor Meikle said that the Conservative group had no disagreement with the contents of the manifesto and hoped that the Council would be able to deliver on the promises laid down in it. He added that the Conservative group would monitor the manifesto to ensure these promises were kept.

The Council thereafter adopted the Manifesto.

6. **REVISIONS TO POLITICAL DECISION MAKING STRUCTURE**

A report was submitted by the Chief Executive on the proposed revisions to the Political Decision Making Structures. Councillor Murray spoke to the report and highlighted the proposed changes, which were designed to meet the Council’s objective of improving and streamlining the decision making structure whilst retaining and improving important elements of scrutiny. He hoped that these changes would provide better services and allow the Council to achieve the objectives laid down in the manifesto.

Under the proposals, there would be no major changes to Council. The Executive would be replaced by a Cabinet, comprising seven members of the Administration, which would be the main forum for making political decisions. Planning issues would be considered by the Planning Committee and education issues by the Council Committee for Education. The other service committees would be abolished. The Policy Forum would be re-introduced to improve communications between the Administration and Management and to lead to better co-ordination of medium term strategy and priorities. Four Policy and Performance Review Panels would be created to consider retrospective performance issues, future policy development and service delivery improvements.

Councillor Meikle said there was no criticism of the plan by the opposition group and said he looked forward to working within the new structure. However, he wanted reassurance that information derived from the private review panel meetings should be relayed to the public.

Councillor Berry welcomed the change of the structure and believed it would be a positive move for the both the Council and the public.

The Council approved the new structure and agreed that it should be reviewed after an appropriate period of time.
7. APPOINTMENT OF THE COMMITTEES OF THE COUNCIL AND THE CONVENERS THEREOF

A report was submitted by the Chief Executive regarding the appointment of Committees of the Council and the Conveners and Membership thereof.

The following Committees were established with their Convener and Membership detailed as follows:-

**Cabinet**

Convener – Leader Norman Murray

Members – Provost Pat O’Brien and Depute Provost David Costello

Cabinet Member for Education & Children – John Ross (Depute – Maureen Talac)
Cabinet Member for Joint Future & Community Care – Ann McCarthy (Depute – Kevin Jarvie)
Cabinet Member for Social & Community Services – Willie Innes (Depute – John McNeil)
Cabinet Member for Environment – Norman Hampshire (Depute – Bishop Shepherd)

Council noted that although Deputes were specified for Cabinet posts with portfolio, those Deputes were not formally Cabinet members.

Councillor Meikle intimated that the following councillors would act as Opposition spokespersons for Cabinet: Councillor Rankin (Education & Children); Councillor Brown-Lindsay (Joint Future & Community Care and Social & Community Services); Councillor Ford (Environment).

**Policy Forum**

Convener – Norman Murray

Depute Convener – Pat O’Brien

Members – David Costello, John Ross, Ann McCarthy, Willie Innes, Norman Hampshire

**Planning Committee**

Convener – Norman Hampshire

Depute Convener – Bishop Shepherd

Ex Officio Members – Pat O’Brien, David Costello, Norman Murray, Gilbert Meikle

Members – Kevin Jarvie, Andrew Forrest, Robert McNeill, Pat O’Donnell, Donald Grant, Peter Ford, Neil Rankin and Sheena Richardson
Council Committee on Education

Convener – John Ross

Depute Convener – Maureen Talac

Ex Officio Members – Pat O’Brien, David Costello, Norman Murray, Gilbert Meikle

Members – Margaret Libberton, Donald Grant, Robert McNeill, John McNeil, Andrew Forrest, David Berry, Peter Ford and Neil Rankin

Licensing Sub-Committee

Chairman – Norman Murray

Members – Pat O’Brien, David Costello, Norman Hampshire, Willie Innes, John Ross, Gilbert Meikle, Peter Ford

Appeals Sub-Committee

Chairman – Norman Murray

Members – Pat O’Brien, David Costello, Gilbert Meikle, plus Cabinet Member of relevant Departmental area

Policy and Performance Review Panels (PPRP)

i. Corporate Governance
Donald Grant (Chair), Margaret Libberton, John McNeil, Peter Ford

ii. Education & Children
Charles Ingle (Chair), Robert McNeill, Bishop Shepherd, Neil Rankin, David Berry

iii. Social & Community Services
Pat O’Donnell (Chair), Andrew Forrest, Maureen Talac, Ludovic Broun-Lindsay, Sheena Richardson

iv. Environment
Gilbert Meikle (Chair), Kevin Jarvie, Andrew Forrest, Margaret Libberton

Councillor Murray proposed that there would be a review of these panels after six months. Councillor Innes suggested that the review should not take place until the panels had been running for one year. After debate Council agreed that a reasonable time for the structure to “bed in” was required and that the review should take place in approximately one year.
8. NEW INTERIM STANDING ORDERS OF EAST LOTHIAN COUNCIL

A report was submitted by the Chief Executive regarding new Interim Standing Orders required to take account of the new Political Decision Making Structures.

The Council Solicitor drew attention to the sections of the Standing Orders which related to the changes in the Political Decision Making Structure, correcting the names of two of the four Policy and Performance Review Panels. He advised of the intention to draft constitutions for each of the four Panels over the summer period.

Councillor Berry registered his concern that, taking into account the recent election recess, the PPRPs would not be in operation for at least a six-month period.

The Council approved the Standing Orders attached to the report on an interim basis pending further review and agreed to receive a further report, if necessary, on the Standing Orders at an appropriate time after the end of the Summer Recess 2003. The Council also agreed that the Interim Standing Orders, along with relative Appendices, should be put on the Council Intranet.

9. APPOINTMENT OF APPROPRIATE REPRESENTATIVES TO COSLA JOINT BOARDS, JOINT COMMITTEES, ADVISORY MANAGEMENT COMMITTEES AND OUTSIDE BODIES

A report was submitted by the Chief Executive detailing the various Joint Boards, Joint Committees, Advisory Management Committees and Outside Bodies which required Council representation.

Councillor Murray reported that CoSLA had asked for the names of three representatives from East Lothian Council. He added that East Lothian Council would not be represented on the Scottish Housing and Planning Council.

It was noted that Councillor McCarthy, and not Councillor Innes, would be one of the four nominees on the Board of the Homes for Life Housing Partnership.

Councillor McCarthy pointed out that Appendix 4 of the report contained a proposed appointment to the Registration & Inspection Service, a body which no longer exists.

The Council agreed to appoint representatives to the various Boards, Forums and Committees.

10. NOMINATIONS FOR PRESIDENT AND TWO VICE-PRESIDENTS OF COSLA

A letter from CoSLA was submitted by the Chief Executive regarding Nominations for the posts of President and two Vice-Presidents of CoSLA. Councillor Murray seconded by Councillor O’Brien moved that Owen Taylor (East Renfrewshire Council) be nominated as a Vice-President.

No other nominations were made. The Council agreed to nominate Owen Taylor for the post of Vice-President of CoSLA. Other nominations will be made at a later date.
11. SETTING OF THE PROVOST’S, LEADER’S AND DEPUTE PROVOST’S ALLOWANCES, SPECIAL RESPONSIBILITY AND MEMBERS’ ALLOWANCES

A report was submitted by the Director of Corporate Finance & IT with regard to the setting of the Provost’s, Leader’s and Depute Provost’s allowances, Special Responsibility and Members’ allowances.

It was noted that the basic allowances, which East Lothian Council distributed 100% equally, would remain in the meantime at the same level as 2002/03, at £5,808.

The Council as recommended approved:

i. the following Special Responsibility and other allowances:-

<table>
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<tr>
<th>Role</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Provost</td>
<td>£18,948</td>
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<tr>
<td>Depute Provost</td>
<td>£14,868</td>
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<tr>
<td>Leader of the Council</td>
<td>£18,948</td>
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<tr>
<td>Cabinet Member</td>
<td>£12,912</td>
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<tr>
<td>Depute Cabinet Member</td>
<td>£8,606</td>
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<tr>
<td>Opposition Leader</td>
<td>£8,606</td>
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<tr>
<td>Policy &amp; Performance Review Panel Chair</td>
<td>£8,606</td>
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<tr>
<td>Opposition Spokesperson</td>
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ii. the Special Responsibility Allowances scheme set out in Appendix 1 of the report; and

iii. payment of 100% of the recommended Basic Allowance of £5,808.

12. APPOINTMENT OF THE LICENSING BOARD IN TERMS OF THE LICENSING (SCOTLAND) ACT 1976

A report was submitted by the Chief Executive (Council Solicitor) with regard to the appointment of the Licensing Board in terms of the Licensing (Scotland) Act 1976.

All Councillors were elected to the Licensing Board, with the exception of Councillors Hampshire and Rankin, who were deemed ineligible, due to their respective business interests in matters which excluded them from being elected to the Board.

13. APPOINTMENT OF EX OFFICIO JUSTICES OF THE PEACE IN TERMS OF THE DISTRICT COURTS (SCOTLAND) ACT 1975

A report was submitted by the Chief Executive (Council Solicitor) regarding the Appointment of Ex Officio Justices of the Peace in terms of the District Courts (Scotland) Act 1975. The report advised that the Council was requested to nominate five of their Members to serve as ex officio Justices for the Council area.

Councillor Murray nominated Councillors O’Brien, Innes, Ross and Hampshire, and Councillor Meikle nominated Councillor Broun-Lindsay as Ex Officio Justices of the Peace.
in terms of the District Courts (Scotland) Act 1975. The Council resolved to appoint those five Councillors who had been nominated to serve as ex officio Justices for the area of East Lothian Council.

At the request of Councillor Murray, it was agreed that a list of all Justices of the Peace in East Lothian should be presented at a future meeting of the Council.

14. ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND, GUIDANCE FROM THE STANDARDS COMMISSION

A report was submitted by the Chief Executive on Ethical Standards in Public Life in Scotland. The purpose of the report was to advise Members about certain terms of the Ethical Standards in Public Life, etc (Scotland) Act 2000, the Councillors’ Code of Conduct and inform them of the content of guidance issued by the Standards Commission for Scotland.

Councillor Meikle expressed the view that Members of East Lothian Council were already following the guidelines as laid out in the Code of Conduct, but that advice and training would be welcomed.

The Council agreed:

i. to note the terms of the report, the guidance and other information attached, published by the Standards Commission for Scotland;

ii. that in cases where non elected Members are members of any Council Committee or sub-Committee, that they are made aware of and be asked to agree to comply with the Councillors’ Code of Conduct as interpreted by any Guidance/Dispensation issued by the Standards Commission in so far as may be applicable;

iii. that all Members and Chief Officers attend training on the Act, Councillors’ Code of Conduct and Guidance material etc. issued by the Standards Commission, provided or facilitated by the Council.

15. SUBMISSION TO THE MEMBERS’ LIBRARY SERVICE

A report was submitted by the Chief Executive (Council Solicitor) regarding the submission of reports to the Members’ Library Service.

The Council agreed to the reports submitted to the Members’ Library Service between 26 March 2003 and 30 April 2003.

16. SCHEDULE OF MEETINGS TO SUMMER RECESS 2003

A report was submitted by the Chief Executive (Council Solicitor) regarding the proposed schedule of Meetings of the Council, Committees and other forums to the summer recess 2003.

The following meetings were noted and agreed:

Tuesday 3 June 2003, 10.00 am Planning Committee (CC)
17. **EXCLUSION OF PUBLIC**

The Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of paragraph 1 (information concerning particular employees of the authority) of Schedule 7A to the Local Government (Scotland) Act 1973. The papers for this item are withheld accordingly.

18. **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

(a) **Revisions To Management Structure**

A report was submitted by the Chief Executive on Revisions to Management Structure. The purpose of the report was to revise the Council’s Management Structure in the light of changing circumstances and in order to continuously improve performance and deliver Best Value.