



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

**TUESDAY 24 MAY 2022
VIA DIGITAL MEETING FACILITY**

Council Officials Present:

Ms M Patterson, Chief Executive
Ms L Brown, Executive Director for Education & Children's Services
Ms S Fortune, Executive Director for Council Resources
Ms A MacDonald, Director of Health and Social Care
Mr D Proudfoot, Executive Director for Place
Ms E Dunnet, Head of Finance
Ms M Ferguson, Head of Corporate Support
Mr I Gorman, Head of Operations (Health and Social Care)
Ms N McDowell, Head of Education
Ms W McGuire, Head of Housing
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities
Ms M Sullivan, Head of Development
Ms J Tait, Head of Children's Services
Mr S Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer
Ms A-M Glancy, Service Manager – Corporate Accounting
Mr C Grilli, Service Manager - Governance
Mr D Henderson, Service Manager – Service Accounting
Ms J Mackay, Senior Communications Adviser
Mr P Vestri, Service Manager – Policy, Improvements and Partnerships

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

None

INTIMATIONS

The Returning Officer took the Chair. She welcomed all new and returning Members to the meeting. She also thanked Members for their attendance and participation in the ongoing induction programme.

A. MEMBERSHIP

The Returning Officer intimated that, following the Local Government Elections on 5 May 2022, 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

Ruaridh Thomas Andrew Bennett
Cher Avrille Jean Cassini
Andrew Stewart Forrest
Shona Catherine McIntosh

Ward 2 – Preston, Seton and Gosford

Lachlan Bruce
Neil George Gilbert
Brooke Hope Ritchie
Colin Edward Yorkston

Ward 3 – Tranent, Wallyford and Macmerry

Fiona Dugdale
Colin Peter McGinn
Kenneth John Douglas McLeod
Lee-Anne Menzies

Ward 4 – North Berwick Coastal

Ruth Elizabeth Allan
Jeremy Douglas Findlay
Carol McFarlane

Ward 5 – Haddington and Lammermuir

Shamin Akhtar
George Gold McGuire
John Fleming Allan McMillan
Thomas Trotter

Ward 6 – Dunbar and East Linton

Donna Michelle Collins
Norman Hampshire
Lyn Ann Jardine

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 of the Council. Councillor Hampshire moved that Councillor John McMillan be elected as Provost of East Lothian Council. In making this nomination, Councillor Hampshire stated that Councillor McMillan had been an ambassador to the Council and the people of East Lothian during his five years as Provost, and had represented the Council at local, national and international levels. He believed that it was important to have someone with experience in the role of Provost. This nomination was seconded by Councillor Akhtar.

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

Provost McMillan took the Chair. He commented that it was an honour and privilege to be re-appointed to this position. He welcomed new Members, especially younger Members, to the Council, and made special mention of Councillor McIntosh, the Council's first member of the Green Party. He hoped that all Members would continue to work collaboratively over the next five years. The Provost also thanked the Chief Executive and her officers for their support.

2. ELECTION OF DEPUTE PROVOST

Nominations were invited for the appointment of Depute Provost of the Council. Councillor Hampshire, seconded by Councillor Akhtar, 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.

Councillor Forrest thanked the Provost for his support during the last Council term, and looked forward to working with all Members to support the people of East Lothian over the coming five years.

3. ELECTION OF LEADER OF THE COUNCIL

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

In accepting the position as Leader of the Council, Councillor Hampshire paid tribute to the late Council Leader, Willie Innes, noting that Councillor Innes had always engaged with Members of all political groups in East Lothian, and that he would endeavour to continue with this approach. He accepted that there would be occasions when Members would disagree; however, he hoped that despite political differences, all Members would remain friends. He alluded to the scale of the challenges facing the Council, but noted that there were also significant opportunities.

4. ELECTION OF DEPUTE LEADER OF THE COUNCIL

Nominations were invited for the appointment of Depute Leader of the Council. Councillor Hampshire, seconded by Councillor Ritchie, moved that Councillor Shamin Akhtar be

elected as Depute Leader of East Lothian Council. No other nominations were made and Councillor Akhtar was duly elected as Depute Leader of the Council.

Councillor Akhtar advised that it was a privilege to be re-elected as a councillor for the Haddington and Lammermuir ward, and to be nominated as Depute Leader of the Council. She undertook to work constructively with all Members to get the best outcomes for East Lothian. She commented that Councillor Innes would have been proud to see younger people and more women being elected to the Council.

5. 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 Norman Hampshire
Leader of the SNP Group – Councillor Lyn Jardine
Leader of the Conservative Group – Councillor Lachlan Bruce

The Provost then invited nominations for the appointment of Leader of the Opposition. Councillor Gilbert, seconded by Councillor Menzies, proposed Councillor Lyn Jardine for this position.

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

Councillor Jardine congratulated the Provost, Depute Provost, Leader and Depute Leader on their appointments. She looked forward to working with all Members to meet the needs of the local community. She made reference to challenges facing people, including the continuing impact of COVID-19 and the cost of living crisis, noting that communities would be looking to the Council for support. She also welcomed the broad range of gender, age and background of those elected to Council which would provide better representation to communities. Councillor Jardine paid tribute to all those who had stood for election, congratulating those who had been elected, and expressing her commiserations to those who had not. She also thanked officers for their work during the election process and post-election process.

6. COUNCILLORS' REMUNERATION AND EXPENSES

A report was submitted by the Executive Director for Council Resources advising the Council of the setting of Councillors' remuneration and on expenses allowances.

The Head of Finance, Ellie Dunnet, presented the report, advising that this report set out the proposed salary structure and advice on expenses for Members. She summarised the regulations within which the Council was obliged to work when determining remuneration, and drew attention to Appendix 1, which set out the remuneration levels for specific post holders and senior councillors. She added that Members would be eligible to join the Lothian Pension Scheme, and also made reference to process for claiming expenses relating to Council business.

The Provost moved to the roll call vote on the recommendations, which were approved unanimously.

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, which will be subject to annual publication by the Council.

7. APPOINTMENT OF MEMBERS TO COUNCIL COMMITTEES, SUB-COMMITTEES, ASSOCIATED COMMITTEES AND PARTNERSHIPS

A report was submitted by the Executive Director for Council Resources requesting the Council to appoint the membership of the Council's committees, sub-committees, associated committees and partnerships.

The Provost advised that two amendments had been received in respect of this report (issued to all Members in advance of the meeting), and set out the procedure for dealing with these amendments.

The Head of Corporate Support presented the report, making references to vacancies on the Planning and Education Committees, which would be covered in the amendments, and noting that the Conveners of the Audit & Governance and Policy & Performance Review Committees would need to be appointed, adding that these positions have traditionally been held by Opposition Members. She also noted the recommendations for officers to consider a process for the call-in of items from Cabinet, and for consideration to be given to the remit for new forums/sub-committees for budget development and climate change/sustainability.

Councillor Hampshire declared that the Administration was prepared to accept the two amendments. He commented that he had been concerned about the impact of a heavy workload on the smaller political groups, hence the proposal to reduce the numbers on the Planning and Education Committees; however, if Opposition Members were happy to retain 12 Members on each of the Planning and Education Committees, then that would be acceptable to the Administration. Councillor Hampshire was also supportive of the proposal to review Standing Orders, noting that such reviews were carried out on a regular basis.

Mrs Ferguson advised that both amendments would need to be proposed and seconded before being presented to Council for approval.

Councillor Jardine presented her first amendment, which stated the following:

'Delete recommendation 2.5 and approve the SNP nominations previously provided, namely Cllrs Allan, Gilbert, Menzies and Trotter for Education [Committee], and Cllrs Allan, Cassini, Gilbert and McLeod for Planning [Committee], as well as Councillor McIntosh for the Green Party to both Education and Planning Committees.

Education and Planning Committees have worked in their current forms for many years. There is insufficient evidence presented to justify the need to reduce the members of both to 10 as the overall number of Elected Members has not decreased, neither has the number of Labour members of the minority administration.

In addition, reducing the overall number of committee members reduces proportionality. Instead of 5 Labour, 4 SNP, 2 Conservative and 1 Green, the split is 5 Labour, 3 SNP and 2 Conservative. The public of East Lothian elected strong voices to represent their communities and this recommendation is anti-democratic.'

Proposing the amendment, Councillor Jardine thanked Councillor Hampshire for supporting its content. She stressed that there was no justification for reducing the numbers on the Planning and Education Committees, and that any such reduction would reduce the potential for scrutiny by Members who were not part of the Administration, and that it would also reduce the proportionality of representation on both committees; maintaining the current numbers (12 Members on each committee) would more give greater proportional representation. She did not agree with the claim as regards workload, on the grounds that with a reduced number of Members, the workload for those on the committees would be greater. She concluded by indicating that by retaining the numbers of both committees at 12 would ensure proportionality and maintain accountability.

After congratulating Members on their election to the Council, Councillor McIntosh seconded the amendment, stating that the fundamental issue was proportionality. She referenced the four non-elected members of the Education Committee, noting that reducing Councillor numbers would give the non-elected members greater influence. She stressed the need to consider this properly before making changes to the numbers on that committee. She also highlighted the importance of these two committees. On the Planning Committee, she indicated that that how the Council implements its policies could have an impact on carbon emissions, and that it was vital to change the trajectory of carbon emissions. She also alluded to the particular impact of the climate crisis on young people, and that it was therefore important that there was a broad range of voices on both committees.

The Provost then invited Councillor Jardine to present her second amendment, which stated the following:

'Add an additional recommendation as follows:

That officers, in conjunction with cross-party representatives, undertake a review of the Standing Orders and Scheme of Administration to ensure that these documents continue to be fit for purpose, efficient and effective in discharging the Council's democratic responsibilities, bringing back a report on this matter to the Council in Spring 2023.'

Observing that the Standing Orders had been amended on a number of occasions since 2015, Councillor Jardine proposed that a review by the new Council, on a cross-party basis, should be undertaken to ensure that these documents were fit for the future. She pointed out that it was important that decision-making was transparent and that the Council had a collective responsibility to ensure that rigorous mechanisms were in place to safeguard communities and resources. She believed, therefore, that reviews of Standing Orders should take place periodically to ensure that areas of delegated authority could be scrutinised and held accountable. She welcomed the support for the introduction of a Cabinet call-in process and the support of the Administration for a review of Standing Orders. She also welcomed the opportunity to work on this in a collaborative way, with guidance from officers. She indicated that the format of the review could be determined by the cross-party group, and issues such as pandemics or councillors with specific needs, as well as the experiences of other local authorities, should be considered. She was of the view that this was the right time to review Standing Orders to ensure they were fit for the future.

Councillor Bruce seconded the amendment, and also took the opportunity to congratulate those Members who had been appointed to senior roles within the Council.

The Provost thanked those who had proposed and seconded the amendments, indicating that it was important for such issues to be debated at Council. Responding to comments made by Councillor McIntosh, he highlighted the role of external committee members and the importance of working with them. He agreed that transparency was important, and that officers ensured that Standing Orders reflected this.

Mrs Ferguson reiterated the need to appoint Conveners for the Audit & Governance and Policy & Performance Review Committees. She suggested that if Opposition Leaders were not in a position to make nominations at this meeting, delegation could be given to both Opposition Leaders to advise the clerk of their nominations in due course. Councillor Jardine indicated that she was happy with that suggestion.

The Provost then moved to the roll call vote on the report recommendations, as amended to take account of the amendments submitted. This was agreed unanimously.

Decision

The Council agreed:

- i. to establish the committees, sub-committees, associated committees and partnerships, with the conveners and membership as set out below (noting that the Opposition Leaders would notify the clerk of nominations for the conveners of the Audit & Governance and Policy & Performance Review Committees);
- ii. to approve the appointment of the following Depute Cabinet Spokespersons:

Depute Cabinet Spokesperson for Environment, Economic Development and Tourism: Councillor Bennett
Depute Cabinet Spokesperson for Education and Children and Family Services: Councillor Yorkston
Depute Cabinet Spokesperson for Health and Social Care: Councillor McFarlane
Depute Cabinet Spokesperson for Community Wellbeing and Sport, Countryside and Leisure: Councillor Ritchie
- iii. to approve that officers prepare an amendment to the Council's Standing Orders and Scheme of Administration to create a call-in procedure where items on the agenda for Cabinet could, on request of a number of Members, be called in and placed on the agenda for the next meeting of East Lothian Council, bringing back a report on this matter to the Council meeting on 28 June 2022;
- iv. to approve that officers prepare an amendment to the Council's Standing Orders and Scheme of Administration to incorporate the remit for sub-committees/forums as set out at Section 3.6 of the report; and
- v. to approve that officers, in conjunction with cross-party representatives, undertake a review of Standing Orders and the Scheme of Administration to ensure that these documents continue to be fit for purpose, efficient and effective in discharging the Council's democratic responsibilities, bringing back a report on this matter to the Council in spring 2023.

CABINET (6)

Convener
(and Cabinet Spokesperson for Planning)
Depute Convener
(and Cabinet Spokesperson for Health & Social Care)

Councillor Hampshire

Councillor Akhtar

Cabinet Spokesperson for

Education & Children's and Family Services
Housing and Property Maintenance
Community Wellbeing and Sport, Countryside & Leisure
Environment, Economic Development & Tourism

Councillor Dugdale
Councillor Forrest
Councillor McGinn
Councillor McMillan

AUDIT AND GOVERNANCE COMMITTEE (8)

Convener
Depute Convener

tbc (from the 8 members)
tbc (from the 8 members)

Members

Councillor Bruce
Councillor Jardine
Councillor Menzies
Councillor McGuire
Councillor McLeod
Councillor McFarlane
Councillor Ritchie
Councillor Trotter

COMMON GOOD COMMITTEES

Dunbar (3)

Convener

To be appointed at first meeting

Members

Councillor Collins
Councillor Hampshire
Councillor Jardine

Haddington (4)

Convener

To be appointed at first meeting

Members

Councillor Akhtar
Councillor McMillan
Councillor McGuire
Councillor Trotter

Musselburgh (4)

Convener

To be appointed at first meeting

Members

Councillor Bennett
Councillor Cassini
Councillor Forrest
Councillor McIntosh

North Berwick (3)

Convener

To be appointed at first meeting

Members

Councillor Allan
Councillor Findlay
Councillor McFarlane

EDUCATION COMMITTEE (12 + 4 external)

Convener
Depute Convener

Councillor Dugdale
Councillor Yorkston

Council Members

Councillor Allan
Councillor Bruce
Councillor Findlay
Councillor Gilbert
Councillor Hampshire
Councillor McFarlane
Councillor McIntosh
Councillor Menzies
Councillor Ritchie
Councillor Trotter

External Members (4)

Ms G Gillan (EIS)
Mr R Lesso
Ms E Malcolm
Rev G Sheridan

PETITIONS AND COMMUNITY EMPOWERMENT REVIEW COMMITTEE (4)

Convener
Members

Councillor McMillan
Councillor Bruce
Councillor Hampshire
Councillor Jardine

PLANNING COMMITTEE (12)

Convener
Depute Convener

Councillor Hampshire
Councillor McMillan

Members

Councillor Allan
Councillor Cassini
Councillor Collins
Councillor Findlay
Councillor Forrest
Councillor Gilbert
Councillor McGinn
Councillor McIntosh
Councillor McLeod
Councillor Yorkston

POLICE, FIRE AND COMMUNITY SAFETY SCRUTINY COMMITTEE (8)

Convener
Depute Convener

Councillor Hampshire
Councillor McMillan

Members

Councillor Akhtar
Councillor Allan
Councillor McGinn
Councillor McGuire
Councillor Menzies

Councillor Trotter

POLICY AND PERFORMANCE REVIEW COMMITTEE (8)

Convener	tbc (from the 8 Members)
Depute Convener	tbc (from the 8 Members)
Members	Councillor Bennett Councillor Collins Councillor Findlay Councillor Gilbert Councillor Jardine Councillor McIntosh Councillor Menzies Councillor Yorkston

LICENSING SUB-COMMITTEE (6)

Convener	Councillor McGinn
Depute Convener	Councillor McMillan
Members	Councillor Cassini Councillor Findlay Councillor McFarlane Councillor Trotter

EMPLOYEE APPEALS SUB-COMMITTEE (4 + 1)

Convener (Council Leader)	Councillor Hampshire
Depute Convener (Provost)	Councillor McMillan
Members	Councillor Forrest Councillor Jardine + Relevant Cabinet Member(s)

ASSOCIATED COMMITTEES

JOINT CONSULTATIVE COMMITTEE (8 + 14)

Convener (Council side 2022/23)	Councillor Hampshire
Depute Convener (Trade Union side 2022/23)	Ms Gael Gillan (EIS)
Council Members	Councillor Akhtar Councillor Bruce Councillor Cassini Councillor Dugdale Councillor Menzies Councillor McMillan Councillor Trotter
Trade Union Members (14)	Russell Barnes (Unison) David Bourhill (Unison) Joyce Dunlop (Unison)

Michael Dunlop (Unison)
Lee McPherson (Unison)
Julie Stewart (Unison)
Pete Stewart (Unison)
Unite x 2 (tbc)
Allan Sneddon (GMB)
EIS x 2 (tbc)
NASUWT/SSTA x 1 (tbc)

PARTNERSHIPS

IJB (4 + 4 external)

Convener
(NHS side 2021/23)

Mr P Murray

Depute Convener
(Council side 2021-23)

Councillor Akhtar

Council Members

Councillor Bruce
Councillor Jardine
Councillor McFarlane

NHS Non-Executive Members (Convener + 3)

Ms F Ireland
Mr A Joyce
Professor M Whyte

COMMUNITY JUSTICE PARTNERSHIP

Convener
Council Member

Ms Judith Tait
Councillor McGinn

CHILDREN'S STRATEGIC PARTNERSHIP

Convener
Council Member

Ms Judith Tait
Councillor Dugdale

8. APPOINTMENT OF MEMBERS TO EAST LOTHIAN LICENSING BOARD

A report was submitted by the Executive Director for Council Resources seeking the appointment of Members to serve on East Lothian Licensing Board.

The Head of Corporate Support, Morag Ferguson presented the report, reminding Members that the Licensing Board is a separate apolitical legal entity and therefore does not require to reflect the political balance of the Council. She did note that there was a desire to achieve geographical spread across East Lothian; however, as per the nominations received there would be no representation for the North Berwick Coastal ward or the Dunbar and East Linton ward at this time. She added that Members could be added to the Licensing Board in the future. Members were advised that those on the Board would be required to undertake compulsory training prior to participating in a meeting of the Board.

Councillor Bruce asked if those Members who had previously sat on the Board would be required to re-take the training. Mrs Ferguson confirmed that this was the case.

The Provost moved to the roll call vote on the recommendation, which was approved unanimously.

Decision

The Council agreed to appoint the following Elected Members to serve as members of the East Lothian Licensing Board:

Councillor Bruce
Councillor Cassini
Councillor Dugdale
Councillor Gilbert
Councillor McGuire
Councillor McMillan

9. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

A report was submitted by the Executive Director for Council Resources requesting the Council to make appointments to outside bodies.

The Clerk advised that a revised list of nominations to outside bodies had been issued on 23 May (Appendix 1 to the report), and that since issuing the document, she had received confirmation from Councillor Bruce that he would be accepting a position on the CoSLA Convention. She noted that any proposed changes to representation on outside bodies would be brought before Council, as required.

The Provost moved to the roll call vote on the recommendation, which was approved unanimously.

Decision

The Council agreed to make appointments to the outside bodies listed in Appendix 1 to the report.

10. SUMMARY OF BUSINESS APPROVED IN ACCORDANCE WITH ELECTION RECESS ARRANGEMENTS

A report was submitted by the Executive Director for Council Resources informing Council of the urgent business undertaken over the election recess period in terms of the procedures set out in Standing Order 15.6 and in line with the decision taken by the Council at its meeting of 29 March 2022.

The Clerk advised that one item of business had been undertaken during the election recess, which was a private item in respect of an application for funding submitted by The Hollies Day Centre to the Musselburgh Common Good Committee. She advised that £32,000 of funding had been awarded to The Hollies, and that the report had been approved by the Provost and Depute Leader. The report could be accessed by Members via the Members' Library Service.

Decision

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

10. SUBMISSIONS TO THE MEMBERS' LIBRARY, 15 MARCH – 9 MAY 2022

A report was submitted by the Executive Director for Council Resources advising Members of the reports submitted to the Members' Library since the last meeting of the Council.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 15 March and 9 May 2022, as listed in Appendix 1 to the report.

DRAFT

Signed

Provost John McMillan
Convener of the Council