

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within COUNTY BUILDINGS, LINLITHGOW on TUESDAY 10TH MAY 2007.

Present – Councillors Frank Anderson, Gordon Beurskens, Stuart Borrowman, Willie Boyle, Janet Campbell, John Cochrane, Tom Conn, Alexander Davidson, Martyn Day, Robert De Bold, Jim Dickson, Jim Dixon, Willie Dunn, Bruce Ferrie, Neil Findlay, Lawrence Fitzpatrick, Ellen Glass, Isabel Hutton, Carl John, Peter Johnston, Tom Kerr, Dave King, Danny Logue, Greg McCarra, John McGinty, Andrew Miller, Graeme Morrice, John Muir, Cathy Muldoon, George Paul, Jim Swan, Jim Walker.

1. OPENING REMARKS

Alex Linkston, Chief Executive, welcomed the elected members to the first meeting of the newly elected Council.

2. REQUEST FOR SUSPENSION OF THE MEETING

Councillor Morrice informed the Council that a legal challenge was to be lodged in relation to the election result for the Bathgate Ward, the grounds of which related to the adjudication of spoilt papers. For this reason, Councillor Morrice requested that the meeting be suspended in the interests of fairness and democracy.

The Council then heard the Chief Legal Officer advise that there was no legal bar to the Council holding its meeting and that legislation required that the first meeting of the council take place within 21 days of the election. Any legal challenge made would be through an election petition, and would involve the aggrieved party and the Returning Officer. As the Council was not a party to this process, the Chief Legal Officer considered that there was no legal reason why the meeting should not proceed .

Motion

‘That in the interests of fairness and democracy, the Council resolves to suspend the meeting pending the outcome of the legal challenge’,

Moved by Councillor Morrice, seconded by Councillor Dunn.

Amendment

‘That there is no need to suspend the meeting and the Council should proceed with business as set out on the Agenda.’

Moved by Councillor Johnston, seconded by Councillor Anderson.

It was agreed that a roll call vote be taken which resulted as follows:-

Motion

Tom Conn
Alex Davidson
Jim Dixon

Amendment

Frank Anderson
Gordon Beurskens
William Boyle

Abstain

Stuart Borrowman

Willie Dunn	Janet Campbell
Bruce Ferrie	John Cochrane
Neil Findlay	Martyn Day
Lawrence Fitzpatrick	Robert De Bold
Dave King	Jim Dickson
Danny Logue	Ellen Glass
John McGinty	Isabel Hutton
Graeme Morrice	Carl John
Cathy Muldoon	Peter Johnston
George Paul	Tom Kerr
Jim Swan	Greg McCarra
	Andrew Miller
	John Muir
	Jim Walker

Decision -

1 member having abstained, the amendment was successful by 17 votes to 14 votes and it was agreed accordingly.

3. ELECTION RETURN

The Council considered a report (copies of which had been circulated) by Alex Linkston, the Returning Officer for the elections for the West Lothian Council, detailing the Councillors who had been elected to the West Lothian Council on 3rd May 2007, as shown in **Appendix 1** to the Minute.

Decision -

To note the report.

4. DECLARATION OF ACCEPTANCE OF OFFICE

The Council was advised that all 32 Members of the Council had signed the Declaration of Acceptance of Office as required by Section 33 A of the Local Government (Scotland) Act 1973.

Decision -

To note the position.

5. ELECTION OF PROVOST

In terms of the Council's Standing Orders, the Council was required to elect the Provost of the Council at its first meeting after the election or at any adjournment of it.

Motion

'That Councillor King be elected the Provost of West Lothian Council.'

Moved by Councillor Morrice, Seconded by Councillor Dunn.

Amendment

‘That Councillor Kerr be elected the Provost of West Lothian Council.’

Moved by Councillor Johnston, seconded by Councillor Cochrane.

There followed debate on the election of the Provost, during which the Council considered a motion by Councillor Day in the following terms:-

‘That a vote be taken without further debate.’

Moved by Councillor Day, Seconded by Councillor Anderson.

Amendment

‘That the Council continues to debate the business of the Election of Provost’.

Moved by Councillor Dunn, seconded by Councillor Fitzpatrick.

The motion was successful by 18 votes to 14 votes. It was agreed that a roll call vote be taken on the item of business (to elect the Provost of West Lothian Council), the result of which was as follows:-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Tom Conn	Frank Anderson	Stuart Borrowman
Alex Davidson	Gordon Beurskens	
Jim Dixon	William Boyle	
Willie Dunn	Janet Campbell	
Bruce Ferrie	John Cochrane	
Neil Findlay	Martyn Day	
Lawrence Fitzpatrick	Robert De Bold	
Dave King	Jim Dickson	
Danny Logue	Ellen Glass	
John McGinty	Isabel Hutton	
Graeme Morrice	Carl John	
Cathy Muldoon	Peter Johnston	
George Paul	Tom Kerr	
Jim Swan	Greg McCarra	
	Andrew Miller	
	John Muir	
	Jim Walker	

Decision -

1 member having abstained, the amendment was successful by 17 votes to 14 votes and it was agreed that Councillor Kerr be elected Provost of West Lothian Council and that he be congratulated on his appointment.

Provost Kerr took the Chair and thanked the members for allowing him the privilege of serving the Council and the West Lothian community as its Provost.

6. ELECTION OF DEPUTY PROVOST

In terms of the Council's Standing Orders, the Council was required to elect the Deputy Provost of the Council at its first meeting after the election or at any adjournment of it.

Motion

'That Councillor Dickson be elected the Deputy Provost of West Lothian Council.'

Moved by Councillor Johnston, seconded by Councillor Anderson.

Amendment

'That Councillor Davidson be elected the Deputy Provost of West Lothian Council.'

Moved by Councillor Morrice, seconded by Councillor Dunn.

It was agreed that a roll call vote be taken, the result of which was as follows:-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Frank Anderson	Tom Conn	Stuart Borrowman
Gordon Beurskens	Alex Davidson	
William Boyle	Jim Dixon	
Janet Campbell	Willie Dunn	
John Cochrane	Bruce Ferrie	
Martyn Day	Neil Findlay	
Robert De Bold	Lawrence Fitzpatrick	
Jim Dickson	Dave King	
Ellen Glass	Danny Logue	
Isabel Hutton	John McGinty	
Carl John	Graeme Morrice	
Peter Johnston	Cathy Muldoon	
Tom Kerr	George Paul	
Greg McCarra	Jim Swan	
Andrew Miller		
John Muir		
Jim Walker		

Decision -

1 member having abstained, the motion was successful by 17 votes to 14 votes, and it was agreed that Councillor Dickson be elected the Deputy Provost of West Lothian Council and that he be congratulated on his appointment.

7. ELECTION OF THE LEADER OF THE COUNCIL

In terms of the Council's Standing Orders, the Council was required to elect the Leader of the Council at its first meeting after the election or at any adjournment of it.

Motion

‘That Councillor Johnston be elected the Leader of West Lothian Council.’

Moved by Councillor Anderson, seconded by Councillor Day.

Amendment

‘That Councillor Morrice be elected the Leader of West Lothian Council.’

Moved by Councillor Dunn, seconded by Councillor King.

It was agreed that a roll call vote be taken, the result of which was as follows:-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Frank Anderson	Tom Conn	Stuart Borrowman
Gordon Beurskens	Alex Davidson	
William Boyle	Jim Dixon	
Janet Campbell	Willie Dunn	
John Cochrane	Bruce Ferrie	
Martyn Day	Neil Findlay	
Robert De Bold	Lawrence Fitzpatrick	
Jim Dickson	Dave King	
Ellen Glass	Danny Logue	
Isabel Hutton	John McGinty	
Carl John	Graeme Morrice	
Peter Johnston	Cathy Muldoon	
Tom Kerr	George Paul	
Greg McCarra	Jim Swan	
Andrew Miller		
John Muir		
Jim Walker		

Decision -

1 member having abstained, the motion was successful by 17 votes, to 14 votes and it was agreed that Councillor Johnston be appointed the Leader of West Lothian Council.

8. MAIN AND SPECIAL COMMITTEES OF THE COUNCIL, THEIR REMITS, DELEGATED POWERS AND MEMBERSHIP

Following the submission and circulation of a written motion by the Leader of the Council, and prior to consideration of this item of business, it was agreed that the meeting be adjourned for seven minutes.

Following the adjournment, the Council considered a report (copies of which had been circulated) by the Chief Executive advising that, in terms of the Council's Standing Orders, the Council was required to determine its main and special committees, their remits and delegated powers at its first meeting after the election or at any adjournment of it.

The report set out the previous structure of main and special committees and their remits, and invited the Council to adopt a committee structure which would facilitate business for both councillors and officers.

The Council also considered reports (copies of which had been circulated) by the Chief Executive which concerned the following items of business:-

- (i) Appointment of Conveners, Vice-conveners and Members of Main and Special Committees of the Council
- (ii) Sub-Committees of the Main Committees, their Remits and Delegated Powers
- (iii) Appointment of Chairs and Members of Sub-Committees of the Council
- (iv) Appointment of Spokespersons
- (v) Timetable of Meetings

Motion

'Council agrees to take items 9-15 together, to consider an alternative political management, policy and decision making structure and therefore agrees to:

1. Establish a Policy, Partnership and Resources Committee, with a remit as detailed in appendix 1 (and in **Appendix 2** to this minute), to be chaired by the Leader of the Council and comprising of 5 members of the Scottish National Party, 2 members of the Action to Save St John's Hospital Group, 2 members of the Labour Party and 1 other, and require that committee to consider an alternative political management structure and report to the next full council meeting with a scheme proposed for adoption.
2. Accept that in this interim period the PP&R Committee, when it considers education business, will include 4 additional members – three religious representatives and one teachers' representative.
3. Authorise the Chief Executive to write to the nominated religious and teaching representatives inviting them to be appointed to the committee, to agree to the code of conduct and to undergo enhanced Disclosure Checks.
4. Establish the following special committees, with remits and membership as detailed in appendix 2 (and in **Appendix 2** to this minute) and to appoint, where required, the Chair and members of such committees:
 - a) Audit and Performance Committees
 - b) Social Work Complaints Review Committee
 - c) Placing in Schools Appeals Committee
 - d) CHCP – appoint 4 council members
5. Establish the following committees, with their remits and membership as detailed in appendix 3 (and in **Appendix 2** to this minute), as committees of the council and appoint the Chair and membership of these:

- a) Development Control Committee
- b) Licensing Committee
- c) West Lothian Leisure Advisory Committee
- d) Joint Consultative Group
- e) Appointment Committee (Teaching Staff)
- f) Appeals Committee
- g) Avoidance of Disputes Committee
- h) General Purposes Committee

6. To agree to the timetable of meetings, as detailed in appendix 4 (and in **Appendix 3** to this minute), until the next full council meeting on 26th June.

Councillor Johnston further moved that the composition of the Council's committees be as follows:-

<u>Committee</u>	<u>Membership</u>	<u>Composition</u>
Audit Committee	5	1 Action to Save St John's, 2 SNP, 2 Labour
Performance Committee	5	1 Action to Save St John's, 2 SNP, 2 Labour
Social Work Complaints Review Committee	3	1 SNP, 1 Labour, 1 Other
Placing in Schools Appeals Committee	4	1 SNP, 1 Labour, 2 Others
WL CHCP	4	1 SNP, 2 Action to Save St John's, 1 Labour
Development Control Committee	9	4 SNP, 1 Conservative, 1 Action to Save St John's, 3 Labour
Licensing Committee	7	1 Action to Save St John's, 4 SNP, 2 Labour
West Lothian Leisure Advisory Committee	7	4 SNP, 1 Action to Save St John's, 2 Labour
Joint Consultative Group	5	3 SNP, 2 Labour
Appointment (Teaching Staff)	Defined statute by	1 SNP (Chair) 1 Conservative (Vice Chair)
Appeals Committee	10	6 SNP, 3 Labour, 1 Other
Avoidance of Disputes Committee	10	6 SNP, 3 Labour, 1 Other
General Purposes Committee	7	4 SNP, 2 Labour, 1 Other

Moved by Councillor Johnston, seconded by Councillor Anderson.

Amendment

‘That the Council continues with the existing structure of committees and rejects the motion on the grounds that Labour is not proportionally represented within the proposed committee structure.’

Moved by Councillor Morrice, seconded by Councillor Fitzpatrick.

Prior to a vote being taken, Councillor Johnston responded to issues raised relating to his motion. Firstly, he informed the Council that, as there was a requirement for the religious representatives and the teaching representative to take part in education matters, this would be addressed through the Council’s administration processes for the Policy, Partnership and Resources Committee.

Secondly, he informed the Council that the proposed Policy, Partnership and Resources Committee would meet until 26th June 2007. Proposals for a new structure would be submitted to the Policy, Partnership and Resources Committee for consideration and for recommendations to be made to West Lothian Council.

The Council agreed that a roll call vote be taken which resulted as follows:-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Frank Anderson	Tom Conn	Stuart Borrowman
Gordon Beurskens	Alex Davidson	
William Boyle	Jim Dixon	
Janet Campbell	Willie Dunn	
John Cochrane	Bruce Ferrie	
Martyn Day	Neil Findlay	
Robert De Bold	Lawrence Fitzpatrick	
Jim Dickson	Dave King	
Ellen Glass	Danny Logue	
Isabel Hutton	John McGinty	
Carl John	Graeme Morrice	
Peter Johnston	Cathy Muldoon	
Tom Kerr	George Paul	
Greg McCarra	Jim Swan	
Andrew Miller		
John Muir		
Jim Walker		

Decision

1 member having abstained, the motion was successful by 17 votes to 14 votes and it was agreed accordingly.

Thereafter, it was confirmed that membership of each committee be as shown in **Appendix 4** to this minute.

9. APPOINTMENTS TO STATUTORY BOARDS OR BODIES AND OUTSIDE ORGANISATIONS

The Council was required to appoint members to various statutory boards or committees and may appoint members as representatives on outside bodies.

The Council considered a report (copies of which had been circulated) by the Chief Executive recalling that, in April 2007, the Policy, Partnership and Resources Committee had agreed a list of bodies where immediate appointments were required to comply with legal requirements or else to ensure that the body's business could continue or resume without delay. This list was now appended to the report, together with a list of bodies to which appointments were not required at the first meeting, and which would in the normal course of events be left until later, and/or delegated to the main committees of the council.

The report provided guidance relating to dispensations and included a note about whether or not a dispensation applied to each of the bodies. In relation to the appointment of members to serve as *ex officio* justices, the Council noted that appointments would only last until December 2007 when legislation would be implemented affecting District Courts in Scotland, and the office of *ex officio* Justice would cease to exist. Finally, the report provided information relating to the Licensing Board, Community Councils and School Boards.

The Chief Executive recommended that the Council:-

1. appoints members to the statutory boards, bodies and outside organisations as detailed in Appendix 1 to the report, to ensure compliance with legal requirements and to enable the bodies to resume or continue business without delay.
2. appoints members to the Convention of Scottish Local Authorities as detailed in Appendix 1 to the report.
3. remits to the appropriate committees the appointments to the outside organisations as detailed in Appendix 2 to the report.
4. appoints 8 members as *ex officio* Justices.
5. notes that all members of the council serve *ex officio* on Community Councils and Community Education Management Committees within their wards.
6. notes that the members for any electoral ward which falls within the catchment area of a school shall be entitled to attend and to speak at any meeting of any school board for that school, but they shall not be a member of the board.

Motion

1. To appoint members to the statutory boards, bodies and outside organisations as detailed in **Appendix 5** to this minute, with West Lothian Youth Theatre Limited to be asked if they would accept two appointments rather than one.

2. To appoint members to the Convention of Scottish Local Authorities as detailed in **Appendix 5** to this minute.
3. To defer to the next meeting of West Lothian Council the appointments to the outside organisations listed in Appendix 2 to the report.
4. To appoint 8 members as *ex officio* Justices as undernoted:-
Councillors John Cochrane, Glass, John, Dickson, Muir, Hutton and 2 Others.
5. To note that all members of the council serve *ex officio* on Community Councils and Community Education management Committee within their wards.
6. To note that the members for any electoral ward which falls within the catchment area of a school shall be entitled to attend and to speak at any meeting of any school board for that school, but they shall not be a member of the board.

Moved by Councillor Johnston, seconded by Councillor Anderson.

Amendment

1. 'That in the interest of fairness and equity, the Council agrees that the Labour Group be represented on organisations as undernoted:-

Central Scotland Forest Trust	1 Labour member
Edinburgh and Lothian Structure Plan Joint Liaison Committee	1 Labour member
Livingston Youth Trust	1 Labour member
Local Access Forum	1 Labour member
Lothian & Borders Fire Board	1 Labour member
Lothian & Borders Police Board	1 Labour member
SESTRAN Transport Partnership	1 Labour member
West Lothian Leisure Limited	1 Labour member
West Lothian Twinning Association	1 Labour member
West Lothian Youth Theatre	1 Labour member

2. That 2 Labour Group members be appointed as *ex officio* Justices.

Moved by Councillor Morrice, seconded by Councillor Dunn.

The Council agreed that a roll call vote be taken which resulted as follows:-

Motion

Frank Anderson
 Gordon Beurskens
 William Boyle
 Janet Campbell
 John Cochrane
 Martyn Day
 Robert De Bold
 Jim Dickson
 Ellen Glass
 Isabel Hutton
 Carl John
 Peter Johnston
 Tom Kerr
 Greg McCarra
 Andrew Miller
 John Muir
 Jim Walker

Amendment

Tom Conn
 Alex Davidson
 Jim Dixon
 Willie Dunn
 Bruce Ferrie
 Neil Findlay
 Lawrence Fitzpatrick
 Dave King
 Danny Logue
 John McGinty
 Graeme Morrice
 Cathy Muldoon
 George Paul
 Jim Swan

Abstain

Stuart Borrowman

Decisions

1. 1 member having abstained, the motion was successful by 17 votes to 14 votes and it was agreed accordingly.
2. To agree that West Lothian Youth Theatre Limited be asked to consider the council having two representatives, and the position reported back to the Council.
3. To note that representation from the Labour Group would be confirmed in due course.

10. MULTI-MEMBER WARD WORKING PROTOCOLS

The Council considered a report (copies of which had been circulated) by the Chief Executive advising that the Council had identified the need for guidance to be given to officers with a view to assisting them in dealing with the new multi-member ward working arrangements and relationships. The Council was invited to note the draft protocol, a copy of which was appended to the report, which would be issued to all officers to supplement the Code of Conduct for Employees and as a guide to their dealings with elected members under the multi-member ward system.

The Council was also invited to consider the terms of a draft protocol for multi-member ward working arrangements for councillors, and consider adopting such a working arrangement. The report provided a paper entitled 'Protocol for Multi-Member Wards – Members' which set out a checklist of key questions that members might want to address. The questions raised in the paper were based on a number of key issues drawn from the national Councillors' Code of Conduct; Perspectives on Multi-Member Ward Working published by the Improvement Service and discussions from Members' Services team.

The key issues identified in the paper were:-

- Surgeries
- Councillor listings
- Councillors Code of Conduct
- Use of Council Facilities
- Sharing Information/Dealing with Constituents
- Attending Meetings/Accepting Invitations
- Ward Working Practices
- Mail Shots

The Chief Executive recommended as follows:-

1. That the Council notes the terms of the protocol for multi-member ward arrangements for officers which would be issued to all officers to supplement the Code of Conduct for Employees and as a guide to their dealings with elected members under the multi-member ward system; and
2. That members consider the terms of a draft protocol for multi-member ward working arrangements for councillors, and consider adopting such a working arrangement.

Motion

1. To approve the recommendations by the Chief Executive; and
2. To agree that a detailed report on the proposed protocol for members be submitted to the Policy, Partnership and Resources Committee in due course.

Moved by Councillor Johnston, seconded by Councillor Day.

Decision -

To approve the terms of the motion.

11. COUNCILLORS REMUNERATION: SALARY, ALLOWANCES AND EXPENSES

The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 came into force on 2nd May 2007 and the Council had a statutory obligation to implement these regulations.

The Council considered a report (copies of which had been circulated) by the Head of Support Services examining the content and implications of these new regulations and providing a revised Scheme of Allowances and Reimbursement of Expenses which supported the changes made in the regulations.

The Head of Support Services advised that the new regulations introduced a salary for councillors with levels of payment dependant on responsibility. The four grades and levels of payment were illustrated within the report as undernoted:-

	Max No	Salary	Total Allocation
Leader of the Council	1	£30,905	£30,905
Civic Head	1	£23,179 (max)	£23,179
Senior Councillor	14	£19,316 (average) - £23,179 (max)	£270,424
Councillor	16	£15,452	£247,232

The Head of Support Services explained that with the exception of basic councillor, levels of payment were determined by a banding system, West Lothian Council having been placed in Band B. In addition, the regulations set out the maximum number of incumbents authorised at each of the levels.

The maximum level payable to a Senior Councillor was £23,179, however, total remuneration for Senior Councillors should not exceed £270,424 which meant that the average payment could not exceed £19,316.

The Council was invited to determine the level of remuneration, including specific expenses, to be paid to the Civic Head, and to determine the number of Senior Councillor positions to be allocated, and appropriate levels of remuneration for them.

The report set out the new arrangements for remuneration paid to conveners and vice-conveners of joint boards, and provided information on the Local Government Pension Scheme.

In relation to the reimbursement of allowances and expenses, the report provided detailed information concerning travel (private transport and public transport), overnight subsistence, meals, overseas travel and accommodation, telephones, computers and other equipment.

The Head of Support Services recommended that the Council:-

1. notes the terms of the report and the details set out in Appendix 1 to the report.
2. adopts the revised Scheme of Allowances and Reimbursement of Expenses in Appendix 1 to the report.
3. determines the level of remuneration, including specific expenses, to be paid to the Civic Head.

4. determines the number of Senior Councillor positions to be allocated, and appropriate level of remuneration for them.

Motion

‘Council agrees to:-

1. Accept the terms of the report detailing councillors’ remuneration and to adopt the revised Scheme of Allowances and Reimbursement of Expenses as detailed in agenda paper 18, appendix 1 (and in **Appendix 6** to this minute).
2. To set the level of remuneration for the Civic Head at £23,179 with an additional £3,000 civic duties allowance in accordance with the new regulations.
3. To remit to the Policy, Partnership and Resources Committee the responsibility to determine the number of Senior Councillor positions to be allocated, and the appropriate levels of remuneration for these posts.’

Moved by Councillor Johnston, seconded by Deputy Provost Dickson.

Decision -

To agree the terms of the motion.