

MINUTE of SPECIAL MEETING of the WEST LOTHIAN COUNCIL held within **Council Chambers, West Lothian Civic Centre, Livingston**, on 1 May 2018.

Present – Provost Tom Kerr (Chair), Depute Provost Dave King (Vice-Chair), Councillors Alison Adamson, Frank Anderson, Stuart Borrowman, William Boyle, Diane Calder, Harry Cartmill, Pauline Clark, Tom Conn, Robert De Bold, Jim Dickson, David Dodds, Angela Doran, Bruce Fairbairn, Lawrence Fitzpatrick, Peter Heggie, Chris Horne, Carl John, Peter Johnston, Charles Kennedy, Dave King, Sarah King, John McGinty, Andrew McGuire, Dom McGuire, Andrew Miller, Cathy Muldoon, George Paul, Moira Shemilt, Kirsteen Sullivan and Damian Timson

Apologies – Councillors Janet Campbell and David Tait

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. ORDER OF BUSINESS

The Provost ruled that the motion at Item 04 could be amended by Councillor Johnston to delete the reference to Performance Committee and the amended Motion was circulated.

3. NOTICE OF MOTION - WEST LOTHIAN COUNCIL POLITICAL BALANCE AND SUBSEQUENT CHANGES TO THE SCHEME OF ADMINISTRATION

The Council considered a motion submitted by Councillor Peter Johnston in the following terms:-

“West Lothian Council notes the 2017 Council election delivered the following first preference votes for those parties with elected councillors;

	SNP		Labour		Conservative		Independent		Total
Votes	23218	39.5%	18082	30.70%	14449	24.60%	3088	5.20%	58837

Council accepts that it is essential for the votes cast by our electorate to be most accurately reflected throughout the council's decision making process to ensure genuine local democracy actually plays a full role in determining all decisions made.

Council therefore agrees to change the composition of the following council bodies, with the number of seats allocated to each party being determined by the votes cast for each by our local electorate and to amend the Scheme of Administration accordingly.

Council agrees that the committee membership change will apply to any meeting for which the agenda is issued after determination of this motion.

Council invites parties to nominate their members of each body at the conclusion of the debate on this motion or to the clerk following the meeting.

1. Council Executive

Members 14 SNP 6 Labour 4 Conservatives 3 Others 1

2. Education Executive

Members 20 SNP 8 Labour 6 Conservatives 5 Others 1

3. Policy Development & Scrutiny Panels

Members 9 SNP 4 Labour 3 Conservatives 2 Others 0

4. Local Review Body

Members 9 SNP 4 Labour 3 Conservatives 2 Others 0

5. Audit Committee

Members 7 SNP 3 Labour 2 Conservatives 2 Others 0

6. Government & Risk Committee

Members 7 SNP 3 Labour 2 Conservatives 2 Others 0

7. Education Quality Assurance

Members 14 SNP 6 Labour 4 Conservatives 3 Others 1

8. Employee Appeals Committee

Members 14 SNP 6 Labour 4 Conservatives 3 Others 1

9. Miscellaneous Appeals Committee

Members 10 SNP 4 Labour 3 Conservatives 2 Others 1

10. Avoidance of Disputes Committee

Members 7 SNP 3 Labour 2 Conservatives 2 Others 0

11. Development Management Committee

Members 11 SNP 4 Labour 3 Conservatives 3 Others 1

12. Licensing Committee

Members 7 SNP 3 Labour 2 Conservatives 2 Others 0

13. Senior Officer Appointments

Members 7 SNP 3 Labour 2 Conservatives 2 Others 0

14. West Lothian Leisure Advisory Committee

Members 7 SNP 3 Labour 2 Conservatives 2 Others 0

Moved by Councillor Peter Johnston and seconded by Councillor Frank Anderson

Amendment

“Council agrees to retain the Scheme of Administration as regards composition of its committee arrangements and to continue with the arrangement agreed at the Council meetings on 25th May 2017, 7th June 2017 and 20th March 2018”

Moved by the Leader of the Council and seconded by Councillor Kirsteen Sullivan

A roll call vote was taken which resulted as follows :-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Frank Anderson	Stuart Borrowman	Alison Adamson
William Boyle	Harry Cartmill	Bruce Fairbairn
Diane Calder	Tom Conn	Peter Heggie
Pauline Clark	David Dodds	Chris Horne
Robert De Bold	Angela Doran	Charles Kennedy
Jim Dickson	Lawrence Fitzpatrick	Tom Kerr
Carl John	Dave King	Damian Timson
Peter Johnston	John McGinty	
Sarah King	Andrew McGuire	
Andrew Miller	Dom McGuire	
Moira Shemilt	Cathy Muldoon	
	George Paul	
	Kirsteen Sullivan	

Decision

Following a vote the amendment was successful by 13 votes to 11, with 7 abstentions and 2 members absent and it was agreed accordingly.

4. ELECTED MEMBERS - DISCHARGING THEIR PUBLIC SECTOR
EQUALITY DUTY: TAXICARD SCHEME - QUESTION TO THE LEADER

OF THE COUNCIL - SUBMITTED BY COUNCILLOR JOHNSTON

A question to the Leader of the Council was submitted by Councillor peter Johnston in the following terms :-

“On 20th March I asked you, through a formal written question giving 14 days notice,

“Please explain how it was possible for elected members to properly discharge our Public Sector Equality Duty in respect of the decision taken on 13th February to axe the West Lothian Taxi Card, when, in response to a question from myself asking how many vehicles Dial A Ride operate no answer was forthcoming”

Your verbal answer to this question on 20th March completely failed to even address my question.

In a supplementary question, as allowed by Standing Orders, I therefore asked the same question again. You committed to providing me with a written answer.

On 9th April, having been reminded by myself of your commitment to provide me with a written answer to my question, you emailed me an answer;

“The decision taken at the council meeting on 13 February was with regards to the taxicard scheme rather than the Dial-A-Ride Scheme. The withdrawal of the taxicard scheme removes the financial subsidy provided by the council and does not reduce the capacity of taxi services available to users which can continue to be booked directly with taxi suppliers. West Lothian Council regularly liaises with HcL as a subsidised transport supplier. The Public Transport Unit is coordinating with HcL with regards to agreed budget proposal and any potential impact this may have on their operation”.

As your written answer again clearly fails to address and answer the question asked, I again reminded you of the question I had asked, and again asked for an answer.

On 10th April you responded,

“In accordance with Standing Order, I gave a verbal answer at the council meeting to your written question. I have now provided answer to the two supplementary questions. I would refer you to those answers, in particular the verbal answer given on the day”.

I again responded to you asking that you answer the actual question that I had asked.

On 11th April you responded

“As I have said already, I answered your written question at the council meeting and I have now given written answers to your supplementary

questions. It may well be that my answers are not to your satisfaction, but the requirements in Standing Orders have been met. I do not see any value in continuing to exchange emails about it”.

For the 5th time I now ask;

“Please explain how it was possible for elected members to properly discharge our Public Sector Equality Duty in respect of the decision taken on 13th February to axe the West Lothian Taxi Card, when, in response to a question from myself asking how many vehicles Dial A Ride operate no answer was forthcoming”

The Leader of the Council provided a verbal answer to the written question. Councillor Johnston indicated that he wished to put supplementary questions as provided for in Standing Orders. He did so and the Leader of the Council provided a verbal answer.

Decision

1. To note the written question put and the verbal answer given; and
2. To note the supplementary questions put and the verbal answers given.

5. SMART CITY EVENT IN TAIPEI - QUESTION TO THE EXECUTIVE COUNCILLOR FOR DEVELOPMENT AND TRANSPORT - SUBMITTED BY COUNCILLOR PETER JOHNSTON

A question to the Executive Councillor for Development and Transport was submitted by Councillor Peter Johnston in the following terms :-

“Please detail for the council all the benefits to be delivered to West Lothian as a direct result of your recent attendance at the Smart City event in Taipei”.

The Executive Councillor for Development and Transport provided a verbal answer to the written question.

Decision

To note the written put and the verbal answer given.