

MINUTES of SPECIAL MEETING of MIDLOTHIAN COUNCIL held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 19 November 2013 at 1.30pm.

Present:- Provost Wallace, Depute Provost Rosie and Councillors Baxter, Beattie, Bennett, Boyes, Bryant, Constable, Coventry, de Vink, Imrie, Johnstone, Milligan, Muirhead, Pottinger, Russell and Thompson.

Apologies for Absence:- Councillor Montgomery and Mr Bourne, Mr Hayes and Mrs Harkness.

1 Order of Business

The Clerk advised that in light of Councillor Constable's resignation as Leader of Midlothian Council on 18 November 2013, Provost Wallace had advised that he proposed to take two additional items of urgent business at today's meeting, namely:-

Item 3A Election of Leader of Council - Report by Director, Resources; and

Item 3B To deal with any immediate consequential appointment(s) that may then be necessary.

He stated that the Provost was of the opinion that this business should be considered at today's meeting as urgent business given the need for clear political leadership at a time when the Council was facing a range of important challenges and the need to ensure that there was no delay in filling this important role and any immediate consequential appointment or appointments that may then be necessary.

An updated agenda sheet showing the additional items had been circulated earlier that day and the Director Resources' report for Item 3A (Election of Leader of the Council) had also been circulated.

The Clerk further advised that the "To Follow" paper for Item 4 (A New Leadership Structure for Midlothian Council – Report by Chief Executive) had been circulated at the end of the previous week and in relation to this, the Chief Executive, in response to a question from Councillor Imrie, confirmed that he was satisfied with the advice contained in this paper and would update members accordingly when he introduced it later on the agenda.

2 Declarations of Interest

No declarations of interest were intimated.

3 Election of Leader of the Council

With reference to paragraph 1 above, there was submitted report, dated 18 November 2013, by the Director, Resources, advising of the resignation of Councillor Constable as Leader of the Council and inviting the Council to elect a replacement.

A copy of Councillor Constable's letter of resignation, dated 18 November 2013, accompanied the Director's report and this advised that his resignation was with immediate effect.

The report:-

- (a) explained that in accordance with Standing Order 1.1, the Leader of the Council would be the Convener of the Cabinet;
- (b) set out various procedural requirements under Standing Orders that were relevant to filling the vacancy; and
- (c) advised that in accordance with the remuneration arrangements agreed at the Statutory Meeting of Midlothian Council on 22 May 2012, the Leader of the Council received annual remuneration of £27,058.

Thereafter, Councillor Constable, seconded by Councillor de Vink, moved that Councillor Thompson be elected as Leader of the Council. As an amendment, Councillor Muirhead, seconded by Councillor Imrie, moved that Councillor Milligan be so elected.

On a vote being taken, 5 members voted for the amendment and 10 for the motion. Councillor Thompson was thereupon accordingly elected as Leader of the Council.

Councillor Thompson expressed his thanks to the Council on his election and also paid tribute to the work of Councillor Constable during his period as Leader.

4 Election of Deputy Leader of the Council

As a consequence of Councillor Thompson's election as Leader of the Council (at paragraph 3 above), the office of Deputy Leader of the Council, which had been previously held by him, now therefore fell vacant.

Councillor Thompson, seconded by Councillor Bryant, thereupon moved that Councillor Constable be elected as Deputy Leader of the Council.

There being no other nominations, Councillor Constable was appointed as Deputy Leader of the Council.

5 Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Council agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- With/

- With reference to the decision of Midlothian Council of 5 November 2013 (as referred to both under paragraph 25 and paragraph 3 of the Addendum to those Minutes), to approve the proposals and recommendations contained the Chief Executive's report of 31 October 2013, entitled "A New Executive Leadership Structure for Midlothian Council," there was now submitted a further report by the Chief Executive, dated 15 November 2013, which advised that following legal advice concerning an inconsistency between the aforementioned decision and a Standing Order provision, the decision of 5 November 2013 required to be treated as not having been made and the matter considered anew. Following discussion, it was agreed that pending this renewed consideration, a Seminar of Midlothian Council be held on Tuesday 26 November 2013 at 11.00am in the Council Chambers, Midlothian House to provide members with the opportunity to discuss the proposals for the Head of Service review in more detail before the matter was taken back to Council for decision.

The meeting terminated at 2.03 pm.