

Notice of Meeting and Agenda



Midlothian Council

Venue: Please note this is a Special Meeting of Midlothian Council - via MS Teams,

Date: Tuesday, 15 December 2020

Time: 12.30 pm or at the conclusion of the Meeting of Midlothian Council - whichever is the later

Executive Director, Place

Further Information:

This is a meeting which is open to members of the public.

Privacy notice: Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: www.midlothian.gov.uk

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

Not applicable

5 Reports

- | | | |
|------------|--|---------|
| 5.1 | Community Council Complaints Procedure | 3 - 13 |
| 5.2 | Eskbank and Newbattle Community Council and Bonnyrigg and Lasswade Community Council - Boundary Change | 14 - 20 |
| 5.3 | Poltonhall and District Community Council Name Change | 21 - 23 |

Community Council Complaint Procedure

Report by Alasdair Mathers, Communities and Lifelong Learning Manager

Report for Decision

1 Recommendations

To approve the Complaints Procedure for adoption by Midlothian Federation of Community Councils and all 16 individual Community Councils.

2 Purpose of Report/Executive Summary

The purpose of this report is to approve the inclusion of a Complaints Procedure in the Midlothian Scheme for Community Councils.

20 October 2020

Report Contact:

Alasdair Mathers Tel No 0131 271 3438

alasdair.mathers@midlothian.gov.uk

3 Background/Main Body of Report

- 3.1** It was recognised that there was not currently a process in place for members of the community to raise a complaint relating to the operation of the community council in their locality.
- 3.2** The Federation of Community Councils wish to provide a resolution focussed process for members of the public to be able to make complaints and undertake investigations.
- 3.3** A complaints procedure was discussed and devised at a Federation of Community Councils training event and the proposed procedure, Appendix 1, was approved.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

None

4.2 Digital

None

4.3 Risk

None

4.4 Ensuring Equalities (if required a separate IIA must be completed)

This report does not recommend any fundamental change to policy or practice and therefore does not require an Integrated Impact Assessment

4.5 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Reducing the gap in economic circumstances
 Reducing the gap in learning outcomes
 Reducing the gap in health outcomes

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☒ Transformational
- ☐ Preventative
- ☒ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

None

A.5 Involving Communities and Other Stakeholders

Members of the public are able participate and influence decision making through their local Community Councils. Community Councils have representation at the Midlothian-wide, Federation of Community Councils.

A.6 Impact on Performance and Outcomes

None

A.7 Adopting a Preventative Approach

None

A.8 Supporting Sustainable Development

None

APPENDIX B

Background Papers/Resource Links

Appendix 1 – Draft Complaints Procedure

MIDLOTHIAN COMMUNITY COUNCILS Complaints Procedure

**Midlothian Federation of Community Councils
C/o Midlothian Council
Communities and Lifelong Learning
Fairfield House
Lothian Road
EH22 3AA**

Contents	Page
Community Councils	3
Maintaining confidentiality?	3
What is a complaint?	3
Who can complain?	4
What can I complain about?	4
What can't I complain about?	5
How do I complain?	5
Contact your Community Council	5
When complaining please include	6
How long do I have to make a complaint?	6
What happens when I have complained?	6
What happens if I'm still unhappy?	Error!
Bookmark not defined.7	
Quick guide to the complaints procedure	11

Midlothian Community Councils aim to represent all people in their area without prejudice: they are non-party political and non-sectarian. They must call for nominations publicly and hold contested elections if necessary. Any person 16 years or over and resident in the Community Council area can be nominated to join their local Community Council.

Community Councils are regularly consulted by the local authority and public bodies on a wide range of issues, which affect their area such as planning, environment and health. Most Community Council meetings are open to the public in accessible venues. Visit the Website below for further information: www.midlothian.gov.uk/info/200284/your_community/534/community_councils

Community Councils should adhere to the Code of Conduct detailed in the Midlothian Council Scheme for Community Councils 2014. A copy of the Code of Conduct can also be found here www.midlothian.gov.uk/info/200284/your_community/534/community_councils

Complaints may be made about Community Councils in general and individually about Community Councillors.

If you are dissatisfied or have concerns about the standard of service, actions or lack of action provided by your Community Council or one or more of its members a complaint can be made through the Community Councils Complaints Procedure.

Please note that the Midlothian Council has a separate Complaints Policy to record and manage complaints by members of the public and this should not be confused with the Community Council Complaints Procedure.

Maintaining confidentiality

The complainant and subject's confidentiality should be maintained at all times.

All complaints will also be subject to legal requirements including data protection legislation.

What is a complaint?

A complaint is an expression of dissatisfaction or concern by a member of the public. This may be about the conduct, standard of service, actions or lack of action by a Community Council or its members.

Who can complain?

Anyone in a Community Council area can make a complaint. Sometimes you may be unable or reluctant to make a complaint on your own. Complaints brought by third parties made on your behalf will be accepted as long as it is clear that you have given personal consent.

If you are under 16 and wish to complain, you may contact your Community Council yourself or if you would prefer, you can ask a trusted adult such as a parent, older brother or sister, or a guardian to contact us for you.

If you believe yourself to be a vulnerable adult, you may again contact your Community Council directly or if you would prefer, you can ask someone you trust to contact the Community Council on your behalf.

What can I complain about?

You may complain about things such as:

- inadequate standard of office;
- treatment by or attitude of a Community Councillor when dealing with a Community Council issue;
- breaches of the Midlothian Council Scheme for Community Councils or its Code of Conduct;
- financial irregularities and fraud;
- breaches of confidentiality;
- inappropriate use of social media, email or letters contrary to the Community Council Code of Conduct;
- bringing the Community Council into disrepute.

This is not an exhaustive list and may involve more than one issue.

What can't I complain about?

There are some things that cannot be dealt with under this complaints policy.

These include:

- a dispute of a personal nature which does not encompass an individual's role as a community councillor;
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered, where a final decision has been reached;
- any decisions Midlothian Council has made;
- a request for compensation on a decision the Community Council has made.

How do I complain?

It is easier for complaints to be resolved if you make them quickly and directly to the Community Council concerned.

In the first instance, if appropriate, please speak to a member of the Community Council so they can try to resolve any problems on the spot. You can complain by email, in writing or in person to the Secretary of the Community Council.

The Secretary of the Community Council in your area.

(See here for contact details of Community Councils in Midlothian).

www.midlothian.gov.uk/info/200284/your_community/534/community_council

If the complaint is about more than one issue or you feel that it is not appropriate for the Community Council to deal with the complaint, you can contact the Chairperson of the Midlothian Federation of Community Councils.

The Chairperson's address is:

C/o Community Council Liaison Officer

Midlothian Council

Communities and Lifelong Learning

Fairfield House

Lothian Road

EH22 3AA

Alternatively, by Email to: cll@midlothian.gov.uk

When complaining in writing please include:

- your full name and address, including an e-mail address if possible;
- as much detail as you can about the complaint;
- what has gone wrong;
- what action would provide a resolution for you.

How long do I have to make a complaint?

It is expected most complaints will be submitted immediately or within two to three months from the date of the incident and within a time limit of six months from the event you want to complain about.

In exceptional circumstances, a complaint may be accepted out with the six-month time limit. If you feel that the six-month time limit should not apply to the complaint, please explain your reasons.

What happens when I have complained?

The complaint procedure provides two opportunities to resolve complaints:

- Stage One - Frontline Resolution
- Stage Two - Investigation

Stage One – Frontline Resolution

Each Community Council aims to resolve complaints quickly. This could mean an apology and explanation if something has clearly gone wrong. In such circumstances, steps will be taken to prevent such a problem re-occurring.

- Each Community Council will endeavour to acknowledge the complaint within 7 working days and thereafter seek a resolution at the earliest opportunity.
- If the complaint cannot be resolved at this stage, the Community Council will automatically move it to a second stage, which is an investigation.

Stage Two – Investigation

- Investigation deals with complaints that have not been resolved at frontline resolution.
- If it is clear from the outset that a complaint is complex or requires more detailed investigation, a Community Council may decide to proceed directly to Stage Two.
- A complaint may go to a panel of Community Councillors who will then conduct a more detailed investigation and seek an appropriate resolution.

You should normally receive a response to your complaint within 28 days. If this is not possible, you will receive an explanation for this and an amended timescale.

What happens if I am still unhappy?

After receiving a response to your complaint, if you are still unhappy with the outcome or the way that the complaint has been managed, you can ask the Chairperson of the Midlothian Federation of Community Councils (MFCC) for advice.

You can contact the Chairperson of MFCC by:

Post:

C/o Community Council Liaison Officer
Midlothian Council
Fairfield House
DALKEITH
EH22 3AA

Email: cll@midlothian.gov.uk

A quick guide to the complaints procedure

Complaints Procedure

- You can complain by email, in writing or in person to the Secretary of your Community Council.
- There is a two-stage complaints procedure – **Frontline Resolution** and **Investigation Stage**. Complaints will be dealt with at the earliest opportunity. However, if it is clear that the matter will require a detailed investigation you will be notified of the progress.

Stage 1 - Frontline Resolution

- A resolution of the complaint will be sought as soon as possible.
- If a resolution cannot be found, the Community Council will consider a **Stage 2** investigation

Stage 2 - Investigation

The complaint will be considered for investigation if a resolution cannot be found at Stage 1.

If, upon receiving an initial complaint it is clear that the complaint is complex or requires detailed investigation, the Community Council may decide to move directly to Stage 2.

The request for investigation will be acknowledged within seven days.

Normally a response will be made within 28 days unless there is a clearly a good reason for needing more time.

The Chairperson of the Midlothian Federation of Community Councils

If, after receiving the response at the Investigation Stage, you are still unhappy with the decision or the way the complaint has been managed, you can ask the Chairperson of the MFCC for advice.

Eskbank and Newbattle Community Council and Bonnyrigg and Lasswade Community Council - Boundary Change

Report by Alasdair Mathers, Communities and Lifelong Learning Manager

Report for Decision

1 Recommendations

To approve the proposed changes to the Eskbank and Newbattle Community Council and Bonnyrigg and Lasswade Community Council boundaries.

2 Purpose of Report/Executive Summary

The purpose of this report is to outline the proposed changes to the boundary between Eskbank and Newbattle Community Council, and Bonnyrigg and Lasswade Community Council and seek approval for the changes to be made.

20 October 2020

Report Contact:

Name Alasdair Mathers Tel No 0131 271 3438
alsadair.mathers@midlothian.gov.uk

3 Background/Main Body of Report

- 3.1** Eskbank and Newbattle Community Council, and Bonnyrigg and Lasswade Community Council contacted Midlothian Council via the Communities Team to amend the boundary between their respective Community Councils.
- 3.2** The proposed change would reflect the actual nature of the communities and the level of interest in the developments that take place within the boundaries. It is important to the communities because previously they have not been informed about developments that directly affect them unless the land is identified as belonging to their ward.
- 3.3** The proposal would see the A7 become the border between Eskbank and Newbattle Community Council, and Bonnyrigg and Lasswade Community Council encompassing small areas currently in Bonnyrigg and Lasswade Community Council into the Eskbank and Newbattle Community Council ward. From the Sherriffhall roundabout, the proposed new boundary would then follow the A6101 southward to Melville Gate Road and then follow the line of the railway to Glenesk viaduct to join the existing boundary. Please see the existing and proposed maps provided.
- 3.4** Mutual agreement was reached on the proposed new boundaries and Midlothian Planning Department provided maps of the current, Appendix 1 and proposed boundaries, Appendix 2.
- 3.5** Both Community Councils unanimously agreed to follow the process to amend the boundary as set out in section 8, Amendment to the Boundaries and Composition of Community Councils, in Midlothian Councils' approved Scheme for Community Councils.
- 3.6** The proposed changes were publicised and a 90 day public consultation was held. No objections were made to the proposed changes.
- 3.7** A final public vote was held by both Eskbank and Newbattle Community Council and Bonnyrigg and Lasswade Community Council. There were no objections and the proposed changes were unanimously agreed.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

None

4.2 Digital

None

4.3 Risk

None

4.4 Ensuring Equalities (if required a separate IIA must be completed)

This report does not recommend any fundamental change to policy or practice and therefore does not require an Integrated Impact Assessment.

4.5 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Reducing the gap in economic circumstances
 Reducing the gap in learning outcomes
 Reducing the gap in health outcomes

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☒ Transformational
- ☐ Preventative
- ☒ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

None

A.5 Involving Communities and Other Stakeholders

Eskbank and Newbattle Community Council and Bonnyrigg and Lasswade Community Council have requested this proposed change take place due to new housing developments in their wards. The Community Councils and their wider respective communities have been fully involved in the process. A 90 day public consultation was held in both communities and a final public vote was held at respective community council meetings. Both votes resulted in unanimous agreements for the proposed changes to be made.

A.6 Impact on Performance and Outcomes

None

A.7 Adopting a Preventative Approach

None

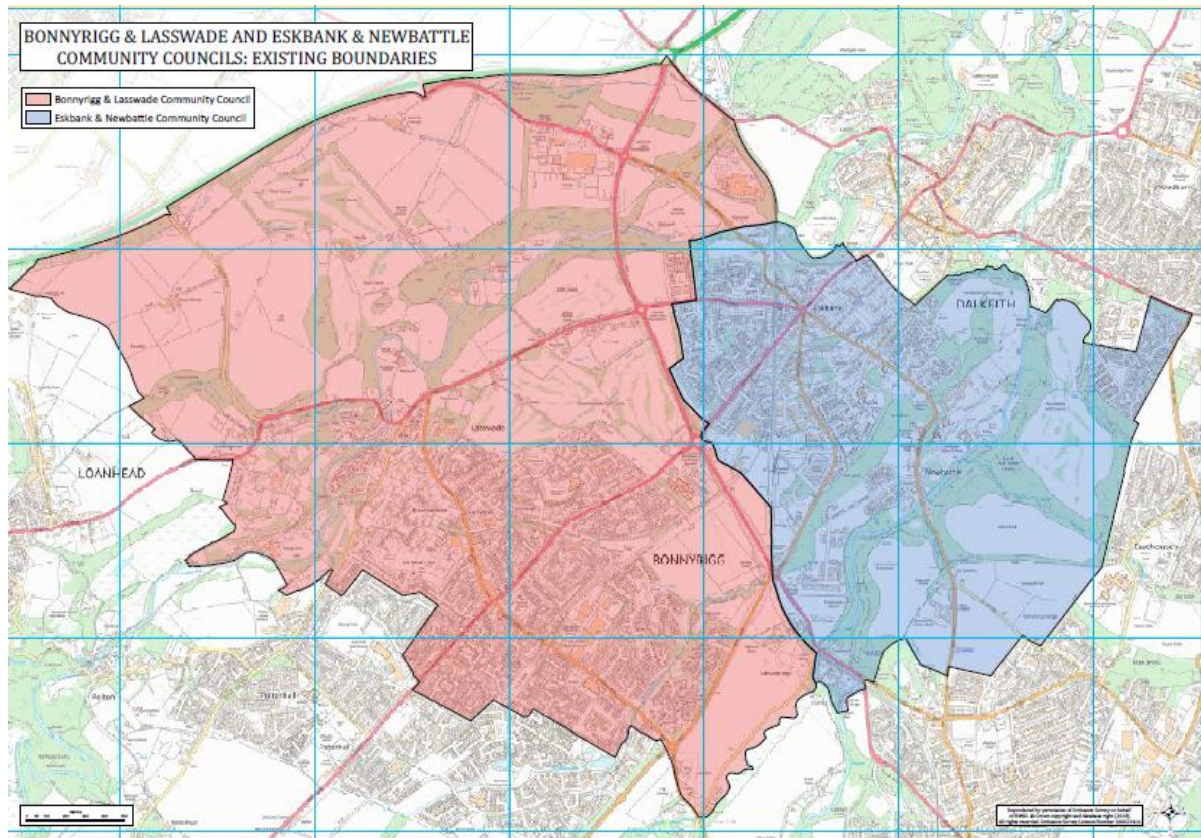
A.8 Supporting Sustainable Development

None

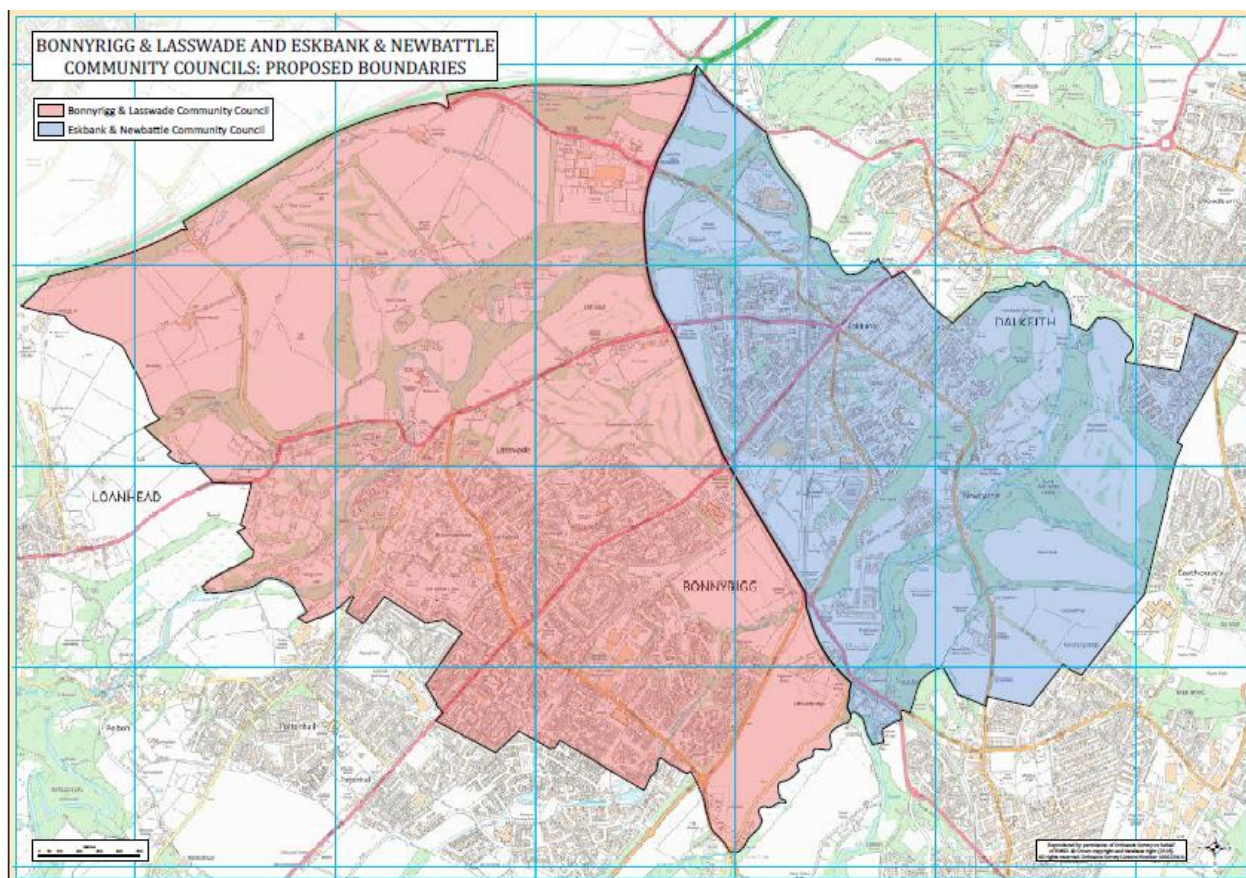
APPENDIX B

Background Papers/Resource Links

Appendix 1 - Map of existing boundaries



Appendix 2 - Map of proposed boundary change



Poltonhall and District Community Council Name Change

Report by Alasdair Mathers, Communities and Lifelong Learning Manager

Report for Decision

1 Recommendations

To approve the proposed name change from Poltonhall and District Community Council to Poltonhall and Hopefield Community Council.

2 Purpose of Report/Executive Summary

The purpose of this report is to outline the proposed name change to Poltonhall and District Community Council to include Hopefield and seek approval for the change to be made.

20 October 2020

Report Contact:

Name Alasdair Mathers Tel No 0131 271 3438

alasdair.mathers@midlothian.gov.uk

3 Background/Main Body of Report

- 3.1** Poltonhall and District Community Council contacted Midlothian Council via the Communities Team to request a name change which had been agreed by the Community Council.
- 3.2** The proposed change would reflect the large housing development at Hopefield and the desire to ensure they are included. It is important to the residents living in Hopefield because there has been confusion over which community council they are part of – Bonnyrigg and Lasswade or Poltonhall and District.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

None

4.2 Digital

None

4.3 Risk

None

4.4 Ensuring Equalities (if required a separate IIA must be completed)

This report does not recommend any fundamental change to policy or practice and therefore does not require an Integrated Impact Assessment.

4.5 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Reducing the gap in economic circumstances
 Reducing the gap in learning outcomes
 Reducing the gap in health outcomes

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☒ Transformational
- ☐ Preventative
- ☒ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

None

A.5 Involving Communities and Other Stakeholders

Poltonhall and District Community Council engaged with the Hopefield Residents Association and Midlothian Council Communities Team.
 Community council meetings are held publicly and anyone can attend.

A.6 Impact on Performance and Outcomes

None

A.7 Adopting a Preventative Approach

None

A.8 Supporting Sustainable Development

None