

MINUTES of MEETING of the MIDLOTHIAN COUNCIL held in the Council

Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 13 May

2014 at 2.00pm.

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

Religious Representatives Present (Non Voting Observers for Education Business):- Mrs M Harkness.

Apologies for Absence:- Councillors Beattie and Boyes, Mr V Bourne and Mr P Hayes.

1 Order of Business

The Clerk advised the meeting that the follow paper relating to Agenda Item No 13 - "Executive Leadership Structure" had been circulated under separate cover.

2 Declarations of Interest

Councillors Johnstone, Rosie and Thompson all declared non-pecuniary interests in Agenda Item No 10 – "Minutes of Social Work Complaints Review Panel". Councillor Johnstone as she knew the complainants, and Councillors Rosie and Thompson as they had sat on the Review Panel. All three Members indicated that it was their intention to withdraw from the meeting for the duration of this particular item of business and take no part in the consideration thereof.

3 Minutes of Council

The Minutes of Meeting of Midlothian Council of 25 March 2014 and the Minutes of Special Meeting of Midlothian Council of 22 April 2014 were submitted and approved as correct records.

With regards the Council Minute of 25 March 2014, Councillor Milligan made reference to recent press coverage regarding the "Appointment of Elected Member Equality Champion" (paragraph 7, page 1-581 refers) in which he and the Labour Group had been accused of mischief making by a member of the SNP Group. He indicated that he would welcome clarification, in the event that it was not the particular Councillor in question who had not voted, which of the elected Members who had been present it had been, as he had a somewhat different recollection of events then was being portrayed in the media.

The Chief Executive advised without the benefit of a roll call vote it was not possible to say who had voted in the division and who had not. He was however completely satisfied having spoken with colleagues with the accuracy of the vote as recorded in the minutes.

Councillor Baxter remarked that the incident perhaps strengthened the case for the webcasting of future Council meetings.

Councillors Montgomery and Muirhead both commented on the importance of the issue and of the need for honesty about matters that went on in the Council Chambers.

Councillor Thompson indicated that the matter could have been raised as a question to the Leader but none had been received, however, he concurred with the Chief Executive's view that without the benefit of a roll call vote it was not possible to identify precisely how each individual Members had voted.

4 Other Meetings

The undernoted Minutes of Meetings were submitted. The Council noted the Minutes and approved the recommendations contained therein: -

Meeting	Date
Cabinet	25 February 2014
	25 February 2014
Planning Committee	25 February 2014
General Purposes Committee	18 February 2014
Local Review Body	4 March 2014
Performance Review and Scrutiny Committee	4 March 2014
	5 March 2014
	5 March 2014
Audit Committee	10 December 2013
Safer Communities Board	18 February 2014

5 Leader of the Council's Response to Written Questions

There were no written questions to the Leader of the Council

6 Notices of Motion

(a) Glencorse Barracks

There was submitted a Notice of Motion by Councillor Montgomery, countersigned by Councillor Imrie, as follows: -

“ Midlothian Council expresses its concern regarding the future of the Royal Highland Fusiliers stationed at Glencorse Barracks, Penicuik since in the event of Scotland voting to separate from the United Kingdom they will in effect then be British soldiers stationed in a foreign country.

Although the referendum is five months away it is incumbent on the Scottish Government to clarify what they perceive as the future for the Armed Forces.

Council instructs the Chief Executive to contact all relevant parties to seek clarification of this issue and report to the next Council meeting.”

In moving and seconding the motion, both Councillor Montgomery and Councillor Imrie spoke about the importance of seeking clarity for the benefit of all those connected with Glencorse Barracks.

Councillor de Vink suggested that some of the terms used in the motion were misleading and that it should be withdrawn.

Councillor Baxter commented that if the wording was adjusted to read “.... *in the event of Scotland voting to separate from the United Kingdom there will in effect then be British soldiers stationed in a foreign country.*” then he would be happy to support the motion.

Councillor Thompson, seconded by Councillor Bryant, moved as an amendment delete after “*Midlothian Council*” to end and insert; “*Commends the commitment and dedication of our armed forces and in particular our local regiment, 2 Scot, based at Glencorse Barracks, Penicuik; recognises that over years of under-funding serious questions have been raised regarding the equipment provided by the British State to support our Armed Forces, with claims that soldiers are having to buy their own items while Westminster Politicians chase vanity projects such as Trident; recalls that the Scottish Regiments had until recently enjoyed the use of Historic regimental names sadly abandoned by the previous Westminster Government; and welcomes the details outlined in the Scottish Government White Paper indicating that an Independent Scotland would operate a traditional defence force and that if the same proportion of our Tax were to be spent on Defence this would result in a significant increase in Defence funding in Scotland.*”

In summing up, Councillor Montgomery, with the consent of his seconder, Councillor Imrie, indicated that he would accept the adjustment to the wording suggested by Councillor Baxter, but that he could not accept what in effect amounted to a counter motion put forward by Councillor Thompson.

Thereafter, on a vote being taken, eight Members voted for the amendment and eight for the motion. There being an equality of votes, the Provost in terms of Standing Order 11.2 (iv), exercised his second casting vote in favour of the amendment, which accordingly became the decision of the meeting.

(b) Hinkley Point Nuclear Plant

There was submitted a Notice of Motion by Councillor Wallace, countersigned by Councillor Bryant, as follows: -

“ Midlothian Council at its meeting on 13 May 2014 condemns the UK Energy Minister, Michael Fallon, for the threat he made to the Scottish Government and asks him to explain his use of offensive language to threaten the democratically elected Government of Scotland, and therefore the Scottish people, in an attempt to stop the Scottish Government from making a submission to the European Commission regarding the UK Government’s proposal to build a new Nuclear Plant at Hinkley Point in Somerset.

In December, the European Competition Commissioner launched a full investigation into whether the UK Government’s intention of providing £17billion of public guarantees is legal and whether the contract with EDF guaranteeing them £92.50 per megawatt of electricity generated by the reactors constitutes illegal state aid.

The Commission launched a month long public consultation on its investigation which closed on 7th April but in February Michael Fallon warned the Scottish Energy Minister, Fergus Ewing, that any representation to Brussels by the Scottish Government would be viewed as a “hostile act”.

We call on the UK Minister to explain fully what he meant with his aggressive language and what would have been the consequences to Scotland if the Scottish Government had expressed its legitimate views on this issue.”

Councillor Wallace in moving the motion and Councillor Bryant in seconding both spoke of their concerns regarding the aggressive tone of the Energy Ministers comments.

In discussing the terms of the motion, questions were raised regarding its competency, given that it related to a proposed new Nuclear Power plant in England and also given that energy was a reserved matter. It was pointed out that the previous motion related to defence which was also a reserve matter but that it had been accepted without question. Also the motion didn’t relate to the plant itself it simply sought clarification regarding the tone of the language used by the UK Energy Minister in his comments to the Scottish Energy Minister.

On a vote being taken seven members voted against the motion and nine members for the motion, which accordingly became the decision of the meeting.

(c) Excellent in Delivering Services to Communities

There was submitted a Notice of Motion by Councillor Constable, countersigned by Councillor Coventry, as follows: -

“ Midlothian Council notes with regret the murder of Ann Maguire at Corpus Christi Catholic College in Leeds and seek a letter of condolence is sent on behalf of the Council to her employers.”

In moving and seconding the motion, both Councillor Constable and Councillor Coventry spoke of the excellent job done by teachers and the importance of people being able to feel safe in their place of work.

Thereupon the Council unanimously approved the motion.

7 Scottish Enterprise (East) Regional Advisory Board

With reference to (i) paragraph 9 of the Minutes dated 24 February 2009; and (ii) paragraph 9 of the Minutes dated 22 May 2012, there was submitted report, dated 25 April 2014, by the Director, Resources inviting Council to (a) consider formally joining the Scottish Enterprise (East) Regional Advisory Board (RAB) at the Board's meeting on 14 May 2014; and (b) if so minded, to confirm Councillor Bryant as its representative to serve on the Board.

The report outlined the background to the establishment of the Regional Advisory Boards and explained that there were four local authority representatives on the Board at any one time and that these were expected to be elected Members. The City of Edinburgh Council had a permanent representative, with the three other places being filled on rotation so that all Councils had a term of approximately 6-quarterly meetings. The current term of office of the representatives from Fife, Falkirk and East Lothian Councils had recently come to an end.

Decision

- (a) To formally agree to join the Scottish Enterprise (East) RAB at the Board's meeting on 14 May 2014; and
- (b) To confirm the appointment of Councillor Bryant as the Council's representative.

(Action; Director, Resources)

8 Diversion of Public Footpath at Bilston

There was submitted report, dated 5 May 2014, by the Head of Commercial Operations seeking approval to progress with a public path diversion order under the Countryside (Scotland) Act 1967 for an existing path crossing the site of a housing development in Bilston.

The report advised that the developer was seeking a minor diversion to the route that allowed the development footprint to be accommodated whilst still providing access between the two points without undue change to the function of the route. The process for undertaking the order was outlined, together with an undertaking from the developer to pay the Council's reasonable costs and outlays.

The Council, having heard from the Head of Commercial Operations, who responded to Members questions, discussed the route of the temporary diversion and the reasons for it.

Decision

- (a) To approve progression of the necessary public path diversion order; and
- (b) To instruct the Director, Resources to progress with the Diversion Order in line with the process outlined in the report.

(Action; Director, Resources)

9 Diversion of Core Path Crossing the Mayfield Complex Site

With reference to paragraph 12 of the Minutes dated 25 June 2013, there was submitted report, dated 7 March 2014, by the Director, Resources seeking approval to progress with the diversion of the public path crossing the Mayfield Complex Site to facilitate the building of the Newbattle Centre to replace the existing Newbattle High School.

The report explained that the footpath required to be diverted prior to construction work commencing on site. It was therefore proposed that this work be undertaken during the summer holidays 2014 and completed prior to the Schools returning on 18 August 2014. The completed footpath would then provide a safe route to school for Children from Mayfield to enable them to safely access the existing school throughout the duration of the build period.

Decision

- (a) To approve progression of the necessary diversion and resurfacing of the existing path through Mayfield Complex in line recommendations contained in the report; and
- (b) To instruct the Director, Resources to progress the diversion and resurfacing of the existing path through Mayfield Complex during the school summer holiday period with works being completed by 18 August 2014.

(Action: Director, Resources)

10 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 paragraphs 1, 5, 6 and 7 of part 1 of Schedule 7A to the Local Government (Scotland) Act 1973:-

- (a) Minutes of Meeting of the Social Work Complaints Review Panel of 27 March 2014 – Minutes approved and recommendations adopted;
- (b) Equal Pay - Report by Head of Finance and Integrated Service Support Noted;
- (c) Management Review 2014 – Approved report by Chief Executive; and
- (d) Executive Leadership Structure – Approved report by Chief Executive.

The meeting terminated at 3.45 pm.