

**Addendum to Minutes****Report by Alan Turpie, Monitoring Officer****1 Purpose of Report**

This report advises of two decisions which were made at the meeting of Midlothian Council on 11 August 2015 which were considered to be outwith Standing Orders. This report proposes action to rectify this situation.

**2 Background****2.1 Lauder Road CCTV**

At the above meeting on 11 August 2015, there was submitted a Notice of Motion by Councillor Young, countersigned by Councillor Russell, as follows:-

*“In light of recent serious crime in the area, Council requests officers to bring forward a report to the next Full Council meeting, outlining whether and how the installation of CCTV camera(s) could improve safety, crime prevention and crime detection in the Lauder Road area.”*

In response to this motion, Councillor Constable, seconded by Councillor Johnstone, tabled and moved the following entitled “Counter Motion” as an alternative to the motion:-

*“Council requests officers to bring forward a report to a future Council meeting concerning the implications of installing CCTV cameras at Lauder Road, to consider the possible identification of other suitable sites and also that any resource implications be considered as part of the Council Budget setting for 2016/17 and for subsequent years”*

Thereafter a vote was taken on the matter when 7 members voted for the motion and 9 for the alternative which accordingly became the decision of the Council.

**2.2 Free Swimming Sessions**

There was then submitted a Notice of Motion by Councillor Milligan, countersigned by Councillor Russell, as follows:-

*“Council agrees to offer free swimming sessions for children up to the age of 18 years during Midlothian School holidays, and requests that officers bring forward a report setting out the details of the dates, times and eligibility criteria that would apply.”*

*Council further agrees that the report should also look at how we can enhance and encourage more and better use of our leisure facilities during Midlothian school holiday periods.”*

In response to this motion, Councillor Rosie, seconded by Councillor de Vink, tabled and moved the following entitled “Counter Motion” as an alternative to the motion:-

*“Council requests that officers bring forward a report to look at how we can enhance and encourage more and better use of all our leisure facilities during Midlothian school holiday periods.*

*This report will:*

- *Set out the policies of other Scottish Councils regarding children's leisure activities during school holidays; and*
- *Provide details of the activities available at Council leisure facilities during school holidays.*
- *Consideration to be included in 2016/17 Revenue Budget process”*

Thereafter a vote was taken on the matter when 7 members voted for the motion and 9 for the alternative which accordingly became the decision of the Council.

### **3 Inconsistency with Standing Orders**

Following the conclusion of the meeting, a question was raised with the Monitoring Officer as to whether either Counter Motion was competent in terms of the Council's Standing Orders.

Standing Order 8.3 requires that a Notice of Motion must be received seven clear days prior to the date of the meeting to be included on the agenda for the meeting.

Standing Order 8.6 further states that if more than one motion submitted deals with the same subject matter only the first motion lodged will be considered.

The Monitoring Officer has advised that had he been asked to rule upon these points during the debate, his advice would have been that the Counter Motions were incompetent in terms of Standing Orders 8.3 and 8.6, the Counter Motions would therefore have fallen and the two motions lodged first would have been considered.

The Monitoring Officer has also noted that if the Counter Motions had been submitted as amendments to the motions, this would have been competent in terms of Standing Orders.

## **4 Implications**

The Counter Motions being incompetent, the motions first lodged should be considered to be the decision of the Council.

## **5 Report Implications**

### **5.1 Resource**

There are no Resource Implications arising from this Report

### **5.2 Risk**

By treating the Counter Motions as having fallen and considering the reports on Lauder Road CCTV and free swimming sessions in the light of the reports first lodged, the Council will reduce the risk of subsequent challenge to any decisions following thereon.

### **5.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☒ None of the above

### **5.4 Key Priorities within the Single Midlothian Plan**

This report does not address any of the Council's key priorities.

### **5.5 Impact on Performance and Outcomes**

This report will not have any impact on Performance and Outcomes

### **5.6 Adopting a Preventative Approach**

This report will not assist the Council in Adopting a preventative approach

### **5.7 Involving Communities and Other Stakeholders**

Communities and Stakeholders are not involved in this report, however in preparing this report the Monitoring Officer has consulted with the Chief Executive and Director, Resources.

## **5.8 Ensuring Equalities**

An EqlA is not required

## **5.9 Supporting Sustainable Development**

This report does not impact on Sustainable Development

## **5.10 IT Issues**

None

## **6 Recommendations**

The Council is asked to:-

- (a) Note actions have come to light which were inconsistent with Standing Orders;
- (b) Consider the Report issued as item X on today's agenda on Lauder Road CCTV on the basis of the motion first tabled by Councillor Young; and
- (c) Note that the Director, Resources will report on children's swimming sessions on the basis of the motion first tabled by Councillor Milligan at a future meeting of the Council.

**10 September 2015**

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### **Background Papers:**