

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 5 November 2013, at 2.00pm.

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

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

**Apology for Absence:-** Mr V Bourne.

## **1 Order of Business**

The Clerk advised that :-

“Follow ” papers had been issued in respect of the following items of business, viz :-

- Item No. 24 – Report by Director, Resources on Gorebridge Hub;
- Item No. 25 – Report by Director, Resources on Lothian Buses ; and

Additional reports had been issued in respect of the following items of business, viz:-

- Item No. 16A - Report by Director, Resources on Scottish Joint Council for Local Government Employees Personnel Services Circular: Industrial relations 01/13 – Pay Award;
- Item No. 23A - Proposed Revision of the Council’s Scheme of Delegation for the Determination of Planning Applications and
- Item No. 26 - Report by Chief Executive on A New Leadership Structure for Midlothian Council.

## **2 Declarations of Interest**

There were no Declarations of Interest at this stage.

## **3 Minutes of Council**

The Minutes of Meeting of Midlothian Council of 24 September 2013 were approved.

## **4 Other Meetings/**

#### **4 Other Meetings**

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

<b>Meeting</b>	<b>Date</b>
Special Cabinet	27 August 2013
Cabinet	27 August 2013
Planning Committee	27 August 2013
General Purposes Committee	20 August 2013
Appeals committee	24 July 2013
Performance Review and Scrutiny Committee	3 September 2013
Special Performance Review and Scrutiny Committee (1)	4 September 2013
Special Performance Review and Scrutiny Committee (2)	4 September 2013
Special Performance Review and Scrutiny Committee	8 October 2013
Audit Committee	18 June 2013
Standards Committee	27 March 2013
Midlothian Safer Communities Board	7 May 2013

#### **5 Leader of the Council's Response to Written Questions**

There were no written questions to the Leader of the Council.

#### **6 Welfare Reform and the "Bedroom Tax"**

With reference to paragraph 10 of the Minutes of 25 June 2013, there was submitted report, dated 16 October 2013, by the Director, Resources, advising the Council of the response from Lord Freud, Minister for Welfare Reform, in response to a letter from the Provost with regard to Welfare Reform and the "Bedroom Tax". The report incorporated both the Provost's letter of 18 July 2013 to Lord Freud and Lord Freud's response thereto dated 5 September 2013.

#### **Decision**

To note the report.

## 7 **Review of Petitions Committee**

With reference to paragraph 11 of the Minutes of 25 September 2012, there was submitted report, dated 17 October 2013, by the Director, Resources, inviting the Council to consider both the operation of the Petitions Committee and the need for any adjustments. The report provided information on petitions documentation; petitions received; and the process for the validation of petitions.

The report also advised that, following discussion with officials, the Administration had suggested the following adjustments to the petitions procedures and that the criteria be updated accordingly, viz:-

- (a) That the Petition Statement box be amended to make it clear that petitions would be rejected and returned to the Principal Petitioner in cases where the wording contained within the Petition Statement box differed from that on any accompanying petition signature sheets;
- (b) That petitions would not be accepted where the subject matter was currently; had recently been; or would shortly be the subject of public consultation. In these circumstances it was considered that the consultation process should be the mechanism to allow all parties to express their views;
- (c) Only petitions that were fully valid be accepted. Petitions that were partly valid should be rejected and returned to the Principal Petitioner with an explanation why it had been rejected and inviting them to re-submit a fully valid petition; and
- (d) That the Head of Customer Services, be the sole arbiter as to whether a petition was valid and petitions which were deemed invalid, no longer be reported to the Petitions Committee for final decision.

After debate, Councillor Rosie, seconded by Councillor Baxter, moved adoption of the proposals submitted by the Administration. As an amendment, Councillor Muirhead, seconded by Councillor Pottinger, moved that the procedures for dealing with petitions remain unchanged.

On a vote being taken, six voted for the amendment and 11 for the motion, which accordingly became the decision of the meeting.

(Action: Legal and Secretariat Manager)

## 8 **Pre-election Period Guidance**

There was submitted report, dated 17 October 2013, by the Director, Resources, inviting the Council to approve a revised and updated “Pre-election Period Guidance” and to revise paragraph 20 of the “Guidance on the Use of Council Facilities by Councillors” to make it consistent with the former. The report therefore incorporated both of the revised Guidance Notes.

## Decision

- (a) To approve the revised and updated “Pre-election Period Guidance” shown at **Appendix I** hereto; and
- (b) To approve the revised and updated “Guidance on the Use of Council Facilities by Councillors” in order to improve consistency between the two guidance notes, as shown in **Appendix II** hereto.

## 9 Partnership Working - Update Report

There was submitted report , dated 21 October 2013, by the Chief Executive, (i) updating the Council on the progress of the joint partnership working activities/initiatives undertaken as part of the partnership working agenda across East Lothian and Midlothian Council; and (ii) presenting a revised Memorandum of Understanding which had been amended following discussions and which was incorporated into the report, in order to properly reflect the aspirations of the respective Administrations. The report provided information on the current joint partnership working activity, in respect of the Contact Centre; Archaeology Service; Health & Safety; Additional Support Needs; Self Improving Schools; Public Protection Unit; Travelling Persons Site; and Internal Audit.

The report also advised that agreement had been reached on the development of a partnering approach to deliver Environmental Health and Trading Standards Services and which would entail Midlothian leading on Environmental Health and East Lothian on Trading Standards, initially on a 12 month pilot with an interim review after six months.

## Decision

- (a) To note the current position regarding Partnership Working activities;
- (b) To note the revised Memorandum of Understanding; and
- (c) To approve the partnership arrangements for Environmental Health and Trading Standards.

## Sederunt

Councillor Milligan joined the meeting during discussion of the foregoing item of business (2.26pm)

## Declaration of Interest

Councillor Montgomery declared an interest in the following item of business, resulting from his membership of the Penicuik Civic Society and as a Trustee of the Penicuik House Trust, to both of which bodies Sir Robert Maxwell Clerk Bt.OBE was patron and accordingly took no part in the consideration thereof.

## 10 Lord – Lieutenant for Midlothian

There was submitted report, dated 18 October 2013, by the Head of Customer Services, advising that Sir Robert Maxwell Clerk Bt.OBE had been appointed as Lord – Lieutenant for Midlothian in succession to Patrick Prenter CBE, who had retired from the role on 18 October 2013. The report provided biographical details in respect of Sir Robert Maxwell clerk Bt OBE

### Decision

- (a) To note the appointment of sir Robert Maxwell Clerk, as the Lord – Lieutenant of Midlothian; and
- (b) To convey to Mr Patrick Prenter CBE the Council's thanks and appreciation of his efforts as the outgoing Lord – Lieutenant of Midlothian.

(Action:Head of Customer Services)

## 11 Strategic Development Plan for Edinburgh and South East Scotland (SES plan) update

With reference to paragraph of the Minutes of the Cabinet of 8 October 2013, there was submitted report, dated 29 October 2013, bringing to the Council's attention the decision of the Cabinet with regard to the Strategic Development Plan for Edinburgh and South East Scotland. The report incorporated the report submitted to the Cabinet on this subject by the Director, Education, Community and Economy.

The Cabinet had agreed as follows:-

- “(a) To note that, following Ministerial approval with modifications, the SESplan Strategic Development Plan, as modified, was constituted as the Strategic Development Plan for the SESplan Strategic Development Area (Edinburgh and South East Scotland) from 27 June 2013;*
- (b) To remit this report to Council with a recommendation to ratify, for consultative purposes, the draft Supplementary Guidance - Housing Land (which forms Appendix 2 to this report), as approved for consultation by the SESplan Joint Committee at its meeting on 30 September 2013; and*
- (c) To note the arrangements made for consultation on the draft Supplementary Guidance.”*

The Council were therefore invited to ratify, for consultative purposes, the draft Supplementary Guidance – Housing Land as approved by the SESplan Joint Committee at its meeting on 30 September 2013.

## **Decision**

To adopt the recommendation of the Cabinet to ratify, for consultative purposes, the draft Supplementary Guidance – Housing Land as approved by the SESplan Joint Committee

## **12 Bonnyrigg Leisure Centre**

With reference to paragraph 11 of the Minutes of Meeting of 13 August 2013, there was submitted report by the Joint Director of Health and Social Care, seeking approval for an extension of the timescales in respect of the submission and consideration of proposals for the future of Bonnyrigg Leisure Centre under the proposed Community Asset Transfer Policy. The report advised that to facilitate this it was proposed that the report to Council on proposals for the future of the Bonnyrigg Leisure Centre be considered at the Meeting of the Council on 4 February 2014 rather than on 17 December 2013 as had previously been agreed. A revised closing date of 6 January 2014 would apply in respect of the submission of proposals. The revised timescales would incur additional expenditure of £14,000 in respect of maintenance and security of the building.

The Council agreed to suspend Standing Order No. 7.14 to allow consideration of the report which proposed to vary the terms of its decision of 13 August 2013, within six months of it having been made.

## **Decision**

- (a) To approve the revised timescales for the submission of proposals in respect of Bonnyrigg Leisure Centre under the proposed Community Asset Transfer Policy;
- (b) To resume consideration of this matter at its meeting on 4 February 2013; and
- (c) To approve a supplementary estimate of £14,000 in respect of additional maintenance and security costs.

(Action: Joint Director of Health and Social Care; Head of Finance and Human Resources).

## **13 2014-15 Service Plans**

There was submitted report, dated 14 October 2013, by the Executive Officer, Business Transformation, presenting the draft Service Plans for 2014-15 which accompanied the report. The report explained that the Draft plans had been developed by Heads of Service working with community planning partners and key managers thereby ensuring alignment with Single Midlothian Plan (SMP) priorities. Work was ongoing to ensure outcomes, actions and indicators were aligned to those of community planning partners.

The purpose in circulating the draft plans in their current format would allow the Council to see and quality assess priorities and outcomes for each Council service. Work would in the meantime, continue on completing the detailed actions, indicators and targets for each plan so that a robust

governance and performance management and public reporting system for 2014/15 could be established.

### **Decision**

To approve the Draft Service Plans 2014/15

(Action: Executive Officer, Business Transformation).

## **14 Report of the Chief Social Work Officer 2012-13**

There was submitted report, dated 3 October 2013, by the Joint Director of Health and Social Care, presenting, in accordance with the Local Government (Scotland) Act 1994, the annual report of the Chief Social Work Officer (CSWO) on the statutory work undertaken on the Council's behalf. The report also provided the Council with an overview of regulation and inspection; workforce issues; and significant social policy themes current over the past year.

### **Decision**

(a) To approve the Chief Social Work Officer's Annual Report for 2012-13; and

(b) That the Annual Report be placed on the Council's website.

(Action: Joint Director of Health and Social Care).

## **15 20 MPH speed Limit in Lasswade Village and Polton Road, Lasswade**

With reference to paragraph 11 of the Minutes of the Cabinet of 8 October 2013, there was submitted report, dated 17 October 2013, by the Director, Resources, advising that the Cabinet's decision of 27 August 2013 on the possible introduction of 20mph speed limits, had subsequently been called in by the Performance Review and Scrutiny Committee who, on 3 September 2013 had agreed to recommend to the Cabinet as follows:-

*“(a) That the introduction of a 20mph speed limit in Lasswade Village and Polton Road, Lasswade, be introduced, without undue delay, as a pilot project; and*

*(b) That additional pilot projects introducing 20mph speed limits be introduced at the following locations;-*

- *Penicuik town centre between Peebles Road and Beeslack and including Angle Park*
- *Danderhall Village;*
- *Gorebridge in the area between the two existing primary schools;*

- *Mayfield in the Blackcot/Waverley housing estate; and*
- *Bilston village.”*

The Cabinet, on 8 October 2013, had not adopted the recommendations of the Performance Review and Scrutiny Committee and in accordance with the “call-in” procedure, the matter now fell to be considered by the Council.

Following debate, Councillor Constable, seconded by Councillor Thompson, moved that the Council adopt the decision of the Cabinet of 27 August 2013. As an amendment, Councillor Baxter, seconded by Councillor Milligan, moved that the Council adopt the recommendations of the Performance Review and Scrutiny Committee and proceed immediately with the introduction of a 20mph speed limit in Lasswade Village and Polton Road, Bonnyrigg..

On a vote being taken, eight voted for the amendment and 10 for the motion, which accordingly became the decision of the meeting.

(Action: Director, Resources)

## **16 Mavisbank House, Lasswade**

With reference to paragraph 13 of the Minutes of the Cabinet of 8 October 2013, there was submitted report, dated 17 October 2013, by the Director, Resources, advising that the Cabinet’s decision of 27 August 2013 that the Council give consideration to providing financial support to the project if the Mavisbank Trust’s application for lottery funding was successful had subsequently been called in by the Performance Review and Scrutiny Committee who, on 3 September 2013 had agreed to recommend to the Cabinet as follows;-

*“ That, in light of the current constraints on public spending, it advise the Trustees of Mavisbank House that any financial contribution from the Council towards the restoration of Mavisbank House and grounds, in either capital or revenue finance, could only be considered alongside other priority needs and should not therefore be relied upon in relation to any future application for funding from the Heritage Lottery Fund.”*

The Cabinet, on 8 October 2013, had not adopted the recommendations of the Performance Review and Scrutiny Committee and in accordance with the “call-in” procedure, the matter now fell to be considered by the Council.

Following debate, Councillor Constable, seconded by Councillor Thompson, moved that the Council adopt the decision of the Cabinet of 27 August 2013. As an amendment, Councillor Imrie, seconded by Councillor Bennett, moved that the Council adopt the recommendations of of the Performance Review and Scrutiny Committee of 3 September 2013.

On a vote being taken eight voted for the motion, and nine for the amendment ,which accordingly became the decision of the meeting.

(Action: Director, Resources)



**17 Scottish Joint Council for Local Government Employees  
Personnel Services Circular: Industrial Relations 01/13**

There was submitted report, dated 29 October 2013, by the Director, Resources, seeking the Council's authorisation to implement Scottish Joint Council for Local Government Employees Personnel Services Circular: Industrial Relations 01/13. The circular followed the decision taken at COSLA Convention on 25 October 2013 on the application of pay increases to employees whose terms and conditions of service came within the framework of the Scottish Joint Council for Local Government Employees. The period of settlement covered 2013/14 and 2014/15 and involves an increase of 1% for the year 1 April 2013 to 31 March 2014 and 1% for the year 1 April 2014 to 31 March 2015.

**Decision**

To authorise the implementation of Scottish Joint Council for Local Government Employees Personnel Services Circular: Industrial Relations 01/13.

(Action: Director, Resources)

**18 Financial Statements for the year ended 31 March 2013**

There was submitted report, dated 4 October 2013, by the Head of Finance and Human Resources, to providing the Council with a brief overview of the changes made during the audit process to the Council's Financial Statements for 2012/13. The audited accounts had previously been circulated to members. Accordingly and in accordance with regulation 6(1) of the Local Authority Accounts (Scotland) regulations 1985 (as amended) the audited Financial Statements for the year ended 31 March 2013 were laid before Council.

The report highlighted that there were no qualifications to the Financial Statements. The external auditors main findings during the audit were:-

- Changes to the Accounting Code of Practice for 2011/12 had been accurately reflected in the accounts;
- A change to the presentation to make clearer the link between the Capital Fund transfer and the repayment of Loans Fund Principal;
- A presentational error in the Balance Sheet between Debtors and Creditors resulting in both being understated by £1.577 million; and
- A presentational error in the Balance Sheet between Deferred Liabilities and Creditors resulting in the former being overstated and the latter understated by £0.966 million.

There was no change in the financial performance from that shown in the unaudited accounts laid before Council on 12<sup>th</sup> June. The General Fund Balance at the year end was £14.083 million of which £7.294 million was earmarked for specific purposes and the Housing Revenue Account balance was £14.673 million.

**Decision**

To note and endorse the report.

**18 Financial Monitoring 2013/14 – General Fund Revenue**

There was submitted report, dated 10<sup>th</sup> October 2013, by the Head of Finance and Human Resources, providing information on the projected performance against revenue budget in 2013/14 and details of the material variances that were projected. The report advised that there was a projected net underspend of £0.796 million on General Fund Services and there was a projected General Fund balance at 31 March 2014 of £8.273m of which £0.744 million was earmarked for further Business Transformation work leaving the uncommitted reserve at £7.529 million.

**Decision**

- (a) To note and endorse the report; and
- (b) To receive a report on the effect of removing the market supplement from coaches/instructors in leisure centres in respect of staffing numbers; numbers of classes cancelled; and numbers of customers.

(Action: (b) Director, Resources)

**Sederunt**

Councillor Boyes left the meeting at this stage (3.41 pm).

**19 Housing Revenue Account - Revenue Account and Capital Plan 2013/14**

There was submitted report, dated 12 August 2013, by the Head of Finance and Human Resources providing the Council with a summary of expenditure and income to 27 September 2013 for the HRA Capital Plan and a projected outturn for both the Capital Plan and the Revenue Account.

In respect of the Revenue account, the report advised that the changes in the benefits system in respect of under occupancy had increased arrears levels and resulting in an increase of £0.529 million in the provision required in the revenue account for irrecoverable rents. The projected outturn now showed a slight increase in the overspend to £0.396 million, resulting in a projected surplus of £2.384 million for the year which would result in a projected reserve at 31<sup>st</sup> March 2014 of £17.057 million.

In respect of the Capital account, the report advised actual spend for the year was projected to be £17.016 million; there had been a slight increase in "Right to Buy" applications; the projected shortfall in budgeted income for the year was £0.181 million; and the variations on capital expenditure and receipts would result in a requirement to borrow £14.639 million for the year.

## Decision

To note the report as summarised in **Appendices III and IV** hereto.

### 20 General Services Capital Plan 2013/14 - Quarter 2 Monitoring

There was submitted report, dated 9 October 2013, by the Head of Finance and Human Resources, providing the Council with information on the projected performance against budget, in respect of General Services Capital Plan 2013/14. The report advised that the budget for 2013/14 was £25.643 million; expenditure to date was £8.694 million; and the budgets for the projects detailed in **Appendix V** hereto would be fully spent in the current year with the following exceptions, viz:-

- The upgrade Stobhill Depot which was still on hold pending ongoing discussions on the future utilization of depots;
- The project at the Midlothian Snowsports Centre was anticipated would have an overspend of £0.114 million due to rectification works required following faulty design work and which would be the subject of a report in due course;
- Other minor variances totalling £0.061 million.

## Decision

- (a) To note that expenditure in 2013/14 was anticipated to be £25.249million; and
- (b) To otherwise note the report.

### 21 General Services Capital Plan 2013/14 to 2017/18

There was submitted report, dated 8 October 2013, by the Head of Finance and Human Resources, presenting (i) an updated capital plan for 2013/14 to 2017/18; and (ii) the new essential and unavoidable projects identified for 2013/14 that require to be considered for incorporation into the plan. The report identified the main changes to the plan since the last progress report submitted to the Council on 25 June 2013. In addition, the report explained that the Plan now included provisions for the years 2016/17 and 2017/18 and made provision for the Waste Service Review including the introduction of food waste collection and ongoing annual budgets in respect of Members Environmental Improvements; assistive Technology; and Cycling, Walking and Safer Streets. The essential projects that had been identified for 2013/14 were the completion of the upgrade of MOSAIC servers for the Social work Case Management System and the engagement of a consultant to carry out site investigations following a land slip between Cemetery Road and Ironmills Park, Dalkeith to provide recommendations on the most cost effective solution to allow the steps and path to be re-opened.

## Decision

- (a) To approve the proposed General Services Capital Plan 2013/14 to 2017/18 as shown in **Appendices VI and VII** hereto; and

- (b) To approve the inclusion of essential projects in respect MOSAIC servers and Ironmills Park, as outlined above, in the 2013/14 capital Plan.

(Action: Head of Finance and Human Resources)

## **22 Treasury Management Mid-Year Review Report 2013/14**

There was submitted report, dated 21 October 2013, by the Head of Finance and Human Resources, advising the Committee of the Treasury Management activity undertaken during the first half of 2013/14; the forecast activity for the second half of 2013/14; and updating the Prudential Indicators for 2013/14. The report therefore incorporated a detailed summary of treasury activity during the period 1 April 2013 to 30 September 2013 and the Council's loan and investment portfolio as at 30 September 2013 and advised that Treasury Management activity would continue to follow the same strategy during the remainder of 2013/14. The report also detailed the prudential indicators for 2013/14 and drew attention to the facts that the expected underlying borrowing requirement for the current year was £261m; the authorised limit for borrowing was £291m (the projected underlying borrowing Requirement as at 31 March 2016). The report therefore proposed that permission be granted to borrow up to the forecast 2015/16 Underlying borrowing requirement of £313.6m, if market conditions supported this course of action. This would have the effect of securing lower costs for future years but care would be taken to ensure that the cost of carry from borrowing early was minimised and that the maturity structure of all debt was sufficiently robust to ensure that the Underlying Borrowing Requirement, and Capital Funded from Revenue, at 31 March 2016, remained achievable.

### **Decision**

- (a) To note that the Financial Services team has achieved a better than benchmark return on investments for the half year;
- (b) To note the report and the Treasury activity undertaken in the first-half of the year, and the expected activity during the second-half of the year; and
- (c) To approve the revisions to the Prudential Indicators proposed in the report.

(Action: Head of Finance and Human Resources).

## **23 Revenue Budget 2014/15 to 2016/17**

There was submitted report, dated 8 October 2013, by the Head of Finance and Human Resources, providing the Council with an update on the following issues, viz :-

**The local government finance settlement** - The local government finance settlement distribution for 2014/15 would remain in line with indicative figures set out in finance circular 1/2013 which had been considered by the Council on 24 September 2013. In respect of grant distribution, the report

drew attention to a decision taken at the COSLA leaders meeting, that the distribution formula should not be updated for 2015/16 and as such the 2014/15 grant would in effect be rolled forward to 2015/16. If this decision was adopted by Scottish Government it would mean that Midlothian would not receive any increase in grant in 2015/16 to reflect the growth in population, pupil numbers etc.;

**Council Transformation Programme** – The Transformation Programme was expected to deliver savings of £1.995m and service reviews were expected to deliver savings of £0.381m in 2014/15;

**Budget projections for the three financial years 2014/15 to 2016/17** - The projected budget shortfalls for 2014/15; 2015/16; and 2016/17 after taking into account transformational and service review savings, were £1.095m; £4.805m; and £13.505m respectively. Proposals to address the remaining budget shortfall for 2014/15 would be submitted to the Council on 17 December 2013;

**Reserves** - The projected uncommitted general Reserve at 31 March 2014 was £7.529 million. A prudent level of uncommitted reserves was seen to be 2% of net expenditure which equates to approximately £4 million. The General Reserve was therefore £3.529 million greater than this and so provided some flexibility to meet unforeseen cost pressures, overspends and capacity to deliver transformational change.

**Council Tax** - The budget projections were based on a continuing Council Tax freeze (a condition of The Scottish Government Grant Settlement) with Band D Council Tax remaining at £1,210. The report detailed the anticipated Council Tax levels for 2014/15.

The report also provided detailed information on costs of services including inflationary and other cost pressures and demographic cost pressures.

## **Decision**

- (a) To note the update on Scottish Government grant allocation;
- (b) To approve a Council Tax freeze with a Band D Council Tax of £1,210 as set out in **Appendix VIII**, hereto.
- (c) To note that proposals to address the remaining shortfall of £1.095 million for 2014/15 would be submitted to Council on 17 December 2013; and
- (d) To note that In addition to the remaining £1.095 million shortfall in 2014/15, the gap between projected service expenditure and the available income is predicted to rise by a further £3.7 million in 2015/16 and again by a further £8.7 million in 2016/17 resulting in a cumulative shortfall of £13.5million by March 2017.

(Action: Head of Finance and Human Resources).

## **24 Proposed Revision of the Council's Scheme of Delegation for the Determination of Planning Applications**

With reference to paragraph 6 of the Minutes of the Planning Committee of 27 August 2013, there was submitted report, dated 1 November 2013, by the Director, Education Communities and Economy, advising that Scottish Ministers had approved the Council's revised Scheme of Delegation for the Determination of Applications for Planning Permission. The report therefore recommended that the Council now formally adopt the revised Scheme.

### **Decision**

To adopt revised Scheme of Delegation for the Determination of Applications for Planning Permission, with immediate effect.

(Action: Head of Planning and Development).

## **25 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 items, as contained in the Addendum hereto as there might be disclosed information as defined in paragraphs 1, 6, and 9 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Gorebridge Community Development Trust Hub Project - agreed

- (a) To note the impact arising from the withdrawal of Leader funding and the actions taken by the project funders to address this issue;
- (b) To commit a further £60,000 to fund the project shortfall;
- (c) To approve a supplementary estimate of £189,000 in 2013/14;
- (d) To note the requirement for the Council to act as guarantor for the Trust's overdraft facility and to authorise the Director, Resources and the Head of Finance and Human Resources to progress this on behalf of the Council, subject to clarification of all other funding streams;
- (e) To note the progress of the Gorebridge Community Development Hub ;

Lothian Buses –agreed

- (a) To note the arrangements established with regard to Lothian Buses, especially in respect of the representation of minority shareholders; and
- (b) To note that the Director, Resources would submit further reports regarding minority shareholding representation; and

A New Leadership Structure for Midlothian Council – agreed

- (a) To approve the proposals set out in the report in respect of the new Head of Service roles and structure;
- (b) To delegate to the Chief Executive the task of recruiting and appointing to the new Head of Service structure in accordance with Council policies;
- (c) To (i) note that further changes to portfolios will be made as a result of structural reviews undertaken by Heads of Service and (ii) that authorisation of these changes be delegated to the Chief Executive; and
- (d) To note the intention to review the structure again in 2015 with a view to creating a structure with six Head of Service posts, subject to taking cognisance of further changes in the external and internal environment.

The meeting terminated at 4.50pm.

**Appendix I**  
**(relative to paragraph 8)**

**Pre-election period guidance – Midlothian Council**

Use ctrl+click to browse this document using the links.

**Contents**

1. [Applicability](#)
  - Elections / referendums
  - Timescales
  - Independent organisations
2. [Key points](#)
3. [Background and timing](#)
  - What is the pre-election period?
  - Timing of the pre-election period
  - Legal and other obligations
4. [Premises](#)
  - Definition
  - Use as offices and for public meetings
  - Visits to Council premises by candidates
  - Use of Council premises for publicity
  - Candidate's posters and other advertising
  - Surgery Notices
5. [Publicity](#)
  - General
  - Specific points on local government elections
  - Opening ceremonies or other events
  - Media requests
  - By-elections
  - Referendums
6. [Other issues](#)
  - Staff candidature
  - Staff - other political activity
  - Working relationships between staff and councillors
  - Use of Council facilities and resources by councillors
  - Freedom of Information requests
7. [Questions and answers](#)
8. [Contacts and further information](#)



## 1. Applicability (Back to [contents](#))

### ***Elections / referendums***

These guidance notes apply to all elections: local government, Scottish parliament, UK parliament and European parliament. Some provisions also apply to by-elections (discussed in section 5). The guidance will also apply to referendums.

Where there may be specific issues relating to particular elections these are covered in the notes.

### ***Timescales***

Although the formal pre-election period begins with the issuing of the notice of election, care should be taken in the few days immediately before this to avoid any potential perception, of political partiality.

### ***'Independent' organisations***

Care should be taken to ensure that projects, initiatives or organisations funded by an authority do not create the potential for allegations that public money is being used in support of a party or candidate. This is likely to be less of an issue where funding is general, as opposed to funding for, say, communications activity by an organisation.

## 2. Key points (Back to [contents](#))

While there are some specific areas that required detailed advice, the essence of this guidance is:

- Council staff must discharge their duties in a politically neutral way at all times.
- There is particular sensitivity around this political neutrality in the run-up to an election.
- Particular care needs to be taken to ensure that any events, publicity or other communications are politically neutral.
- Council facilities and resources must not be used in support of a political party or election candidate.
- Unless otherwise stated, it should be assumed that normal Council business will continue.
- Unless otherwise covered by this guidance, staff should respond positively to requests for information or advice from parties or candidates.

### **3. Background and timing** (Back to [contents](#))

#### **What is the pre-election period?**

It is the period between the announcement of an election and the date of the election. It is generally taken to be from the publication of the notice of election until polling day, inclusive of both days. This is the definition referred to in the Code of Recommended Practice on Local Government Publicity, which guides local authorities on fulfilling the requirements of section 2 of the Local Government Act 1986.

The main significance of the pre-election period is in the need for heightened sensitivity, to ensure that public resources are not used in any way that might influence the result of an election.

The pre-election period has commonly been known as 'purdah'. However, this is felt by some to be an inappropriate term because of its cultural and religious origins in referring to the separation of women from men.

#### **Timing of the pre-election period**

Local authorities have some discretion on the exact timing of the publication of the notice of election, although it needs to be within a timeframe which is set out in legislation according to individual elections.

The section of a local authority responsible for elections management should communicate to its elected members and staff the date of the pre-election period. It is usually helpful if this is done several months in advance to help with event and other planning.

In some authorities, convention – although not law – means that the pre-election period is effectively observed a few days before it officially begins.

It is worth noting that the civil service tends to use the date of dissolution of parliament as the beginning of its pre-election period, as opposed to the notice of election. This convention derives from UK parliament election dates not being fixed. However, all elections now follow a timetable which is set out in legislation in advance. This can lead to the UK and Scottish governments, and their agencies, using different pre-election period dates however.

#### **Legal and other obligations**

Local authorities are prohibited by section 2 of the Local Government Act 1986 from publishing any material which appears to be designed to affect public support for a political party. Publicity is defined very widely. It includes 'any communication, in whatever form, addressed to the public at large or to a section of the public.'

The Council also has duties under common law to taxpayers which prohibit the use of public funds and the activities of Council officers where the Council is not fulfilling its statutory functions. Unless otherwise specified in this guidance, any support given to political parties or election candidates is very likely to breach this obligation.

For the avoidance of doubt, it should be noted that these duties apply at all times but the implementation is particularly sensitive during the pre-election period.

Staff and elected members also have obligations under their respective codes of conduct.

Between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual members and groups of members.

The following publicity activities should therefore not take place during the formal election campaign period -

- Any proactive media releases/ media activity, including photocalls, involving cabinet portfolio holders, election candidates or elected members or mentioning any political party.
- The publication of any Council material, with the exception of election-related materials, that identifies, in any way, an election candidate or a political party. Reactive media inquiries are business as usual and may involve the relevant cabinet portfolio holder.

Any other activities will require to be considered in terms of the legislation and the Code of Conduct.

#### **4. Premises**

(Back to [contents](#))

##### ***Definition***

Council premises can include schools, offices, depots, stores and care homes where access is generally controlled or limited.

It can also include other spaces which might generally be open to the public but where there is an element of control, e.g. leisure centres and parks.

In this context, it is not taken to include public roads and pavements.

##### **Use as offices and for public meetings**

(Back to [contents](#))

The Local Government Act 1986 prevents local authorities from allowing Council premises to be used to promote support for a political party. However, there are some exceptions.

An authority may allow political parties to rent Council owned premises for use as offices, where such facilities are provided on a first-come, first-served basis on normal commercial terms.

Under the Representation of the People Act 1973 parties or candidates are entitled to use a school room for a public meeting in a Council run school within the candidate's constituency. The let will be free of charge, but the Council is entitled to be reimbursed for heating, lighting and other utilities, as well for any damage caused to the room by the let.

Candidates or their agents are required to give reasonable notice and any booking should not interfere with existing arrangements such as prior bookings or school hours.

In terms of the Representation of the People Act 1973, the Council must also prepare and keep for each constituency which is wholly or partly in its area, a list of rooms in school premises and a list of “meeting rooms” which candidates are entitled to use. Candidates are also entitled to inspect a list of these rooms.

### **Visits to Council premises by candidates** (Back to [contents](#))

As the election approaches, candidates may wish to visit Council premises to meet residents, e.g. in residential homes, or to be seen within the area, or to become more familiar with Council facilities. The Council has previously allowed such visits subject to management rules but it has now been decided that, subject to the exceptions listed below, no candidate shall be allowed to visit Council premises from the date of nomination until the close of poll.

This moratorium will not apply however in the following circumstances:

- Premises rented by the Council to third parties on a commercial basis where entry shall be at the discretion of the tenant
- School rooms and other meeting rooms made available to candidates in terms of the Representation of the People Act 1973
- Visits at the invitation of a resident to their room in a Council residential home or hostel
- Visits to Council premises for business and Council meetings; and
- Any activity in a Council managed public open space which has been approved by the Chief Executive (or his nominee).

### **Use of Council premises for publicity** (Back to [contents](#))

#### ***Visits by candidates***

The media may request the use of a council establishment to highlight a general aspect of the election. This may or may not involve election candidates or parties. The decision on whether to agree or not to such media requests will be taken by the relevant Director in consultation with the Communications and Marketing Manager. In reaching their decision, the Director should consider if such use by the media will favour one particular candidate or party, any sensitivities around the particular venue and its users, and the possible staff resource implications. Whatever decision is reached, it should be equally applied to all parties and candidates.

If the media is involved in a visit, employees must not be photographed, recorded or televised with prospective candidates. The consent of clients or service users must be sought and not assumed. The Council has media relations consent forms in place for situations where the people involved are under 16 or deemed to be vulnerable adults, and consent in these situations must be recorded and retained as per normal practice for media consents. The Director(s) will be advised on this aspect by the Communications and Marketing Manager.

An individual who lives in a Council residential home or hostel has a right, as an elector, to invite candidates and the media into their own room.

### ***Visits by politicians other than candidates***

It is likely to be permissible for a sitting politician, who is not affected by a forthcoming election, to visit Council premises and seek publicity for this. However, any candidates should not have a formal role at such events and Council staff should not facilitate any publicity involving election candidates, e.g. interview requests or photo opportunities.

### ***Party political broadcasts***

Council premises should not be used for the filming of party political broadcasts.

### **Candidate's posters and other advertising** **(Back to [contents](#))**

Political posters are not permitted on streetlights, other street furniture (e.g. traffic lights, railings and benches) and roads (including verges, central reservations and roundabouts).

The Council will not object to A Boards being placed on the pavement outside polling stations on the day of poll provided these boards do not obstruct the public right of passage. The question of whether an obstruction is being caused will be a matter for Police Scotland.

Party political or campaigning material should not be placed on notice boards or displayed in Council buildings.

### ***Surgery notices***

Sitting MPs, MSPs, MEPs and councillors may have surgery notices displayed in Council premises. These can continue to be displayed during the pre-election period providing it is the usual notice which is being displayed.

There is one exception to this rule: sitting politicians for a particular election who no longer hold office once the notice of election is published whose posters must be removed. For example, an MP ceases to be an MP in the pre-election period for the UK Parliament elections and should have their posters removed. Other sitting politicians may continue to publicise their surgeries and, in particular as Councillors remain in post until the day of poll for a local government election any such posters should not be removed.

## **5. Publicity** **(Back to [contents](#))**

### **General**

As the definition of publicity is very broad, and any content subject to interpretation, each situation has to be discussed on its own merits. Publicity can cover news releases, publications, events, photos and videos. It also includes online and social media communications as well as 'traditional' publicity.

In determining whether publicity should be allowed, the main factors to take into account are:

- The content and style of the material.
- The time and circumstances of the publication.
- The likely effect of the material on those to whom it is directed.
- Whether the material promotes or opposes a point of view on a question of political controversy which is specifically identifiable as the view of one political party but not the other.
- Whether or not the material contains references to any political party or to person identified with a political party.
- Where the material is part of a campaign, the effect that the campaign appears to be designed to achieve.
- The extent to which any activity is 'business as usual' or where the timing might be beyond the reasonable control of the authority.

The key test is whether a particular act can be perceived as seeking to influence public opinion or to promote the public image of a particular candidate, or group of candidates (whether or not they are existing members).

### **Specific points on local government elections**

Public statements (reactive and proactive) may need to quote the relevant councillor responsible for a particular portfolio.. Great care should be taken to ensure that any content is clearly and directly relevant to the service or issue being discussed and reflects an agreed Council decision or policy. It must not be a general comment on the position or achievements of the sitting administration.

Any Council newspapers or newsletters should not be published during the pre-election period. Routine publications advising on council services, such as Tonezones or the Midlothian Snowsports Centre at Hillend, may be published during the pre-election period.

It is worth noting that councillors remain as councillors until the day of poll for a local government election.

### **Opening ceremonies or other events**

Official openings or events, whether or not specifically designed to attract publicity, should not take place during the pre-election period before a local government election. Any variation on this must be agreed by the relevant Director and be justified on the grounds of exceptional unavoidable and/or unforeseen circumstances.

### **Media requests**

In general, media requests for general filming or photo opportunities around elections should be treated as they would be normally. The only issue that would arise is if there is any question of the media outlet taking a particular stance that may be, or may be perceived to be, in favour of one party or candidate.

Requests to organise or cover hustings events would normally be permissible on the basis that they are open to all relevant candidates. In the case of broadcasters, there are strict rules that apply to maintain political neutrality and an authority

should assume that the broadcaster concerned will meet its own obligations in this regard.

### **By-elections**

Particular care should be taken to avoid any publicity in the ward or constituency affected by a by-election during the period after the notice of election has been issued.

Depending on the circumstances, it may also be appropriate to stop normal Council publicity on the day before and the day of polling.

### **Referendums**

The Council may not publish any promotional material relating to a referendum within a period of 28 days prior to the referendum polling date in terms of the Political Parties, Elections and Referendums Act 2000. This restriction is on all material regardless of political content or neutrality.

### **6. Other issues**

(Back to [contents](#))

#### **Staff candidature**

If a Council employee in a political restricted post wishes to stand for election (whether to the Council, Scottish parliament, UK parliament or European parliament) they must resign their post.

A Council employee not in a politically restricted post may stand for election to the Council without resigning their post.

#### **Staff - other political activity**

Staff in politically restricted posts should not undertake any political activity at any time.

Staff in posts that are not politically restricted may carry out political activity. However, if they are a witness for any election-related documents or otherwise personally involved in support for a particular party or candidate, they must not be involved with polling or counting.

#### **Working relationships between staff and councillors**

Some employees may have a close working relationship with councillors. It is important that this close working relationship is not compromised in any way. If an employee is asked by a councillor to provide assistance with a matter which is clearly party political or which does not have a clear link with the work of the Council, they should politely refuse and inform the councillor that they are referring the matter to their line manager for guidance. This rule also applies if a councillor seeks assistance of behalf of a candidate in the elections.

## Use of Council facilities and resources by councillors

Facilities and resources provided by the Council for councillors to help them carry out their duties must never be used for party political or campaigning activities. This includes computer equipment, telephones, stationery and secretarial support. This is not an exhaustive list and councillors should check if they are not sure what is appropriate.

Communications by councillors to their constituents come within the definition of publicity detailed above, except where they are in response to particular issues initiated by their own constituents. Use of Council facilities for unsolicited mailings during this period should be made with extreme caution. To avoid any suggestion that actions may be motivated by the forthcoming elections, councillors should not issue communications to constituents in a form or style which they have not used before.

## Freedom of Information requests

There are no implications for FOI or other information requests covered by legislation. These should be handled as normal.

## 7. Questions and answers

(Back to [contents](#))

The following are examples of issues which have arisen previously. It must be remembered that the final advice will turn on the exact circumstances and these FAQs are only given to provide an indication of the type of issues you should be considering. They are not a substitute for specific, detailed advice.

1. A controversial item is on the agenda for a meeting of the Council or a Committee which will be held during the pre-election period. Should consideration of the item be postponed until after the election?  
**No. The work of the Council should continue and the item should be considered.**
2. A school has been approached by a candidate in the forthcoming election who wishes to meet pupils and have a general discussion with them about topics of concern to them. Is it okay to allow the visit?  
**No, this does not constitute “business as usual” and as such the visit will come under the moratorium in terms of section 4**
3. Officers have been asked to attend an event to give advice on Council services. Is this okay?  
**Whether or not it would be appropriate for officers to attend would depend on the nature of the event, who was running it and when it is being held. If the event is associated with a particular political party and is being held during (or a day or two before the beginning of) the pre-election period then officers should not attend. If it is being held outwith this period, then you would have to decide whether the event was designed to affect support for one political party. If so, then again officers should not attend.**



4. Is it okay for an election candidate to take photographs outside a Council office or facility?  
**This should not be encouraged but cannot be prevented. Candidates and officials should be aware that photography in and around schools is controlled, as any existing parental consent, whether express or implied, in relation to photographs taken for school purposes cannot be regarded as extending to the use of photographs in connection with any political campaigning.**
5. **What do I do if a candidate/political party refuses to accept my decision?**  
 Contact your Director, who can discuss the issues raised with the Chief Executive and let you and the candidate/party know the outcome of these discussions.
6. A candidate turns up at Council premises for a pre-arranged business meeting but there are media following them. Should the media be allowed in?  
**No. This is allowing a council facility to be used for a party political activity.**
7. A public consultation meeting is scheduled during the pre-election period as part of the formal planning process for a new school. Can it go ahead?  
**Yes. This is both normal business and there are significant costs attached to any delay.**
8. A party wants to use a council-managed public space for their campaign launch. Should it be allowed?  
**There is a convention that certain public spaces are used for campaign activity. It is generally acceptable for these to take place so long as the events are limited, e.g. around 1 hour and that there is equal opportunity for all parties or candidates to use them. The council resource/effort in facilitating these should also be minimal, e.g. enabling access to a space.**
9. The council was intending to facilitate a debate on an important issue to our area. Should it be cancelled?  
**The debate must be open to participation by all parties and candidates, and it may be advisable to limit the media participation (e.g. reactive rather than proactive). With those caveats, it could go ahead, but thought would still need to be given to whether or not the issue at hand was likely to be particularly divisive along party lines.**
10. A councillor wants to give their view on a matter debated at committee to the media. Is this allowed?  
**Any councillor at any time is at liberty to do this. The tests are whether they are using council resources to do so and whether the view is (or could be perceived to be) political in nature.**
11. A charity which receives funding from the council has taken an advert in a political party's newsletter. Is this allowed?  
**There are two relevant issues here: what is the council's funding for (e.g. a general grant or for a specific purpose such as communications) and what is the advert for (e.g. notice of an event or self-promotion)? Generally, this**

**is a low-risk activity so long as there is nothing overtly political about the organisation's activity or its advert.**

12. There is an event scheduled for the launch of a new service. Can local councillors be invited? And what about other politicians?

**Such events are generally very inadvisable before a local government election and should be avoided before other elections. If the latter, local councillors can be invited, although this should be avoided if one of the councillors is a candidate. If the Director has agreed the event can go ahead, then all candidates for that ward should be invited.**

13. We want to highlight a new initiative. Can the relevant cabinet member be involved?

**No. Proactive publicity of this kind can go ahead without elected member involvement. We will use a service user or manager in these circumstances.**

- 14 A partner organisation has asked to use a council venue for the launch of an initiative. A minister will be attending and significant media presence is expected. Can we facilitate this?

**Yes. Hiring of council venues is business as usual.**

## **8. Contacts and further information**

**(Back to [contents](#))**

General advice on pre-election period guidance

Stephen Fraser, Communications and Marketing Manager,  
[stephen.fraser@midlothian.gov.uk](mailto:stephen.fraser@midlothian.gov.uk), 0131 271 3425

Alan Turpie, Principal Solicitor, [alan.turpie@midlothian.gov.uk](mailto:alan.turpie@midlothian.gov.uk), 0131 271 3667

**Appendix II  
(relative to paragraph 8)**

**MIDLOTHIAN COUNCIL**

**GUIDANCE ON THE USE OF COUNCIL FACILITIES BY COUNCILLORS**

**Purpose**

1. This guidance is aimed at assisting Councillors in regard to their use of Council facilities in carrying out their roles within the Council. The guidance attempts to ensure that Council facilities are not used for purposes which would breach either the Councillors' Code of Conduct or the Code of Recommended Practice on Local Authority Publicity and that due regard is paid to the efficient and economic use of Council resources.
2. If a Councillor fails to comply with this guidance then it may give grounds for a complaint to be made to the Standards Commission that he or she has misused Council facilities.
3. The guidance will also assist Members Services officers to support Councillors in carrying out their Council duties.

**General**

4. The facilities made available to support Councillors in carrying out their roles within the Council include:
  - office space with appropriate furniture and equipment, including PC (choice of desktop or laptop), telephone and stationery etc;
  - secretarial support;
  - access to photocopying;
  - incoming and outgoing mail service;
  - training and personal development; and
  - travel agency service in connection with business outwith Midlothian.
5. The use of Council facilities is governed by the following paragraph in the Councillors' Code of Conduct:

**"Use of Council Facilities**

3.16 The Council will normally provide facilities to assist councillors in carrying out their duties as councillors or as holders of an office within the Council. This may involve access to secretarial assistance, stationary and equipment such as telephones, fax machines and computers. Such facilities must only be used in connection in carrying out Council duties in accordance with your relevant Council's information technology, communications and member support policies or for incidental personal use as authorised by your Council and not related in any way to party political or campaigning activities. Where the Council recognises party political groups, assistance to such groups is appropriate in relation to Council matters but must not extend to political parties more generally and you should be aware of and ensure the Council complies with the statutory rules governing local authority publicity."

It is important to note that in relation to complying with the local authority publicity rules the onus is placed on individual members to ensure that in carrying out their duties the Council does not contravene these rules.

If a Councillor fails to comply with this paragraph of the Code of Conduct then he or she is likely to face a complaint to the Standards Commission and the imposition of sanctions such as censure, suspension from entitlement to attend council meetings or disqualification to be a Councillor, depending on the facts and circumstances of the particular case.

6. Rules governing local authority publicity are set out in Section 2 of the Local Government Act 1986, as amended by Section 27 of the Local Government Act 1998, which states:

“A local authority shall not publish, or arrange publication of, any material which, in whole or in part, appears to be designed to affect public support for a political party. In determining whether material falls within the prohibition regard shall be had to the style and content of the material, the time and circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters:

a) Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view which is identifiable as the view of one political party and not of another;

b) Where the material is a campaign, the effect which the campaign appears to be designed to achieve”.

“Publicity” is defined widely as including any communication, in whatever form, addressed to the public at large or to a section of the public. This legislation has also led to a Code of Recommended Practice on Local Authority Publicity, a copy of which is included in the Welcome Handbook provided to each Member following their election<sup>1</sup>.

7. It is recognised that correspondence by Councillors has become more problematic with the introduction of multi-member wards. Further guidance on this is given below.

### **Correspondence - Content**

8. All correspondence, including emails, prepared and issued using Council facilities must be connected with the functions of the Council or with the Council's policies in relation to these functions and the reasoning behind these. It may also be designed to attract people to use a Council facility or service.
9. Descriptions of the Council's decisions or policies should provide facts or explanations accurately.
10. Descriptions of the Council's decisions or policies should be presented in a balanced and reasonable way and should not be expressed in ways which

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<sup>1</sup> See also on Intranet under Council>Councillors>Online Elected Member Resources>Library.

could be seen as being designed to increase or decrease support for a political party.

11. The Council's headed notepaper should be used for paper correspondence.

### **Signing-off Correspondence**

12. Casework correspondence by ward councillors in response to matters raised by a constituent should be signed off "Councillor for ABC Ward". It is also acceptable in such circumstances to identify a political party e.g. "Labour Party Councillor for ABC Ward" in the header of the letter. The reason for this is that constituents now have a choice of councillor and a factor in making that choice may be the Councillor's political party affiliation.
13. Correspondence on the other hand concerning Council business conveying the official Council line should be signed by Councillors in their Council capacity e.g. "Leader" or "Chair of ABC Committee" or "Cabinet Portfolio Holder for XYZ". Here the identity of their political party is not appropriate and should not be included in the header or elsewhere in the letter.
14. Council headed notepaper and email templates should not be customised in breach of these guidelines.

### **Publicity or Surgery Details**

15. It is important that members of the public are aware of all the Councillors in their ward and the fact that they are available to help so they can choose which one they wish to represent them.
16. In order to avoid the risk of being regarded as party political material, mail shots to a section of a ward, including street letters and other unsolicited communications, the cost of which are to be met by the Council, are considered appropriate only in the following circumstances:
  - each ward member has agreed to the mail shot/poster/leaflet and has approved its contents for publication;
  - the content is limited to factual content, the identity of all ward members and their contact details;
  - members are supported in this by the relevant Director on the basis that the content does not duplicate information which Council Divisions have issued or are planning to issue. In particular, it should avoid the risk of confusion with a statutory or service-led consultation process which a Council service is required to or proposes to undertake.
17. The guidance on correspondence content and signing-off above also apply to publicity.

## **Computers**

18. All use of computer facilities provided by the Council should comply with Council's ICT Acceptable Use Policy.<sup>2</sup>
19. Councillors should be aware that their use and storage of personal data must also comply with the Data Protection Act 1998 and the Council's policies and guidelines under it.<sup>3</sup> In particular, Councillors will need to register with the UK Information Commissioner where they process personal data held on computer. The cost of registration will be met by Midlothian Council and the Council's Data Custodian can assist members with the registration process. Further detailed guidance on data protection matters for Councillors can be obtained from the UK Information Commissioner's website, [www.ico.gov.uk](http://www.ico.gov.uk).

## **Election Periods**

20. Stricter interpretation of the rules apply to Councillors' communications and publicity in the period in the run up to an election. Between the date of publication of the Notice of Election and the polling day, mail shots in particular should not be issued and the identification of political party in casework correspondence will also be suspended. Specific guidance will be issued as an election approaches.

## **Further Advice**

21. Further advice on the implementation of these guidelines can be sought from the Monitoring Officer/ Head of Customer Services.
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**Appendix III**  
**(relative to paragraph 19)**

**MIDLOTHIAN  
COUNCIL**

**HOUSING REVENUE ACCOUNT 2013/14**

	<b>Revised Budget</b>	<b>Projected Outturn</b>	<b>Variation (Under)/Over</b>
<b>Average No of Houses</b>	<b>6,869</b>	<b>6,892</b>	<b>23</b>
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
<b>Repairs and Maintenance</b>			
Decant/Compensation	38	38	0
General Repairs	6,155	5,955	(200)
Grounds Maintenance	560	529	(31)
	<b>6,753</b>	<b>6,522</b>	<b>(231)</b>
<b>Administration and Management</b>	4,563	4,567	4
<b>Loan Charges</b>	6,990	7,022	32
<b>Other Expenses</b>	1,366	1,940	574
<b>TOTAL EXPENDITURE</b>	<b>19,672</b>	<b>20,051</b>	<b>379</b>
<b>Rents</b>			
Houses	(21,444)	(21,460)	(16)
Garages	(458)	(458)	0
Others	(550)	(517)	33
<b>TOTAL RENTS</b>	<b>(22,452)</b>	<b>(22,435)</b>	<b>17</b>
<b>NET EXPENDITURE/(INCOME)</b>	<b>(2,780)</b>	<b>(2,384)</b>	<b>396</b>
<b>BALANCE BROUGHT FORWARD</b>	<b>(14,673)</b>	<b>(14,673)</b>	<b>0</b>
<b>BALANCE CARRIED FORWARD</b>	<b>(17,453)</b>	<b>(17,057)</b>	<b>396</b>

**Appendix IV**  
**(relative to paragraph 19)**

**MIDLOTHIAN COUNCIL**

**HOUSING REVENUE ACCOUNT CAPITAL PLAN 2013/14**

	Revised Budget	Actuals to 27/09/201 3	Projected Outturn	Variation (Under)/Over
	£'000	£'000	£'000	£'000
<b>FUNDING</b>				
Net Receipts from Sales Grants	1,635	679	1,454	(181)
-Mortgage to Rent	662	263	650	(12)
-Incentivising New Build Funding	60	25	164	104
Council Tax on Second Homes	109	0	109	0
Borrowing Required	11,783	5,540	14,639	2,856
<b>TOTAL AVAILABLE FUNDING</b>	<b>14,249</b>	<b>6,507</b>	<b>17,016</b>	<b>2,767</b>
<b>APPROVED EXPENDITURE</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
New Build Houses Phase 1	201	184	225	24
New Build Houses Phase 2	5,702	2,834	4,798	(904)
Aids & Adaptations	332	239	450	118
Stabilisation Works	60	0	60	0
Environmental Improvements - McNeill Terrace	416	0	416	0
Homelessness - Mortgage to Rent	1,112	247	1,120	8
Scottish Housing Quality Standard				
-Kitchen Replacement	832	41	832	0
-Upgrade Central Heating Systems	1,309	412	1,309	0
-Sanitary Ware Replacement Programme	4,266	1,522	3,802	(464)
-SHQS Repairs	19	1,028	4,004	3,985
<b>Total Expenditure</b>	<b>14,249</b>	<b>6,507</b>	<b>17,016</b>	<b>2,767</b>



**Appendix V**  
(relative to paragraph 20)

**GENERAL SERVICES CAPITAL PLAN**  
**2013/14 QUARTER 2 MONITORING**  
**APPROVED PROJECTS**

	<b>2013/14 Budget £'000</b>	<b>Actual 15/09/13 £'000</b>	<b>2013/14 to Outturn £'000</b>	<b>2013/14 Variance £'000</b>
<b>RESOURCES</b>				
<b>Customer Services</b>				
Corporate ICT Replacements	909	35	909	0
Server Replacement	125	0	125	0
Cabling and Power - Midlothian House & Fairfield House	200	0	200	0
IT Data Encryption	27	0	27	0
IT PCI Compliance	44	4	44	0
IT Antivirus Software	4	6	6	2
IT UPS Devices	40	0	40	0
IT Air Conditioning Upgrade	15	11	11	-4
Midlothian Website Development	13	0	13	0
<b>Commercial Operations</b>				
Lighting Upgrades	969	207	969	0
Road Upgrades	581	380	581	0
B6372 Arniston Road realignment	475	0	475	0
Structural Road Surveys	6	0	6	0
A6106 Lugton	1,772	199	1,772	0
Millerhill access road works	302	0	293	-9
Purchase of Land at Millerhill	203	252	252	49
Beeslack High School Safer Routes to School	55	0	20	-35
Cycling, Walking & Safer Streets Projects	126	2	126	0
New recycling facility - Penicuik	1,359	33	1359	0
Waste Collection Vehicles	1,036	92	1,036	0
Vehicle & Plant Replacement Programme	1,624	688	1,624	0
<b>Property &amp; Facilities</b>				
Stobhill Depot Upgrade	569	0	0	-569
Property Upgrades	759	264	759	0
Snowsports	0	25	114	114
<b>TOTAL RESOURCES</b>	<b>11,213</b>	<b>2,198</b>	<b>10,761</b>	<b>-452</b>

**EDUCATION, COMMUNITY AND ECONOMY**

**Primary**

Burnbrae	445	1	445	0
Bilston	250	0	250	0
Gorebridge North	250	0	250	0
Rosewell Extension	1,005	198	1,005	0
Lasswade Roof	327	182	327	0
Paradykes Roof	125	60	100	-25
Kings Park PS Classroom conversion	11	0	4	-7
Newtongrange Playground	18	0	18	0

**Secondary**

Lasswade High School	6,933	3,903	6,934	1
Newbattle High School - Preparatory Works	30	2	2	-28

Newbattle High School - Construction	640	0	640	0
Saltersgate Security	13	0	21	8
<b>General</b>				
IT Development	1,000	324	1,000	0
PPP1 Land Acquisition	27	0	27	0
Penicuik Synthetic Pitch	23	23	23	0
<b>Children and Families</b>				
Eastfield Childrens Unit	19	11	30	11
Woodburn Childrens Unit	96	97	115	19
<b>Planning &amp; Development</b>				
Jarnac Court Regeneration	16	16	16	0
Environmental Improvements	400	44	400	0
Demolition Costs	27	0	27	0
Property Asset Management System	18	14	18	0
Feasibility & Site Investigation - Barleyknowe	9	0	9	0
Internet Connection				
<b>TOTAL EDUCATION, COMMUNITY AND ECONOMY</b>	11,682	4,875	11,661	-21
<b>HEALTH AND SOCIAL CARE</b>				
Penicuik Care Home Hub	928	983	983	55
Penicuik Care Home Hub - Fit Out	150	11	150	0
Assistive Technology	150	43	150	0
Travelling Peoples Site Upgrade	83	0	83	0
Highbank Old Peoples Home Mechanical Sluices	18	0	18	0
IT System	13	15	37	24
<b>TOTAL HEALTH AND SOCIAL CARE</b>	1,342	1,052	1,421	79
<b>BUSINESS TRANSFORMATION</b>				
Purchase to Pay	88	20	88	0
Mobile and Flexible Working	17	17	17	0
EDRMS	415	157	415	0
EWiM	608	375	608	0
Midlothian House 3rd Floor	1	0	1	0
Unallocated	277	0	277	0
<b>TOTAL BUSINESS TRANSFORMATION</b>	1,406	569	1,406	0
<b>GENERAL SERVICES CAPITAL PLAN TOTAL</b>	25,643	8,694	25,249	-394

**Appendix VI**  
**(relative to paragraph 21)**

**GENERAL SERVICES CAPITAL PLAN**  
**2013/14 to 2017/18**  
**APPROVED PROJECTS**

	2013/1 4	2014/1 5	2015/1 6	2016/1 7	2017/1 8	Total Project Budget
	Budge t	Budget	Budge t	Budge t	Budget t	Budget
	£'000	£'000	£'000	£'000	£'000	£'000
<b>RESOURCES</b>						
<b>Customer Services</b>						
Corporate IT Asset Upgrades	909	777	250	0	0	2477
Anti-Virus Upgrades	0	75	85	0	0	160
Disaster Recovery	0	40	0	0	0	40
Internet Connection	0	20	20	0	0	60
Server Replacement	125	125	125	0	0	375
New ITMIS - Service Improvement	0	150	0	0	0	150
Cabling and Power - Midlothian House & Fairfield House	200	0	0	0	0	200
IT Data Encryption	27	0	0	0	0	60
IT PCI Compliance	44	0	0	0	0	68
IT Antivirus Software	4	0	0	0	0	65
IT UPS Devices	40	0	0	0	0	40
IT Air Conditioning Upgrade	15	0	0	0	0	15
Midlothian Website Development	13	0	0	0	0	126
<b>Commercial Operations</b>						
Lighting Upgrades	969	1,085	1,073	0	0	3,443
Road Upgrades	1,056	0	0	0	0	1,500
Structural Road Surveys	6	0	0	0	0	50
A6106 Lugton	1,772	0	0	0	0	1,894
Millerhill access road works	302	0	0	0	0	380
Purchase of Land at Millerhill	203	0	0	0	0	248
Beeslack High School Safer Routes to School	55	0	0	0	0	228
Cycling, Walking & Safer Streets Projects	126	127	112	95	95	475
New recycling facility - Penicuik	1,359	0	0	0	0	1,380
Waste Collection Vehicles	1,036	270	270	100	555	3,791
Food Waste Collection	0	0	653	0	0	653
Vehicle & Plant Replacement Programme	1624	1459	435	0	0	5,512
<b>Property &amp; Facilities</b>						
Stobhill Depot Upgrade	569	0	0	0	0	624
Property Upgrades	759	0	0	0	0	759
<b>TOTAL RESOURCES</b>	<b>11,213</b>	<b>4,128</b>	<b>3,023</b>	<b>195</b>	<b>650</b>	

**EDUCATION, COMMUNITY AND ECONOMY**

**Primary**

Burnbrae	445	0	0	0	0	2,574
Bilston	250	1450	3200	1,260	300	6,460
Gorebridge North	250	750	1160	3400	700	6,260
Rosewell Extension	1,005	120	0	0	0	1135
Lasswade Roof	327	0	0	0	0	350

Paradykes Roof	125	0	0	0	0	125
Kings Park PS Classroom conversion	11	0	0	0	0	11
Newtongrange Playground	18	0	0	0	0	18

**Secondary**

Lasswade High School	6,933	459	0	0	0	37,041
Newbattle High School - Preparatory Works	30	0	0	0	0	65

Newbattle High School - Construction	640	983	16,392	0	0	27,003
Saltergate Security	13	0	0	0	0	50

**General**

IT Development	1,000	306	0	0	0	1,691
PPP1 Land Acquisition	27	0	0	0	0	27
Penicuik Synthetic Pitch	23	0	0	0	0	373

**Children and Families**

Eastfield Childrens Unit	19	0	0	0	0	299
Woodburn Childrens Unit	96	0	0	0	0	311

**Planning & Development**

Jarnac Court Regeneration	16	0	0	0	0	160
Environmental Improvements	400	534	180	180	180	1474
Demolition Costs	27	0	0	0	0	628
Property Asset Management System	18	0	0	0	0	105
Feasibility & Site Investigation - Barleyknowe	9	0	0	0	0	35
Install Geogrid - Barleyknowe Lane	0	63	0	0	0	63

**TOTAL EDUCATION, COMMUNITY AND ECONOMY**


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11,682	4,665	20,932	4,840	1,180
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**HEALTH AND SOCIAL CARE**

Penicuik Care Home Hub	928	0	0	0	0	2,400
Penicuik Care Home Hub - Fit Out	150	0	0	0	0	150
Assistive Technology	150	150	150	150	150	753
Travelling Peoples Site Upgrade	83	0	0	0	0	83
Highbank Old Peoples Home	18	0	0	0	0	18
Mechanical Sluices						
IT System	13	0	0	0	0	235

**TOTAL HEALTH AND SOCIAL CARE**


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1,342	150	150	150	150
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**BUSINESS TRANSFORMATION**

Purchase to Pay	88	0	0	0	0	150
Property Services Review	0	43	0	0	0	317
Mobile and Flexible Working	17	0	0	0	0	122
EDRMS	415	0	0	0	0	416
EWiM	608	0	0	0	0	608
Midlothian House 3rd Floor	1	0	0	0	0	42
Unallocated	277	200	0	0	0	477

**TOTAL BUSINESS TRANSFORMATION**


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1,406	243	0	0	0
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<b>GENERAL SERVICES CAPITAL PLAN TOTAL</b>	25,643	9,186	24,105	5,185	1,980
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**Appendix VII**  
**(relative to paragraph 20)**

**GENERAL SERVICES CAPITAL  
PLAN**  
**2013/14 to 2017/18**

	<b>2013/14 Budget £'000</b>	<b>2014/15 Budget £'000</b>	<b>2015/16 Budget £'000</b>	<b>2016/17 Budget £'000</b>	<b>2017/18 Budget £'000</b>
<b>EXPENDITURE</b>					
Approved Expenditure	25,643	9,186	24,105	5,185	1,980
	<u>25,643</u>	<u>9,186</u>	<u>24,105</u>	<u>5,185</u>	<u>1,980</u>
<b>FUNDING</b>					
Government Grants	6,407	8,057	7,113	6,267	6,267
Government Grant -Lasswade High School	621	-	-	-	-
Receipts from Sales	4,914	-	-	-	-
Transfer to Capital Fund	(4,891)	-	-	-	-
Developer Contributions	3,360	2,844	4,276	2,419	-
Other Contributions	319	-	-	-	-
<b>AVAILABLE FUNDING</b>	10,730	10,901	11,389	8,686	6,267
<b>Approved Borrowing Required</b>	<b>14,913</b>	<b>(1,715)</b>	<b>12,717</b>	<b>(3,501)</b>	<b>(4,287)</b>
	<u>25,643</u>	<u>9,186</u>	<u>24,105</u>	<u>5,185</u>	<u>1,980</u>

**Appendix VIII**  
**(relative to paragraph 23)**

**MIDLOTHIAN COUNCIL****REVENUE BUDGET 2014/15****Council Tax Levels**

This statement gives details of the 2014/15 Council Tax payable in respect of a chargeable dwelling in each of the valuation bands specified in Section 74(2) of the Local Government Finance Act 1992 determined in accordance with Section 74(1) of the Act **Based on Band D Council Tax of £1,210.**

<b>Band</b>	<b>Range of Values</b>		<b>Band D</b>	<b>Council</b>
	<b>From</b>	<b>To</b>	<b>Proportion</b>	<b>Tax</b>
	<b>£</b>	<b>£</b>		<b>£</b>
<b>A</b>	-	27,000	6/9	806.6
<b>B</b>	27,001	35,000	7/9	941.1
<b>C</b>	35,001	45,000	8/9	1,075.56
<b>D</b>	45,001	58,000	9/9	1,210.00
<b>E</b>	58,001	80,000	11/9	1,478.89
<b>F</b>	80,001	106,000	13/9	1,747.78
<b>G</b>	106,001	212,000	15/9	2,016.67
<b>H</b>	212,001	upward	18/9	2,420.00