

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PETITIONS

COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith, on Tuesday, 14 May 2013 at 10.00 am.

Present :- Councillors Rosie (Chair), Baxter, Coventry, Muirhead, Russell and de Vink.

1 Order of Business

The Clerk advised the meeting that an e-mail had been received from the petitioner in respect of agenda item no. 8 (Coaching and Instructor Services in Leisure Centres) explaining (a) that he would be unable to attend; and (b) the reasons for the differences between the petition form submitted and the content of the petition signed by supporters of the petition.

The Chair advised of his intention to advance agenda item no. 7 (Newbattle Pool) to agenda item no.6, to which the Committee assented.

2 Declarations of Interest

There were no declarations of interest.

3 Procedure

The Committee noted the procedure to be followed in hearing petitions as approved by the Council on 25 September 2012.

4 Minutes

The Minutes of Meeting of 19 March 2013 were submitted and approved.

Arising from consideration of the foregoing minutes, the Committee noted that a report on the review of Public Conveniences, would be submitted to the Cabinet on 28 May 2013.

5 Petition: Newbattle Pool

There was submitted petition from Heather Fleming, 3 Abbeygrange, Newtongrange, in the following terms, viz: _

“To stop the closure of the current Newbattle Swimming Pool and its relocation to the proposed new Newbattle High School.”

The Committee then heard from Ms Fleming and Mr P Carstairs, in amplification of the petition. In particular they drew attention to the fact that the possible closure resulted from the transfer of facilities to the planned new Newbattle High School and both petitioners stressed that they and their supporters wished to see the highest standard of facilities provided at the new school.

The petition opposing the possible closure had secured circa 2,500 signatures. The present facility, for most of the pool users, required at most only one bus journey but the relocation of the pool to the Newbattle High School would involve a substantial number in having to make two bus journeys, with consequential additions in travelling costs. Whilst it was accepted that the new Newbattle High School was on a bus route, there remained concerns that its location was a safety concern to existing pool users who were dependent on public transport, particularly at night, with no housing or other facilities nearby. There were clear indications that existing disabled users of the pool would not be able or willing to make use of a new relocated facility. The relocation of the facility would therefore have a detrimental effect in social terms for the elderly and disabled users of the pool. The running costs of the existing facility, as contained in consultation documents were not accepted by the petitioners.

Thereafter, both Ms Fleming and Mr Carstairs answered questions from members.

The Director, Education and Children's Services, in response to a point made that the closure of the pool had already been determined, explained that the recommendations of the officials were being made public in order that all those parties who had participated in the Newbattle High School consultation process were being kept informed of current thinking and was in accordance with the pledge to do so given at all consultation events. The Director stressed that this process allowed groups and individuals to comment or object to officials' recommendations.

Decision

To refer the petition to the Director, Education and Children's Services for detailed consideration under the second phase consultation in respect of the replacement of Newbattle High School.

(Action: Director, Education and Children's Services).

6 Petition: Bonnyrigg Leisure Centre

There was submitted petition containing 211 signatures and 24 letters of support from Mr Darius Namdaran, 2 Park Road, Bonnyrigg in the following terms, viz:-

"We petition Midlothian Council to stop the demolition of Bonnyrigg leisure Centre (July) for at least 12 months. To give residents of Bonnyrigg the time to decide how they want to make use of it.

Residents were informed in Midlothian Councils official consultation leaflet that: "Bonnyrigg leisure Centre would be closed and sold to finance the new facility"(P.21 Planning Pre-Application consultation). However, the Council subsequently decided it would be demolished without publicly informing residents. The planned demolition is not on the internet or on the Councils website nor was it mentioned in the Council's information newspaper "Midlothian News". We had to individually ask a local councillor to enquire because they didn't even know. It appears some clubs and trusts were

approached, however, this does not constitute informing the residents of the community.

We hope you can see that residents were not adequately informed. Neither were they told of the possibility of it being given, for free, to the community to use. For the sake of full community engagement we would like the wider community to have a public and direct say in what happens with this building.

We propose Midlothian Council correct this oversight by freezing demolition until ordinary residents have at least 12 months to organise and propose a viable plan for the whole building.

Currently, Midlothian council suggest only the back hall is viable for the community to run. However, we think placing soft play in the swimming pool hall would be more viable. We would also propose that the workshop underneath the pool be used for a bike repair Co-op, for youth.

We can substantiate these proposals with initial cash flow projections, designs, analysis of previous maintenance costs and building repair reports. However, we need time to prepare a thorough proposal and to secure provisional funding so that the council can confidently handover the building to the community as a whole.

There are many viable possibilities. There is a strong appetite for community engagement in Bonnyrigg at this time. Combined with the possibilities of an intact building like the leisure centre, it could be of significant benefit over the next few decades.

Therefore we petition the council to rectify this miscommunication and give residents the opportunity to choose what to do with the building."

The Committee then heard from Mr Namdaran and Ms J Lee in amplification of the petition. In particular they highlighted their view that the building was ideal for community use but it was essential that the community be given the chance to formulate their proposals and obtain costings. This could not be done prior to the scheduled demolition of the leisure centre in July 2013. In this respect Mr Namdaran highlighted that the decision to proceed to demolition had not, in his view, been made public and as such there had not been an opportunity for the community to formulate proposals. He also highlighted that so far as he could ascertain, the Council's only decision in this matter had been to "dispose" of the building which in itself did not equate to its demolition, which had not been mentioned in consultation documents. He also drew attention to meetings with officials in respect of the possible future use of the building and arising from which he asserted that different information had been forthcoming on each occasion, particularly in relation to the costs which the Council would have to meet in order to keep the building open.

Mr Namdaran contended that the leisure Centre was entirely suited to use as a play centre with a soft play area; a youth venue; and a number of other community uses; that the fact that the commercial sale of the building was prevented by a restriction in the title had greatly influenced the decision to demolish the building; and that the public had been "kept in the dark" over the Council's intention to demolish in order to prevent a community based

proposal to be formulated. At the very least, it was possible to keep the “front area” of the leisure centre open and allow its use as a soft play area, at minimal cost. The petition was, in addition to those parties referred to above, also supported by Bonnyrigg Community Council; 451 messages of support on Facebook; 102 online petitioners; and the National Playing Fields Association. Accordingly, the petitioners sought a postponement of the demolition of the building and asked that the Council now positively consider the principle of community ownership.

Thereafter, both Mr Namdaran and Ms Lee answered questions from members.

The Head of Property and Facilities Management confirmed to the Committee that the revenue savings to accrue from the closure and demolition of the leisure centre had been factored in to the running costs of the new Lasswade High School Centre and that the contract for the construction of that centre had included the demolition of the leisure centre.

After discussion, Councillor Baxter, seconded by Councillor Coventry moved that the petition be referred to the Director, Corporate Resources to allow discussions to be held with the petitioners on the possible community use of the Bonnyrigg Leisure Centre and that a report in this respect be submitted to the Council at its meeting on 25 June 2013. As an amendment, Councillor Muirhead, seconded by Councillor Russell, moved that, having regard to the earlier consultations undertaken in respect of the Lasswade High School Centre, no action be taken on the petition.

On a vote being taken, three members voted for the motion and three for the amendment. The Chair thereafter exercised his casting vote in favour of the amendment which accordingly became the decision of the meeting.

(Action: Legal and Secretariat Manager; Head of Property and Facilities Management)

7 Petition: Coaching and Instructing Services

There were submitted

(a) Report dated 22 April 2013, by the Head of Customer Services, highlighting issues in respect of a petition submitted by Mr Alan Stables, 24 Kippielaw Medway, Dalkeith, concerning coaching and instructing services provided in Council Leisure Centres. The report highlighted that the petition accompanying the petition pro forma was in the following terms, viz:-

“We, the residents of Midlothian, demand that the wages of the area’s coaches and instructors are protected in order to preserve the current level of activities for both children and adults in the Midlothian Area. Cuts in this area will greatly affect the health and wellbeing of all age groups, from young children through to the elderly, which is unacceptable considering the rising issues in the population’s health and fitness. With Midlothian class and membership costs due to rise it is unacceptable to expect the level of service to fall with the cancellation of a large percentage of the current schedule.”

The pro forma itself was worded differently in that it stated:-

“We, the undersigned wish the Council to take action to ensure that a permanent solution is found to ensure that the coaches and instructors of Midlothian can continue to provide the current level of activities in the area. Without urgent action there is a large threat to the health and well being of people of all ages throughout Midlothian.”

The report highlighted that the Head of Customer Services had concerns over the wording of petition accompanying the petition pro forma in that it related to the decision taken by the Council on 15 April 2013 when the Council had reaffirmed its decision to withdraw market supplements from Coaches and Instructors employed in Leisure Centres and in effect sought a reversal of that decision. Given that the Committee were not permitted to consider petitions on subject matters which had been considered in the previous twelve months, it would not be competent for the Committee to consider a petition on this subject matter. The wording in the pro forma accompanying the petition however, was different in that it called upon the Council to maintain service levels at Leisure Centres. Consideration of a petition in this respect was quite valid. The report therefore asked the Committee to confirm whether it was agreeable to hearing the petition; and

(b) Petition containing 1040 signatures received from Mr Alan Stables, 24 Kippielaw Medway, Dalkeith, concerning coaching and instructing services provided in Council Leisure Centres.

Decision

To not consider the petition.

(Action: Legal and Secretariat Manager)

8 Waste Recycling Centre – Penicuik

There was submitted petition from Coreen Hope, 245 Eskhill, Penicuik, in the following terms, viz:-

“We object to Midlothian Council’s plans to build a waste recycling centre adjacent to Strathesk Primary school. We feel such a facility in this location would be detrimental to the health and safety of the school community.

Strathesk Primary School is a classroom school with a 420 pupil capacity, 60 morning nursery and 40 afternoon nursery children and also a large community wing. Eastfield Health Centre is also situated next door to the school. Surely this land can no longer considered industrial.

Such a facility will be a constant high risk to pupils due to the constant flow of waste lorries and private users.

The nature of the waste being deposited including gas cylinders, broken glass, oils & batteries we feel poses a danger to school pupils.

By its very nature such a facility will be noisy, skips lifting and banging, breaking glass, hydraulic crushing and lifting machinery will cause disruption to classes and outdoor play time.

Dust; debris, litter and vermin are also cause for concern.

The site and its functions will be smelly and not felt suitable for such close proximity to a primary/nursery school.

Perhaps also worth considering aggressive, foul language, incidents of assault and breach of the peace at similar sites.

We do not feel that any of the measures you propose in the form of acoustic barriers , late opening etc will in any way reduce the impact this facility will have on our school and its pupils.”

The Committee then heard from Ms Hope and Mr A Benson in amplification of the petition.

Ms Hope expanded on each of the elements of concern referred to above and stressed the concerns parents and pupils had in respect of noise pollution ; traffic and parking problems; the possible restriction of playground use; and odours from the site all of which would have a detrimental effect on learning capability. She also drew attention to advice from the Scottish Environment Protection Agency which clearly stated that the provision of such facilities should only be progressed with the full knowledge of neighbouring parties and she contended that these parties had not been advised of the initial proposal. In any event, she averred that SEPA recommended that the site was not suitable for this purpose.

The Director, Corporate Resources advised that the proposal was now the subject of a planning application which was scheduled to be considered by the Planning Committee on 27 August 2013.

Decision

To refer the petition to the Head of Planning and Development to incorporate into the report to be considered by the Planning Committee.

(Action: Head of Planning and Development)

The meeting terminated at 11.35 am.