

MINUTES of SPECIAL MEETING of the MIDLOTHIAN COUNCIL held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 2 December 2014 at 11.30am.

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

Apologies for Absence:- Councillors Baxter, Beattie, Bennett and Coventry and Mr Bourne, Mr Hayes and Mrs Harkness.

1 Order of Business

The Clerk advised that the Provost had agreed to accept the following additional items of urgent business in view of the Council's interest in the matters, as dealt with under paragraphs 3 and 4 below:-

- (a) Agenda Item No 3A - Election Return from Returning Officer for By-election held in Ward 5 (Midlothian East) on Thursday 27 November 2014; and
- (b) Agenda Item No 3B - Declaration of Acceptance of Office of Councillor – Report by Director, Resources.

2 Declarations of Interest

No declarations of interest were intimated.

3 By-election Ward 5 (Midlothian East) - Election Return from Returning Officer

In terms of Rule 56 of The Scottish Local Government Elections Order 2011, there was submitted and noted letter, dated 28 November 2014, from the Returning Officer to the Proper Officer of the Council, giving notice of the name of the candidate elected to The Midlothian Council at the By-election held in Ward 5 (Midlothian East) on 27 November 2014, namely:-

No of Elected Ward	Name of Ward	Name and Address of Councillor
5	Midlothian East	Kenny Young 26 Saint Davids Gardens Dalkeith

It was also noted that the Returning Officer had confirmed that he had given notice in writing of his election to the Councillor concerned.

4 Declaration of Acceptance of Office of Councillor

There was submitted report, dated 2 December 2014, by the Director Resources, advising that under the terms of Section 33A of the Local Government (Scotland) Act 1973, introduced by the Local Government and Housing Act 1989, a person elected to Office as a Councillor of a Local Authority could not, unless:-

- (a) he/she had made a Declaration of Acceptance of Office in a form prescribed by an Order made by Scottish Ministers; and
- (c) the Declaration had within two months from the day of the election been delivered to the Proper Officer of the Local Authority,

act in the Office of Councillor except for the purpose of taking such a Declaration.

If the Declaration was not made and delivered to the Proper Officer within the appointed time, the Office of the person elected would at the expiration of that time become vacant.

The Council noted advice from the Director, Resources, that it had been confirmed to him by the Proper Officer that Councillor Young had made the Declaration of Acceptance of Office in the prescribed form and delivered it to him. It was therefore confirmed by the Director that Councillor Young was eligible to act in the Office of Councillor and participate in the meeting.

Councillor Young was welcomed accordingly to the meeting.

5 Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Council agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 8 and 9 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Zero Waste: Edinburgh and Midlothian – Residual Waste Treatment Contract:

- (a) To approve the appointment of a Preferred Bidder for the Zero Waste: Edinburgh and Midlothian Residual Waste Treatment facility at Millerhill and when the Joint Council Project Board was content with the final documentation, to award the residual waste contract to the Preferred Bidder;
- (b) To make provision in the General Services Capital Plan for 2018/19 for Midlothian's Share of the 30% Capital Contribution to the project; and
- (c) To authorise the Director, Resources to enter into an inter-authority agreement with the City of Edinburgh Council dealing with the contract management regime between the two Councils for the residual waste treatment.

The meeting terminated at 11.42am.