

# Minute of Meeting



## Midlothian Council

Date	Time	Venue
22 March 2016	2pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Provost Wallace	Depute Provost Coventry
Councillor Johnstone – Leader of the Council	Councillor Constable – Depute Leader of the Council
Councillor Baxter	Councillor Beattie
Councillor Bennett	Councillor Bryant
Councillor Imrie	Councillor Milligan
Councillor Montgomery	Councillor Muirhead
Councillor Parry	Councillor Pottinger
Councillor Rosie	Councillor Russell
Councillor Young	

### Religious Representatives (Non-voting observers for Education Business):

Mrs M. Harkness	Mr V. Bourne
Rev. R Halley	

### In attendance:

David Brown, Chair of the Lothian Mineworkers Convalescent Home Trust	Robert Amos, Vice Chair of the Lothian Mineworkers Convalescent Home Trust

**Sederunt – Prior to the commencement of the meeting the Provost requested the meeting to observe a one minute silence in light of the events that had taken place in Brussels during the morning of 22 March 2016. Following the one minute silence, the Provost invited the Rev. Ruth Halley to lead the meeting in prayer. Further the Provost confirmed that the Council would send condolences to Brussels and to the Belgian Consulate too.**

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## **1. Apologies**

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1.1 It was noted that apologies had been received from Councillor de Vink

## **2. Order of Business**

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- 2.1 The order of business was confirmed as outlined in the agenda that had been circulated.
- 2.2 It was further noted that an additional report had been circulated to Elected Members in relation to 4.1 and two Office Bearers of Lothian Mineworkers Convalescent Home Trust were in the Chamber to present their deputation under 4.1.
- 2.3 It was further noted that an additional paper had been tabled in relation to the Leader's response in respect of item 6.1
- 2.4 It was further noted that an additional paper had been tabled in relation to item 8.3

## **3. Declarations of interest**

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- 3.1 The Provost requested that any Elected Member who had to declare an interest in a particular item to do so as the item arose.
- 3.2 The Provost declared an interest in item 4.1 and 7.3 and at these points in the meeting the Provost confirmed that for those items of business he would hand the Chair to the Depute Provost.
- 3.3 Councillors Montgomery, Bennett and Russell also declared an interest in items 4.1 and 7.3.

## **4. Deputations**

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- 4.1 A request for a deputation to Midlothian Council had been received from Lothian Mineworkers Convalescent Home Trust.

**Sederunt – Councillors Bennett, Montgomery, Russell and Wallace having declared and interest in the following item of business left the Chamber at this point and Councillor Coventry assumed the role of Chair**

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### **Decision to hear the deputation**

The Depute Provost introduced the item and requested that the Council consider whether to hear the deputation on the following terms:

- Only two members of the deputation could address the Council;
- The two members of the deputation could address the meeting for a maximum of ten minutes;

- There would then follow a period of questions from the Elected Members for a maximum period of ten minutes; and
- The deputation would not be able to request the Council to make a decision but only provide the Council with information.

Once this was clarified the Elected Members duly agreed to hear the deputation.

#### The Deputation

David Brown, Chair of the Lothian Mineworkers Convalescent Home Trust and Robert Amos, Vice Chair of the Lothian Mineworkers Convalescent Home Trust then addressed the Council in relation to the funding requirements and the work of the Trust. This included distributing information to the Elected Members present in relation to the work of the Lothian Mineworkers Convalescent Home Trust.

Following the presentation of the deputation, questions were received from Councillors Constable, Imrie, Johnstone, Baxter and Young to clarify the points made by the deputation.

Following the period of questions, the deputation retired from the Council.

**Sederunt – Councillors Bennett, Montgomery, Russell and Wallace returned to the Chamber at this point and Councillor Wallace assumed the role of Chair**

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## 5. Minutes of Previous Meetings

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5.1 The minutes of the meeting of Midlothian Council on 9 February 2016 were submitted and approved as a correct record.

5.2 The minutes of the special meeting of Midlothian Council on 8 March 2016 were submitted.

Councillor Muirhead believed there had been a material change in circumstances in relation to the deliberations in respect of the Council budget which he believed warranted this being discussed by the Council again.

During Councillor Muirhead's presentation, Councillor Beattie raised a point of order as she believed that the Council was being asked to confirm whether the minute was an accurate record. The Provost accepted Councillor Beattie's point of order and requested that Councillor Muirhead confirm his point. Following further discussion and further clarification from the Monitoring Officer as to how to progress the matter, the Provost sought confirmation from Councillor Muirhead as to whether he was questioning the accuracy of the minute. The Provost confirmed his view that the minutes were an accurate record of the meeting of 8 March 2016. Councillor Muirhead confirmed that he was raising a matter arising from the minute. The Council then heard from Councillor Johnstone who confirmed her view that the budget was a strong budget for local people and approved the minute as an accurate record.

Councillor Muirhead then moved that Standing Orders were suspended to re-examine the matter. Councillor Milligan seconded Councillor Muirhead's motion.

The Provost then asked for Elected Members to vote in relation to suspending Standing Orders.

8 Members voted for the suspension of Standing Orders which did not represent a two third majority of Elected Members present therefore the motion failed and the minutes were subsequently approved as accurate.

Councillor Milligan then asked for clarification in relation to the point in respect of the voting record of the budget specifically as to whether it had been necessary for the Provost to ask for Members to vote for the Administration amendment. The Monitoring Officer confirmed that whilst this hadn't been necessary it stood to reinforce the position of the Administration.

- 5.3 The following minutes were presented to the Council for noting and consideration of any recommendations therein:

Meeting	Date of Meeting	Response from the Council
Cabinet	12 January 2016	Noted
Cabinet	9 February 2016	Noted
Planning Committee	12 January 2016	Noted
General Purposes Committee	5 January 2016	Noted
Appeals Committee	29 July 2015	Noted
Local Review Body	19 January 2016	Noted
Performance, Review and Scrutiny Committee	24 November 2015	Noted
Performance, Review and Scrutiny Committee	25 November 2015	Noted
Performance, Review and Scrutiny Committee	25 November 2015	Noted
Performance, Review and Scrutiny Committee	19 and 27 January 2016	Noted
Audit Committee	8 December 2015	Noted

## 6. Questions to the Leader of the Council

- 6.1 It was noted that questions to the Leader of the Council had been received and a response to the questions had been tabled to the Elected Members.

## 7. Notices of Motions

Motion No.	Motion Title	Proposed by:	Seconded by:
7.1	Health	Councillor Johnstone	Councillor Constable

### Motion:

*Midlothian Council recognises that the Scottish Government have recently launched a recruitment drive to attract more junior doctors to live and work in Scotland. Additionally, recognises that across Scotland, funding for territorial*

*health boards will rise by an average of 5.5% next year. Furthermore, acknowledge that the Scottish Government are investing an additional £250m to support the integration of health and social care between health boards and councils.*

*Request that Midlothian Council continue to work in partnership and note the work carried out for local residents, taking a proactive approach and working with our partners in the Scottish Government and Lothian National Health Board Lothian.*

#### Summary of discussion

The Council heard from Councillor Johnstone who presented the motion and highlighted her concerns in relation to the shortage of GPs and the impact of this to the residents of Midlothian and recognised the importance of Midlothian Council continuing to work in partnership with the Health Board.

Councillor Constable was then heard in support of the motion referring to specific challenges highlighted through discussion with a local GP.

Councillor Milligan was then heard in support of additional GPs for practices in Midlothian and spoke of his concerns in relation to the impact of a shortage of GPs.

Following further debate and input from Councillors Parry, Muirhead and Beattie the Council then took a decision in relation to the motion.

#### Decision

The Council agreed to approve the motion.

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>7.2</b>	<b>Recycling – Deposit Return System</b>	<b>Councillor Baxter</b>	<b>Councillor Coventry</b>

#### Motion:

*Midlothian Council notes:*

- That considerable efforts have been made both by this Council and others across Scotland to tackle litter, to improve recycling, and to reduce waste, but that there is still significant room for improvement in these areas;*
- That the Scottish Government has recently consulted on the introduction of a deposit return system for single-use drinks containers;*
- That well-designed deposit return systems have achieved return rates of around 95% in places such as Norway, the Netherlands, and Michigan, and between 84% and 99% in Sweden;*
- That the use of these systems is spreading around the world, with Lithuania's system starting on 1<sup>st</sup> February 2016, and New South Wales set to join in July 2017;*
- That Local Government New South Wales supported deposit return, in part because it would reduce their recycling costs by 40%;*
- That a recent report commissioned by Zero Waste Scotland indicated that a deposit return system for Scotland could save local authorities £13m annually on litter and waste costs;*
- That the same report noted that additional work should be done to determine how a deposit return system could work most effectively in*

*Scotland alongside the services provided by local authorities.*

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*Council thus agrees:*

- *To send a letter from the Council Leader to the Cabinet Secretary for Rural Affairs, Food and Environment, supporting the principle of a deposit return system for Scotland, and urging him to involve local authorities in the design of a system which works efficiently alongside local authority waste management services;*
- *To work with other Scottish local authorities where possible to support a well-designed deposit return system, prioritising a reduction in littering, improvements to recycling rates, ease of use for consumers and small businesses, reductions in the volume of household waste and waste collected from public bins, and the delivery of cost savings to local taxpayers.*

#### Summary of discussion

The Council heard from Councillor Baxter who summarised his motion which he highlighted was in support of a national campaign.

Councillor Coventry was then heard in support of the motion.

The Council then heard from Councillor Bennett who spoke in support of the motion and further highlighted his concerns in relation to levels of litter in Midlothian.

Following this, the Council heard from Councillor Milligan in support of the motion and further the Councillor highlighted the positive benefits of this type of working.

#### Decision

The Council agreed to approve the motion.

#### Action

Council Leader

**Sederunt – Councillors Bennett, Montgomery, Russell and Wallace having declared and interest in the following item of business left the Chamber at this point and Councillor Coventry assumed the role of Chair**

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>7.3</b>	<b>Lothian Mineworkers Convalescent Home Trust</b>	<b>Councillor Imrie</b>	<b>Councillor Pottinger</b>

#### Motion:

*In light of the invaluable service it offers to former mineworkers, their families and friends and any other Lothians resident in need of respite, Council agrees to reinstate the previous Service Level Agreement with the Lothian Mineworkers Convalescent Home Trust.*

*Council also agrees, within a 12 month period, that officers should prepare a report on 'Value for Money' on this agreement in terms of the benefits to the citizens of Midlothian using this facility.*

#### Summary of discussion

The Council heard from Councillor Imrie who presented the motion and further referred to the earlier deputation.

Councillor Pottinger who was then heard in support of the motion.

Councillor Johnstone then presented a proposed amendment to the motion.

*In the first paragraph, following the words 'Council agrees to' remove the word 'reinstate' and replace it with 'review'.*

*At the end of the first paragraph continue with 'to ensure it meets the requirements of current Midlothian Council priorities.'*

*In the second paragraph remove the words 'within a 12 month period' and replace with 'the Council meeting of 17 May'.*

Councillor Johnstone was then heard explaining the reasoning for her proposed amendment.

Councillor Parry was then heard in support of Councillor Johnstone's proposed amendment.

Following this, the Council heard from Councillor Baxter who confirmed his feeling that the Council had a responsibility to support the legacy of mineworking in Midlothian.

The Council then heard again from Councillors Pottinger, Coventry, Imrie, Rosie and Constable.

The Council then heard from Councillor Imrie who replied to the proposed amendment and summarised his motion.

The Council then took a vote:

7 Councillors voted for the amendment to the motion and 6 Councillors voted for the motion.

#### Decision

As a result of the vote, the Council decision was to agree to the motion as amended.

#### Action

Joint Director, Health and Social Care

**Sederunt – Councillors Bennett, Montgomery, Russell and Wallace returned to the Chamber at this point and Councillor Wallace assumed the role of Chair**

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## **8. Reports**

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<b>Agenda No.</b>	<b>Report Title</b>	<b>Presented by:</b>
<b>8.1</b>	<b>Single Midlothian Plan 2016-17</b>	<b>Chief Executive</b>

### **Outline of report and summary of discussion**

The report was presented by the Chief Executive and invited the Council to endorse of the Single Midlothian Plan summary which was attached to the report, coupled with the outcomes and indicators and their adoption as the strategic plan for Midlothian Council under which the service plans for Council services will operate.

Councillor Johnstone proposed that the Council accepted the recommendations particularly in view of the updated priorities.

### **Decision**

The Council agreed to:-

- a) Note the legal requirements of the Community Empowerment Act as set out in appendix 1 of the report;
- b) Approve and endorse the summary Single Midlothian Plan 2016-17 (appendix 2 of the report) as the strategic document for council service planning.

### **Action**

Chief Executive

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<b>Report No.</b>	<b>Report Title</b>	<b>Presented by:</b>
<b>8.2</b>	<b>Service Plans 2016-17</b>	<b>Chief Executive</b>

### **Outline of report and summary of discussion**

The Council heard from the Chief Executive who presented a report dated 23 February 2016 in relation to the Service Plans for 2016/17. The Council was asked to consider approving these plans.

Councillor Johnstone was heard in support of the recommendations and proposed the plans were approved.



**Decision**

The Council agreed to:-

- a) Approve the 2016/17 Service Plans

**Action**

Council Senior Leadership Group

Report No.	Report Title	Presented by:
8.3	<b>Lothian Buses – City of Edinburgh Council Request for Extraordinary Dividend</b>	<b>Head of Commercial Operations</b>

**Outline of report and summary of discussion**

The Council heard from the Head of Commercial Operations who presented a report dated 29 February 2016 which outlined the request that had been made by City of Edinburgh Council to Lothian Buses to consider an extraordinary dividend of £20 million over the period 2017-2020.

Further the Head of Commercial Operations confirmed that the intention of the report was to advise the Council of the concerns raised directly with Lothian Buses on the potential impacts this proposal by the majority shareholder may have on the bus company and specifically what effect this could have on services within the Midlothian area.

Councillor Imrie tabled an additional recommendation to those contained within the report:

*Agree as a matter of urgency to seek a meeting with the Leader of the City of Edinburgh Council along with the three Leaders of East, West and Midlothian Councils so as that we can raise our opposition to the request being made for an extraordinary dividend of £20 million; and further instructs the Director of Resources to make the necessary arrangements.*

Councillor Rosie highlighted his concerns in relation to the impact on residents of Midlothian and further seconded Councillor Imrie's amendment alongside proposing that the recommendations contained within the report were accepted.

**Decision**

The Council agreed to:

- a) Note the request from City of Edinburgh Council to Lothian Buses for an extraordinary dividend over the period 2017 – 2020 to be considered.
- b) Note that concern has been raised directly with Lothian Buses in terms of the potential impact this could have on service delivery in Midlothian.
- c) Note Lothian Buses commitment to continued fleet investment and its network of services.
- d) Agree that the Director Resources will provide a further update report

when information is available.

- e) As a matter of urgency, to seek a meeting with the Leader of the City of Edinburgh Council along with the three Leaders of East, West and Midlothian Councils so as that we can raise our opposition to the request being made for an extraordinary dividend of £20 million; and further instruct the Director of Resources to make the necessary arrangements.

#### Action

Director, Resources

### Sederunt – Councillor Parry left the meeting at 3.45pm

Report No.	Report Title	Presented by:
8.4	Household Waste Charter	Head of Commercial Operations

#### Outline of report and summary of discussion

The Council heard from the Head of Commercial Operations who presented a report dated 2 March 2016 to the Council. The report eluded to the fact that a meeting was held on 25 February 2016 with senior officials from Zero Waste Scotland to discuss the Household recycling Charter and the potential benefits for Midlothian and its residents.

As a consequence, the Council is being asked to sign up to the Charter which will allow a detailed analysis of its waste collections to be carried out to provide options for due consideration in the future.

Councillor Rosie was heard in support of the report and the recommendations contained within it.

In relation to the recommendation requesting nominations of up to four Elected Members to participate in a working group to consider potential collection options, Councillor Johnstone proposed Councillors Baxter and Rosie and this was seconded by Councillor Beattie. Councillor Montgomery proposed Councillors Imrie and Muirhead and this was seconded by Councillor Milligan.

#### Decision

The Council agreed to:

- a) Sign up to the Household Waste Charter;
- b) Nominate Councillors Baxter, Rosie, Imrie and Muirhead to participate in a working group to consider potential collection points; and
- c) Instruct the Director Resources to come forward with a report in due course outlining the recommendations of the working group for consideration by the Council

#### Action

Director, Resources

Report No.	Report Title	Presented by:
<b>8.5</b>	<b>Protocol for Webcasting and Audiocasting Council Meetings</b>	<b>Director, Resources</b>

#### Outline of report and summary of discussion

The Council heard from the Director, Resources who presented the report dated 29 February 2016 which sought approval from the Council for the proposed protocol for webcasting and audiocasting Council meetings which was contained within appendix 1 of the report.

Councillor Johnstone was heard in support of the recommendations.

#### Decision

The Council agreed to:

- a) Approve the Protocol for Webcasting and Audiocasting Council meetings as contained in appendix 1 of the report.

#### Action

Director, Resources

Report No.	Report Title	Presented by:
<b>8.6</b>	<b>Pupil Intake Limits – School Session 2016-17</b>	<b>Director, Education, Communities and Economy</b>

#### Outline of report and summary of discussion

The Director, Education, Communities and Economy presented the report dated 1 March 2016 which informed the Council of the pupil intake limits required for the school session starting in August 2016 and the implications for placing requests.

Further the Director, Education, Communities and Economy confirmed that the limit at Burnbrae had been increased from 63 to 66. Further the Director, Education, Communities and Economy confirmed that all catchment pupils will have places within one of their catchment schools as of August 2016.

Councillor Constable was heard in support of the recommendations.

Councillor Baxter requested clarity on how any placement appeal would be accommodated within the limits. The Director, Education, Communities and Economy referred to the Resourcing Manager, Sandra Banks who confirmed that more places could be accommodated but that this would create a problem further down the line. The Director, Education, Communities and Economy also referred Elected Members to the reasons for refusal of a placement appeal contained within the relevant legislation.

Councillor Muirhead was heard highlighting that the decision for the Council was to 'note' the intake limits and the relevance of this in relation to appeals.

Victor Bourne was heard in support of the Catchment Review – particularly in light of the growth in house- building in Midlothian. He also expressed his support in relation to the fact that Roman Catholic pupils will be catered for as per the current arrangements.

#### Decision

The Council agreed to:

- a) Note the contents of the report; and
- b) Note the intention to cap P1 & S1 intake limits for August 2016 for the following schools:  
Burnbrae, Cuiken, Kings Park, Lawfield, St Andrew's, St David's, St Luke's, Stobhill and Tynewater Primary Schools; Lasswade High School

#### Action

Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
<b>8.7</b>	<b>Naming the New Primary Schools in Bilston and North Gorebridge</b>	<b>Director, Education, Communities and Economy</b>

#### Outline of report and summary of discussion

The Director, Education, Communities and Economy presented a report dated 1 March 2016 advising the Council on the process and outcome of naming the new primary schools in Bilston and North Gorebridge and the community engagement with the decision-making process. Further the Director, Education, Communities and Economy highlighted the community involvement in the naming process.

Councillors Constable and Muirheard were heard in support of the recommendations and commenting on the positive impact to communities in Bilston and North Gorebridge.

#### Decision

The Council agreed to :

- a) Note that the new primary school in Bilston will be named Bilston Primary School; and
- b) Note that the new primary school in North Gorebridge will be named Gore Glen Primary School

#### Action

Director, Education, Communities and Economy

## **9. Exclusion of Members of the Public**

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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 paragraph 8 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- (a) Zero Waste – Midlothian and Edinburgh Residual Waste Treatment Project - approved

