

Notice of meeting and agenda



Petitions Committee

Venue: Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 27 September 2016

Time: 10:00

John Blair
Director, Resources

Contact:

Clerk Name: Gordon Aitken
Clerk Telephone: 0131 271 3159
Clerk Email: gordon.aitken@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

Audio Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minutes of Previous Meeting

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| 4.1 | Minutes of Meeting of 24 March 2014 submitted for approval | 3 - 4 |
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5 Items of Business for Consideration

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| 5.1 | Procedure for Dealing with Petitions | 5 - 8 |
| 5.2 | Broadband Speed at Cockmuir, Talisker House, Scarcerigg Cottage, Mount Lothian Farm and Mayfield Cottage - Report by Director Resources | 9 - 14 |

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PETITIONS

COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith, on Tuesday, 24 March 2015 at 10.30 am.

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

Apologies for Absence:- Councillor de Vink.

1 Declarations of Interest

There were no declarations of interest.

2 Procedure

The Committee noted the procedure to be followed in hearing petitions as approved by the Council on 25 September 2012 and amended by the Council on 5 November 2013.

3 Minutes

The Minutes of Meeting of 4 November 2014 were submitted and approved.

4 Petition: No. 15 and No.40 Bus Services

There was submitted report dated 27 October 2014, by the Director, Resources, incorporating:-

- (a) A petition from Mrs Emma Hutt, 8 Penicuik Road, Roslin, on behalf of residents of Roslin and Auchendinny calling upon the Council to recommend to Lothian Buses to rescind their decision to alter the number 15 and 40 bus routes;
- (b) Comments on the issues raised in the petition from the Head of Commercial Operations;
- (c) Details of the revised bus services, which in effect was to withdraw the No.15 bus route from serving Roslin and Auchendinny and replace this with a revision to the route of the No.40 bus route. The new service would operate half hourly.

The Committee then heard from Mrs Hutt in support of the petition. In particular she drew attention to:-

- 408 people had subscribed to the petition, which reflected the depth of feeling in the Roslin and Auchendinny communities;
- In order to travel into Edinburgh, where many Roslin and Auchendinny commuters worked, it would be necessary to travel via the No.40 bus service to Penicuik in order to connect with the No.15 bus service. This added to the journey times faced by commuters and involved additional

cost , which therefore placed an additional financial burden on those who were reliant on the existing services;

- A housing development consisting of 120 houses had recently been constructed in Auchendinny and had been marketed on the basis of existing bus services.
- The direct link to Morningside and the West end of Princes Street, Edinburgh, where a number of commuters were employed or required to make use of services, was removed by the revised services, as was the direct link to the Straiton Retail Park; Asda Store and IKEA;
- The petitioners understood that from Lothian buses that the decision to alter the bus routes had, in part, been a response by them to complaints from residents of Penicuik about the length of journey times;and
- The effect of the decision of Lothian buses would be to increase the numbers of car journeys , contrary to accepted public policy.

The Head of Commercial Operations advised that, whilst Lothian Buses were obliged to follow a consultation process in respect of route changes etc, this did not permit the Council to object to any such proposal nor did the Council have the power to veto any such proposal. The decision made by Lothian Buses was purely a commercial decision .

Thereafter, both the Petitioner and the Head of Commercial Operations were questioned by Elected members

Decision

- (a) To refer the petition to Lothian Buses and to ask them to review the situation particularly having regard to the needs of the communities of Roslin and Auchendinny; and
- (b) To instruct the Head of Commercial Operations to review the bus interchange provision within the locale with a view to ameliorating the effects of the changes in the No.15 and No.40 bus routes on the residents of Roslin and Auchendinny.

(Action: Head of Commercial Operations).

The meeting terminated at 11.10 am.

MIDLOTHIAN COUNCIL - PROCEDURE FOR DEALING WITH PETITIONS

1 Introduction

- 1.1** Petitions allow you to raise issues with us, either as an individual or on behalf of an organisation. Councillors cannot send us petitions but everyone else can. We will consider your petition as long as it keeps to the following procedures.
- 1.2** We will consider petitions at meetings of our Petitions Committee which are open to you and the press.

2 The Role of the Petitions Committee

- 2.1** The Petitions Committee will consider each petition, listen to you, ask you questions and take one of the following actions for each petition.
- No action, in which case we will give you the reasons.
 - Pass the petition to the relevant director or other Council Committee to look into, with or without any specific recommendation.
 - If the petition relates to another public organisation, we may pass it on to that organisation with or without any specific recommendation.
- 2.2** The Petitions Committee cannot change Council decisions, although they may ask for us to review a policy or procedure.

3 Valid Petitions

- 3.1** Petitions should be about what we are doing or issues that are relevant to you. They can be about services provided by other organisations such as the police and health services, although the Petitions Committee has a limited say in what these organisations do.
- 3.2** You cannot make petitions for the following:-
- Petitions where the subject matter is currently; has recently been; or will shortly be the subject of public consultation. In these circumstances the consultation process will be the mechanism to allow all parties to express their views.
 - Petitions about complaints or issues that should go through our normal procedures.
 - Petitions about individual planning, licensing or other applications (including decisions we have already made) where there are already procedures.
 - Petitions about personal or business interests.

- Petitions about complaints about the behaviour of individual officers or councillors which should go through the normal procedures.
- Petitions about employees' terms and conditions of employment which should go through the normal procedures.
- Petitions which could be defamatory (contain information which is not true), discriminate against someone or contain offensive or inappropriate language.
- Petitions which accuse someone of breaking the law or codes of practice.
- Petitions which are, or are from petitioners who are, trying to cause trouble.
- Petitions which are the same or are very similar to petitions the board have already considered in the last 12 months.
- Petitions about any decision we have made, or decisions a board, committee, joint committee or officer has made in the last six months.
- Petitions which support any political parties.

4 Format of Petitions

You should send in petitions using the template which we include in the annex to this document. If you are sending us a petition, you must be an individual or an organisation and will need to provide the following information. You are known as the Principal Petitioner.

- You should include your details including your name, address, phone number and e-mail address.
- You should include the text of the petition, which should clearly show the issue and what you want us to do.
- You should include any extra information you have to support the petition on no more than four sides of A4 paper.
- You should include any action already taken to deal with the issue.
- Please also list the names of other petitioners, if there are any.

Important – Please note that petitions will be rejected and returned to the Principal Petitioner in cases where the wording contained within the Petition Statement box differs from that on any accompanying petition signature sheets.

5 How are Petitions dealt with?

- 5.1** Our Monitoring Officer will check all petitions to make sure that they keep to our procedures. The Monitoring Officer will be the sole arbiter as to whether a petition is valid. Petitions which are deemed not to be valid will not be reported to the Petitions Committee.
- 5.2** Only petitions that are fully valid be accepted. Petitions that are partly valid will be rejected and returned to the Principal Petitioner with an explanation why and asking them to re-submit a fully valid petition.
- 5.3** If your petition is valid we will give you a reference number. We will also give you five working days' notice of the date of the meeting where we will consider your petition.
- 5.4** Depending on the rules about access to information, we will consider all petitions in public. We will ask you to make a statement (that lasts no longer than 10 minutes) to support your petition. You can bring one supporter to speak on your behalf. You and/or your supporter should be prepared to answer questions from the Petitions Committee.
- 5.5** The Petitions Committee can stop you or your supporter speaking if you talk about something which would have made the petition invalid if it was included in the petition, or if you behave in an inappropriate way when you present your petition or statement.
- 5.6** The Petitions Committee can consider two or more petitions together if they are similar or if they deal with the same subject. You will be told beforehand about this and will be asked to make either joint statements or individual statements for each petition.
- 5.7** Where appropriate, our officers will be present to provide any information about the petition that may be necessary.
- 5.8** The Petitions Committee will reach a decision about the petition at the meeting and this will be confirmed in writing. The Committee can take longer to consider a petition if they are waiting for more information.
- 5.9** The procedures depend on our standing orders which deal with how we organise our meetings.

6 Annual Report

We will put details about each petition the Petitions Committee has considered on our website. The Committee will also consider in its annual report the petitions considered and the results achieved.

7 Reviewing procedures

The Petitions Committee will review these procedures every year.

8 Can we help?

This procedure is available in Braille, in large print, on computer disk, on audio tape or in other languages. If you need the procedure in one of these formats or if you need help filling in the form, please contact:-

Petitions Staff
Democratic Services
Resources Directorate
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN
Telephone: 0131 270 7500
Email: petitions@midlothian.gov.uk

Broadband Speed at Cockmuir, Talisker House, Scarcerigg Cottage, Mount Lothian Farm and Mayfield Cottage.**Report by John Blair, Director, Resources****1 Purpose of Report**

To present a petition from Morleymor Fisher calling upon the Council to address the issue of inadequate broadband speed at Cockmuir, Talisker House, Scarcerigg Cottage, Mount Lothian Farm and Mayfield Cottage with the appropriate authorities.

2 Petition

- 2.1** The attached petition has been received from Morleymor Fisher, Cockmuir, Mount Lothian, Penicuik.

3 Petitions – Rules and Procedures

- 3.1** The adopted Midlothian procedures identify 11 categories for which petitions cannot be entertained. The submitted petition is not proscribed by any of these categories and is therefore valid.

- 3.2** The petition is in the following terms, viz:-

The broadband speed at Cockmuir, Talisker House, Scarcerigg Cottage, Mount Lothian Farm and Mayfield Cottage is so slow that it is impossible to run anything significant using the Internet. At the time of writing the speed is currently 22 kB/s. We would be grateful if you could address this issue with the relevant authorities and improve the line speed in our location. Please don't respond with "too far away from the telephone exchange", we know that. What we need is fibre optic cable from the exchange to our area.

4 Report Implications**4.1 Resource**

There are no resource implications arising from this report.

4.2 Risk

There are no risk implications arising from this report.

4.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

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

4.4 Key Priorities within the Single Midlothian Plan

Not applicable

4.5 Impact on Performance and Outcomes

Not applicable.

4.6 Adopting a Preventative Approach

Not applicable.

4.7 Involving Communities and Other Stakeholders

The availability of a Petitions Committee allows stakeholders to raise issues for consideration by the Council.

4.8 Ensuring Equalities

Not applicable.

4.9 Supporting Sustainable Development

Not applicable.

4.10 IT Issues

Not applicable.

5 Recommendation

The Committee is invited to consider the petition submitted by Morleymor Fisher calling upon the Council to address the issue of inadequate broadband speed at Cockmuir, Talisker House, Scarcerigg Cottage, Mount Lothian Farm and Mayfield Cottage with the relevant authorities.

21 September 2016

Report Contact:

Gordon Aitken Tel No 0131 271 3159

E-mail gordon.aitken@midlothian.gov.uk

MIDLOTHIAN COUNCIL – FORM TO BE USED TO LODGE A PETITION

Before completing this form you should read Midlothian Council's "Procedures for Dealing with Petitions" which can be found on the Council's website at www.midlothian.gov.uk/petitions Copies can also be obtained by telephoning the Council Secretariat on 0131 271 3156.

The completed form should be delivered:-

- by email to petitions@midlothian.gov.uk; or
- by mail or by hand to Petitions Staff, Council Secretariat, Resources Directorate, Midlothian Council, Midlothian House, Buccleuch Street, Dalkeith, EH22 1DN.

If you require any further information or advice, please contact the Petitions Staff, Council Secretariat by telephoning 0131 271 3156.

Details of Principal Petitioner

Please enter the name of person raising the petition. Please include a contact address to which correspondence may be sent and a contact telephone number. Only the principal petitioner's name and no other details will be made public.

Name:	MORLEYMOR FISHER
Address:	COCKMUIR
	MOUNT LOTHIAN
	PENICUIK
	EH26 8QJ
Tel No:	01968 674699
e-mail:	morleymor@live.com

Petition Statement

Please state clearly in the box below the purpose of your petition and what action you wish Midlothian Council to take.

(Important – Please note that petitions will be rejected and returned to the Principal Petitioner in cases where the wording contained within the Petition Statement box below differs from that on any accompanying petition signature sheets.)

The broadband speed at Cockmuir, Taliskar House, Scarcerigg Cottage, Mount Lothian Farm and Mayfield Cottage is so slow that it is impossible to run anything significant using the Internet. At the time of writing the speed is currently 22 kB/s. We would be grateful if you could address this issue with the relevant authorities and improve the line speed in our location. Please don't respond with "too far away from the telephone exchange", we know that. What we need is fibre optic cable from the exchange to our area.

(Continued)

Action taken to resolve issues of concern before submitting the Petition

Before a petition is submitted, you may have already raised the issue in question with the relevant Council department or other agency and it would be helpful if you could briefly outline what measures if any you have taken. This could include, for example, details of any individuals or organisations approached. Please limit any information to no more than 4 sides of A4 paper.

Presenting your Petition

As the principal petitioner you will be invited to appear before the Council's Petitions Committee to speak in support of the petition and also to answer any questions which members of the Committee may wish to put to you and assist them in reaching their decision.

You may be accompanied by one supporter who may speak on your behalf.

Signature of Principal Petitioner

When satisfied that the petition meets all the criteria outlined in the Procedures for Dealing with Petitions, the Principal Petitioner should sign and date the form in the box below.

All other signatures gathered should be appended to the form.

(Important – Please remember that petitions will be rejected and returned to the Principal Petitioner in cases where the wording contained within the Petition Statement box above differs from that on any accompanying petition signature sheets.)

Signature

[Redacted Signature]

Date

14/9/16

(Please type your name if sending by e-mail)

Name in block capitals

MORLEYMOR FISHER

(Please type your name if sending by e-mail)

Appended Information

Please ensure that the following items are appended to this form:-

- Other signatories to the petition (if any)
- Copies of relevant correspondence
- Any additional information for consideration

Submission

Please submit this form and attachments, by mail or in person, to:-

Petitions Staff
Council Secretariat
Resources Directorate
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN

or by email to petitions@midlothian.gov.uk

