

**MINUTES of SPECIAL MEETING of MIDLOTHIAN COUNCIL** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 22 April 2014 at 2.30 pm.

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

**Apologies for Absence -** Councillor Beattie; and Mr Bourne and Mr Hayes.

**1 Order of Business**

**2 Declarations of Interest**

No declarations of interest were intimated.

**3 Review of Scheme for the Establishment of Community Councils**

With reference to paragraph 2 of the Minutes of 25 June 2013, there was submitted Report, dated 10 March 2014, by the Director, Education, Communities and Economy, confirming, *inter alia*, the findings of the consultation exercise and measures required to review the Scheme for the Establishment of Community Councils.

Appended to the Report were:-

- (a) the existing Scheme for the Establishment of Community Councils;
- (b) the revised Draft Scheme for Community Councils in Midlothian, highlighting the amendments that were considered desirable and appropriate;
- (c) the informal and formal feedback; and general comments; and
- (d) an Equalities Impact Assessment.

There was tabled report, dated 22 April 2014, by the Director, Resources, concerning a Seminar held earlier that day. Appended to the report was a Note of the Seminar, as shown in the **Appendix**.

The Director, Education, Communities and Economy was heard in amplification of the Report and the discussion at the Seminar, during which she reported that the Federation of Community Councils had requested that the Draft Scheme be approved without further process; and confirmed the advice that the revised draft scheme had to be subjected to public consultation.

The Leader of the Administration was heard during which he confirmed the support of his Group for the Revised Scheme (a) incorporating the amendments which had been made, but subject to the reinstatement at paragraph 9.2 of 5.00 pm as the closing time for the receipt of nominations; and (b) with reference to comments that had been made at the Seminar that Community Council Meetings should continue to be conducted in public, including enabling provision for meetings to take place in private, on the basis that there may be occasions when sensitive situations could merit discussion in private.

In respect of (b) above, he added that any Community Council wishing to conduct business in private would have to justify such action, agree to alter their constitution and submit the revised draft for ratification by Midlothian Council. Ultimately, the decision to allow Community Councils to meet in private would rest with Midlothian Council.

He supported the need for a further period of public consultation on the revised draft.

Councillor Baxter considered that all Meetings of Community Councils should take place in public in order to demonstrate openness and transparency; and pointed out that the reference to this was advisory in nature. He considered that a dangerous precedent might be established.

The Leader of the Opposition confirmed, on behalf of his Group, that they could not approve the revised scheme in its current form and expressed concerns about (i) how private meetings of Community Councils would be arranged, what kind of advice would be sought beforehand and whether the actions taken would reflect similar regulation to that imposed on local authorities; and requested a report back on the approach envisaged; and (ii) the prospect of a cut in grants, the need to ensure that Community Councils were very clear as to what funding streams were available to them and whether any new grant scheme might act as a constraint if restrictions were to apply. However, he added that these concerns ought not to prevent further public consultation on the Draft Revised Scheme, provided an assurance was given that the Council would be fully apprised of any proposals.

Following further questions concerning the level and nature of grants and the concept of private meetings, the Senior Regeneration Officer was heard particularly in relation to the question of grants, when she confirmed, *inter alia*, that:-

- (i) at this stage the review of grants had no impact on the Draft Revised Scheme. It contained a continuing commitment on the part of Midlothian Council to award grants to Community Councils; and
- (ii) in respect of a general review of the level of grants across Council services which was being carried out by Officers, no firm conclusions had been reached; the Federation of Community Councils had signalled its acceptance to the principle of base-line grants being awarded to cater for core business costs and administrative expenses; Midlothian Council currently met the insurance premiums of Community Councils; and it was intended that a report and recommendations would be submitted to Council on 26 June 2014.

She undertook to report back to Council concerning the issues that had been raised.

At the conclusion of the discussion, Members were unanimous that a public consultation on the Revised Draft Scheme should take place.

In relation to the inclusion of reference to the admissibility of private meetings, Councillor Thompson, seconded by Councillor Wallace moved that the reference be retained in the revised draft on the basis that consideration could be given to any comments at the next stage. As an amendment, Councillor Baxter, seconded by Councillor Pottinger, moved that the revised draft be amended to delete from Appendix A to the Revised Draft Scheme from the Constitution Guidance, at paragraph 11, the words “and the process to allow specific topics to be discussed in private”.

There voted five members for the amendment and nine for the motion which was declared carried and became the finding of the Meeting.

### **Decision**

To authorise public consultation on the Revised Draft Scheme;

(Action: Director Education, Communities and Economy)

The meeting terminated at 3.05pm.



## APPENDIX

(relative to paragraph 3)

**Note of Seminar of Midlothian Council held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 22 April 2014 at 10.00am.**

**Present:-** Councillors Wallace (Chair), Baxter, Bennett, Bryant, Constable, Imrie, Johnstone, Milligan, Muirhead, Pottinger, Rosie, Thompson and de Vink.

**Apologies for Absence:-** Councillors Beattie, Montgomery and Russell.

**In attendance:-** Mr K Lawrie, Chief Executive, Mr J Blair, Director, Resources, Dr M Smith, Director, Education, Communities and Economy, Ms A Lang, Senior Regeneration Officer, Mr K Adam, Chair, Community Council Liaison Group, Mr L Reid, Strategy Quality Assurance Officer Children and Young People and Mr A Turpie, Principal Solicitor.

### 1 Background

There was submitted report, dated 11 March 2014, by the Director, Resources, confirming that, on 25 June 2013, at a Special Meeting of the Council, a report back to a Seminar of Council had been requested on the results of the consultation exercise relating to a proposal that the Scheme for the Establishment of Community Councils be revised.

### 2 Review of the Scheme for the Establishment of Community Councils

There was submitted Report, dated 10 March 2014, by the Director, Education, Communities and Economy, confirming, *inter alia*, the findings of the consultation exercise and measures required to review the Scheme.

Appended to the Report were the following:-

- (a) the existing Scheme for the Establishment of Community Councils;
- (b) the revised Scheme for Community Councils;
- (c) the informal and formal feedback; and
- (d) an Equalities Impact Assessment.

The Director, Education, Communities and Economy was heard in amplification of the report.

The Senior Regeneration Officer and the Representative of the Federation of Community Councils provided a joint presentation, during which they reported, *inter alia*, that:-

- (i) the revised Scheme was intended to be enabling and so encourage participation, etc;
- (ii) a grants review had been carried out e.g. currently, it was thought that the maximum should be £500 per annum;

- (iii) it had been suggested that Elected Members of the Council should be invited to attend Community Council meetings rather than become Members, *ex officiis*;
- (iv) consideration should be given to the proposal that private meetings of Community Councils be permitted;
- (v) various comments had been addressed, including statements that any amendments to the scheme had to adhere to the processes contained within Local Government Scotland Act 1973 in relation to future alterations to the scheme; relating to population statistics; confirming the minimum membership number i.e. 5 or 6; that, "the liaison officer would be guided by the Chief Executive or his nominee; confirming that any minor proposed alterations in boundaries had to be approved by the Council; and confirming that Grant allocation would be considered during each electoral cycle rather than immediately after an election; and
- (vi) they considered that the time for receipt of nomination papers should remain at 5pm.

### **3 Comments**

During the course of debate concerns were expressed that:-

- (a) if the facility to conduct meetings in private were given to Community Councils, any openness and transparency may be lost; and if there were dispute, resolution should be possible e.g. by appointing a special Committee or other Forum to review the position and otherwise, the position could be abused;
- (b) if all elections were by show of hands at public meetings, there may be difficulty in relation to the scrutiny of voters i.e. to ensure that they cast their votes only for the designated number of candidates; and perhaps it would be better if provision was made for elections by ballot at public meetings; and
- (c) more should be done to encourage dialogue between Community Councils and Midlothian Council, particularly at Senior Officer level;

The following remarks were made in response:-

- (i) There was currently no provision for Meetings of Community Councils in private. If a Community Council were to consider that such an option was required, they would have to justify that by amending their Constitution to suit and obtain the approval of Midlothian Council.
- (ii) A number of initiatives were ongoing in relation to the development of Community Councils / Community Councillors e.g. Conferences on specific topics, joint meetings, all of which carried resource implications; and Midlothian Council had been represented at Officer level at a Meeting of the Federation of Community Councils.

The Meeting terminated at 10.50am.