

MINUTES of MEETING of the MIDLOTHIAN COUNCIL held in the Council

Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 25 March

2014 at 2.00pm.

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

Religious Representatives Present (Non Voting Observers for Education Business):- Mrs M Harkness and Mr V Bourne.

Apologies for Absence:- Councillors Boyes and de Vink, and Mr P Hayes.

1 Order of Business

The Clerk advised the meeting as follows:-

- (a) That the Provost had agreed to take a “Written Question to the Leader of the Council” as an additional Agenda Item of urgent business in view of the Council’s interest in the matter - Item 5 – paragraph 5 below refers; and
- (b) That the cover sheet for the Local Fire and Rescue Plan for Midlothian 2014-2017 and Local Police Plan for Midlothian 2014-2017, which had been circulated with the main agenda, indicated that they were papers relative to Item No 9 whereas in fact this should have read relative to Item No 10.

2 Declarations of Interest

Councillor Russell declared a non pecuniary Interest in Agenda Item No 5, “Leader of the Council’s Response to Written Questions”, because as local Member she was a member of the Dalkeith Festival Committee.

Councillor Milligan remarked that in that case all elected Members would likely require to declare non pecuniary interests as nearly everyone was a member of, or involved with, their local Gala or Festival Day’s in some capacity or other.

3 Minutes of Council

The Minutes of Meeting of Midlothian Council of 4 February 2014 were submitted and approved as a correct record.

4 Other Meetings

The undernoted Minutes of Meetings were submitted. The Council noted the Minutes and approved the recommendations contained therein: -

Meeting	Date
Cabinet	14 January 2014
Planning Committee	14 January 2014
General Purposes Committee	7 January 2014
Local Review Body	21 January 2014
Performance Review and Scrutiny Committee	21 January 2014
Safer Communities Board	10 December 2013

5 Leader of the Council's Response to Written Questions

With reference to paragraph 1(a) above, there was tabled the undernoted question to the Leader of the Council received from Councillor Imrie under Standing Order 4.2(vii):-

"I note with concern the recent information issued to Gala and Events organisers regarding the new charging arrangements to be implemented this year.

In light of the late notice advising organisers and volunteers that this draconian change will be taking place, will the Council Leader agree that the documentation be withdrawn immediately and current arrangements remain for this calendar year?

In addition will the Leader arrange for the appropriate Cabinet member to call an urgent meeting of representatives of Galas and Events, with a view to developing a common approach that could be implemented in future years?"

In response, Councillor Thompson, Leader of the Council, responded as follows: -

"Agree that a hold needed to be put on the contents of the letter to allow dialogue to take place with all events and gala day groups. In this regards, a Gala and Events Forum meeting was already scheduled for Wednesday 9 April 2014 which would enable any issues to be resolved via direct dialogue with gala and events leads. Indeed, where discussions had already taken place the outcome about the way forward had been very positive. There appeared to be some misunderstanding about where this had all come from as there had been earlier discussions about the letters, albeit not the precise contents, at an earlier Forum meeting back in December."

6 Notices of Motion

(a) 30th Anniversary of the start of the Miners' Strike

There was submitted a Notice of Motion by Councillor Wallace, countersigned by Councillor Bennett, as follows: -

“Midlothian Council notes that March 2014 marks the 30th Anniversary of the start of the 1984-85 Miners’ strike; recognises the devastating impact on the Communities of Midlothian; and commends the many dedicated people in our communities who helped and supported local Miners and their families in dealing with the impact of imposed Tory policy.”

In moving and seconding the motion, both Councillor Wallace and Councillor Bennett spoke about the recent revelations regarding the 1984-85 Miners’ strike, which supported a great deal of what had been claimed at the time of the strike but which had been denied by the then Tory government.

Thereupon the Council unanimously approved the motion.

(b) Excellent in Delivering Services to Communities

There was submitted a Notice of Motion by Councillor Thompson, countersigned by Councillor Constable, as follows: -

“Midlothian Council notes the recent successes of a number of sections within the Council in being recognised for the excellent work being carried out delivering services to our communities; Council commends the hard work and commitment of all our staff who continue to drive forward improvements for our county.”

Councillor Thompson in moving the motion and Councillor Constable in seconding, both made reference to the excellent work that was going on through-out the Council in what were challenging times for local government.

Thereupon the Council unanimously approved the motion.

7 Appointment of Elected Member Equality Champion

There was submitted report, dated 4 March 2014, by the Director, Resources inviting Council to consider appointing an Elected Member as Equality Champion for Midlothian Council.

The report explained that the likely duties to be carried out by the Equality Champion would include:

- Attending equality related community events (approximately 4 to 6 per annum);

- Acting as elected Member spokesperson for equality related communications (as required); and
- Promoting equality issues within the council and external community (as required)

Full support and guidance for these duties would be provided by the Council's Corporate Policy Officer (Equality, Diversity & Human Rights)

Councillor Thompson, seconded by Councillor Constable, moved that Provost Joe Wallace be appointed as the Equality Champion for Midlothian Council.

As an amendment, Councillor Imrie, seconded by Councillor Muirhead, moved that Councillor Bryan Pottinger be appointed as the Equality Champion for Midlothian Council.

On a vote being taken six members voted for the motion and seven members for the amendment, which accordingly became the decision of the meeting.

Decision

- (a) To agree to appoint Councillor Bryan Pottinger as the elected Member to be Midlothian Council Equality Champion; and
- (b) To agree that the role for the Equality Champion be as set out in the report, and outlined above.

(Action; Director, Resources)

8 Appointments to Committees/Outside Bodies, etc

With reference to paragraph 9 of the Minutes dated 4 February 2014, there was tabled proposals from the Labour Group in respect of revisions to Committee and external appointments insofar as they related to the Labour group and their representation, as follows:-

Labour members on the Local Review Body were to be Councillors Bennett, Imrie, Milligan and Montgomery.

In addition:

Councillor Margot Russell had requested a place on Dalkeith CAB;

Councillor Adam Montgomery had requested a place on Local Authorities Action for South Africa; and

Councillor Adam Montgomery had requested a place on Lothian Mineworkers Convalescent Home Trust.

The Council agreed to suspend standing orders to allow consideration of the Labour group's proposals.

Decision

- (a) To approve the revised Committee appointments as shown above; and
- (b) To approve in principle, the external appointments, subject to the agreement, where necessary, of the respective outside bodies.

(Action; Director, Resources)

9 Social Work Complaints Review Panel

With reference to paragraph 9 of the Minutes dated 4 February 2014, there was submitted report, dated 7 March 2014, by the Director, Resources inviting the Council to update the membership of the pool of Elected Members that were eligible to serve on the Social Work Complaints Review Panel following Councillor Rosie's appointment to the Cabinet.

Decision

To agree the appointment of Councillor Rosie to the pool of elected Members eligible to serve on the Social Work Complaints Review Panel.

(Action: Director, Resources)

10 Scottish Fire and Rescue Service - Local Fire and Rescue Plan for Midlothian 2014-2017: Police Scotland - Local Police Plan for Midlothian 2014-2017

There was submitted report, dated 17 March 2014, by the Chief Executive, inviting the Council to approve the Scottish Fire and Rescue Service – Local Fire and Rescue Plan and the Police Scotland Local Policing Plan for Midlothian for 2014 – 2017; copies of which had been circulated with the agenda.

The report provided information on the respective priorities of each Service in relation to Midlothian, viz

Scottish Fire and Rescue Services (SFRS):

- Reduction of Dwelling Fires
- Reduction in Fire Fatalities and Casualties
- Reduction of Deliberate Fire Setting
- Reduction in Road Traffic Collisions
- Reduction of Unwanted Fire Alarm Signals

Police Scotland:

- Tackling Substance Misuse
- Protecting People
- Reducing Violence
- Making our Roads Safer

- Reducing Antisocial Behaviour
- Tackling Serious and Organised Crime
- Housebreaking

The Council, having heard from the Chief Executive, discussed changes in the community policing arrangements. Concerns were expressed that the move to having only one Community Police Officer per electoral ward had not been adequately discussed with community partners, and would ultimately result in a reduction in service.

Councillor Thompson speaking in his capacity as Chair of the Safer Communities Board sought to reassure Council that this was not the case and that discussions had taken place regarding the changes in the community policing arrangements.

Decision

To approve the Scottish Fire and Rescue Service – Local Fire and Rescue Plan and the Police Scotland Local Policing Plan for Midlothian for 2014 – 2017.

(Action: Director, Resources)

11 Lothian Buses

With reference to paragraph 2 of the Addendum to the Minutes of 5 November 2013, there was submitted report, dated 3 February 2014, by the Director, Resources inviting the Council to appoint a representative to the Lothian Buses Regional Sub-Committee.

The report explained that the purpose of the Regional Sub-Committee would be to review the integration of the bus networks in Edinburgh and the Lothians as part of an integrated work of public transport service.

Decision

- (a) To note the arrangements with regards to the establishment of the Lothian Buses Regional Sub-Committee;
- (b) To agree to appoint Councillor Rosie as the Council's representative to the Regional Sub-Committee.

(Action: Director, Resources)

12 Gorebridge Conservation Area Regeneration Scheme (CARS): Appointment of Council Representatives

With reference to paragraph 10 of the Planning Committee Minutes of 26 February 2013, there was submitted report, dated 24 February 2014, by the Director, Education, Communities and Economy seeking the appointment of Council Members as representatives on the Project Team for Gorebridge Conservation Area Regeneration Scheme (CARS).

The report explained that the proposed Project Team would comprise:

- three Council members for the Midlothian South Ward;
- three members of Gorebridge Community Development Trust;
- one Council officer; and
- the Gorebridge CARS Project Manager.

It was anticipated that the Project Team would meet four/five times a year to assess grant applications and other project initiatives such as the training plan and community engagement schemes.

Decision

To agree that the three Elected Members for the Midlothian South Ward be appointed to the Gorebridge CARS Project Team for the duration of the scheme.

(Action: Director, Education, Communities and Economy).

13 Single Midlothian Plan

There was submitted report, dated 10 March 2014, by the Chief Executive seeking endorsement of the Single Midlothian Plan, and its adoption as the strategic plan for Midlothian; a copy of the Single Midlothian Plan was appended to the report.

The report explained by way of background that the Midlothian Community Planning Partnership had agreed to merge the previously separate Community Plan and Single Outcome Agreement into a single document; the Single Midlothian Plan, and that further to this the Council had then agreed to adopt the resulting document as its strategic plan, replacing its separate Corporate Strategy. The Single Midlothian Plan for 2014-15 comprised a series of outcome indicators agreed with Community Planning partners and used an evidence based approach, underpinned by data, to drive improvement in meeting the differing needs of local populations and client groups.

Decision

- (a) To approve and endorse the Single Midlothian Plan 2014-15;
- (b) To note the revisions included in the Plan in recognition of the Scottish Government's audit of the Midlothian Community Planning Partnership in 2013; and
- (c) To agree to receive regular updates on progress in the delivery of the Plan.

(Action: Director, Education, Communities and Economy).

14 2014/15 Service Plans

There was submitted report by the Chief Executive seeking approval of the Council's Service Plans for 2014/15; copies of the Service Plans had been placed in the Members' Library and circulated to Councillors by e-mail.

The report advised that Heads of Service had developed their service plans to support the priorities set out in the Single Midlothian Plan, within the resource constraints affecting the Council

Decision

To approve the 2014/15 Service Plans.

(Action: Chief Executive).

15 Asset Management Rationalisation Phase 2

There was submitted report, dated 14 March 2014, by the Head of Property and Facilities Management providing an update on the strategy towards continued rationalisation of the office estate and consequential building closures within the Council.

The report also provided a review of works already completed in Phase 1 and outlined details of moves, closures and associated timescales for the delivery of Phase 2 of the Council's Corporate Asset Management Rationalisation and implementation of the Effective Working in Midlothian (EWiM) Standards.

Having heard from the Head of Property and Facilities Management, Council discussed a number of issues arising from the report, in particular, the proposed funding of the phase 2 works, the business case for a new Council HQ, whether it was prudent to delay further spending until a decision had been taken on this matter, and the process for the marketing and disposal of surplus properties, especially to community groups.

Decision

- (a) To note the report and progress made to date;
- (b) To note the financial implications as set out in the report;
- (c) To approve the short term moves as outlined in the report, viz:- relocation of Jarnac Court, Eskdaill Court, 76 High Street Bonnyrigg to Midlothian House, Fairfield House and Croft Street;
- (d) To approve the provision of £1.073m in the General Services Capital Plan in 2014/2015;
- (e) To approve a supplementary estimate of £0.165m in 2014/2015 for revenue works associated with Phase 2;

- (f) To note the revenue savings which would be reflected against the EWiM savings target agreed as part of the 2014/2015 approved budget and also in budget projections for 2015/2016 and beyond;
- (g) To approve £150,000 to cover fees and staff costs for feasibility studies, design and consultation works;
- (h) To request that the Director, Resources provide further update reports to Council, in due course;
- (i) To agree to holding a Seminar following the summer recess to consider the long term Headquarters Strategy for the Council.

(Action; Director, Resources).

16 Premises of the former Bonnyrigg Leisure Centre

With reference to paragraph 17 of the Minutes of 4 February 2014, there was submitted report, dated 17 March 2014 by the Chief Executive advising on the assessment of bids received from parties seeking to take possession, by way of transfer by the Council, of the premises of the former Bonnyrigg Leisure Centre; and making recommendations based on the outcome of that assessment.

Councillor Thompson, seconded by Councillor Milligan, moved that Midlothian Council welcomes the report by the assessment panel on bids for the former Bonnyrigg Leisure Centre; accepts the recommendations of the assessment panel not to accept either the bid from Bonnyrigg Centre Trust or Midlothian Fitness Academy; considers that in order to support officers in undertaking a review of the merits and opportunities for soft play provision in the Bonnyrigg area, demolition of the former Leisure Centre be postponed to allow consideration to be given to the use of all or part of the building; requests a report to the June meeting of Midlothian Council to present the outcome of these considerations; and instructs the Chief Executive to write to each of the two bidders to inform and explain the reasons for the decision of the Council.

As an amendment, Councillor Baxter, seconded by Councillor Beattie, moved that Midlothian Council accepts Bonnyrigg Centre Trust's purchase offer with an entry date of 22 September 2014, subject to: negotiated conditions; their Business Plan being strengthened and independently assessed to have a reasonable chance of success compared to Third sector industry standards; and the Trust securing £60,000 of funding prior to the handover of the building. In the event that these conditions were not fulfilled then the building be demolished on or after 23 September 2014. In the interim the Council agree to continue to cover the holding costs of the Centre until 22 September 2014

Councillor Baxter asked that this matter be decided by way of a roll call vote.

The Chief Executive explained that in terms of Standing Order 11.5(ii) the support of one-third of the Members present, i.e. six elected Members, was required before a roll call vote could be taken. By a show of hands nine Members signified their support to proceed on this basis.

A roll call vote was then taken, as shown at **Appendix I** hereto. The motion defeated the amendment by fourteen votes to two and became the decision of the meeting.

Decision

- (a) To welcome the report by the assessment panel on bids for the former Bonnyrigg Leisure Centre;
- (b) To accept the recommendations of the assessment panel not to accept either the bid from Bonnyrigg Centre Trust or Midlothian Fitness Academy;
- (c) That in order to support officers in undertaking a review of the merits and opportunities for soft play provision in the Bonnyrigg area, demolition of the former Leisure Centre be postponed to allow consideration to be given to the use of all or part of the building;
- (d) To request a report to the June meeting of Midlothian Council to present the outcome of these considerations; and
- (e) To instruct the Chief Executive to write to each of the two bidders to inform and explain the reasons for the decision of the Council

(Action: Head of Communities and Economy).

17 Strategic Development Plan for South East Scotland (SESplan) Update

With reference to paragraph 11 of the Minutes of 5 November 2013, there was submitted report, dated 3 March 2014, by the Director, Education, Communities and Economy seeking ratification of the decision of the Strategic Development Planning Authority for Edinburgh and South East Scotland (SESplan) Joint Committee to submit the *Supplementary Guidance - Housing Land* (with minor editorial changes following consultation) to Scottish Ministers and subsequently to adopt the Guidance as Council policy, if there was no Ministerial direction to the contrary.

Decision

- (a) To note the approval of the *Supplementary Guidance - Housing Land* and accompanying documents by the SESplan Joint Committee with minor editorial changes of a non-policy nature, and ratifies the proposed changes, as set out in the Appendix to this report;

- (b) To note that an updated Environmental Report (for the purposes of Strategic Environmental Assessment) and Habitats Regulations Appraisal record have been prepared in relation to the Supplementary Guidance;
- (c) To ratify the decision of the SESplan Joint Committee to submit the Supplementary Guidance to Scottish Ministers; and
- (d) To agree to adopt the Guidance following the expiration of the 28-day Ministerial period for consideration, unless Scottish Ministers direct otherwise.

(Action: Director, Education, Communities and Economy).

18 Adoption of Carbon Management Plan 2013-2016

There was submitted report, dated 13 March 2014, by the Head of Property and Facilities Management, providing the Council with information regarding the Council's Operational Carbon Management Plan, which set out the Council's aims and objectives, detailed the progress made to date and outlined the implementation plan of Carbon reduction measures. A copy of the Plan was appended to the report.

Decision

To adopt the Carbon Management Plan 2013-2016 with a view to implementing the Carbon reduction measures contained in the Plan to achieve targets.

(Action: Head of Property and Facilities Management)

19 Public Protection Service Redesign

There was submitted report, dated 4 March 2014, by the Head of Adult and Community Care, advising of innovative new arrangements for Public Protection across East and Midlothian Local Authority areas.

The reports advised that the revised Public Protection structure would seek to address significant overlaps within different areas of public protection and take forward an integrated, "lifespan" approach to all aspects of public protection. This would provide opportunities for seamless working and would support operational staff in partner agencies to improve outcomes for the most vulnerable service users.

The new Public Protection Team would be co-located in an operational "hub" within Brunton Hall, with a staff presence from social work, police and health. Further work was in progress to streamline operational processes and strengthen links with operational staff and the revised Public Protection Team.

Decision

- (a) To approve the Public Protection Service Redesign;

- (b) To support the new arrangements for Public Protection across East and Midlothian Local Authority Areas.

(Action: Head of Adult and Community Care).

20 Midlothian Economic Recovery Plan

With reference to paragraph 8 of the Minutes of the Cabinet of 28 May 2013, there was submitted report, dated 11 March 2014, by the Director, Education, Communities and Economy, seeking endorsement of the Midlothian Economic Recovery Plan. A copy of the Summary Action Plan was appended to the report, and a copy of the fully detailed draft Action Plan had been placed in the Member's Library.

The Council, having heard from the Director, Education, Communities and Economy, discussed a number of issues arising from the Plan, in particular, provision of broadband not just in the rural areas but through-out the district, improvements to transport infrastructure, and using the Council's own procurement procedures to support local businesses.

Decision

- (a) To note the extensive consultation process undertaken in preparing the Midlothian Economic Recovery Plan;
- (b) To approve the content of the Midlothian Economic Recovery Plan, including its Action Plan;
- (c) To note the work that has already been undertaken in delivering some of the actions contained in the Midlothian Economic Recovery Plan Action Plan;
- (d) To agree that a Midlothian Economic Recovery Plan launch event be organised and held on a suitable date in summer 2014; and
- (e) To agree that regular performance progress reports be prepared for the Council and the Midlothian Community Planning Partnership in terms of the implementation and delivery of the actions and contained in the draft Midlothian Economic Recovery Plan Action Plan.

(Action: Director, Education, Communities and Economy).

21 Midlothian Traffic Warden Service

There was submitted report, dated 12 March 2014, by the Head of Commercial Operations providing further information regarding Police Scotland decision to withdraw the role of traffic wardens across Scotland, and outlining, the implications for Midlothian in terms of the potential effects on road safety, communities, public transport, town centres and disabled people.

The report highlighted possible options to respond to the withdrawal of the traffic warden service which including: exploring with Police Scotland whether there was a way for the Council to continue in the longer term making a contribution towards retaining the existing service via a Service Level Agreement; joining with Neighbouring Authorities to investigate the implementation of decriminalised parking together on a regional basis; join Edinburgh City Council's decriminalised parking scheme (subject to Transport Scotland approval); or defer a decision and report back to Council as other authorities take decisions or there was a noticeable change to conditions on streets within Midlothian. A number of Scottish Councils were considering a legal challenge, however it was felt that local discussions coupled with the establishment of a Service Level Agreement with Police Scotland whereby one Warden would continue to operate for a further 12 months across Midlothian Council area provide the best basis for progressing a lower cost solution in the interim.

Having heard from the Head of Commercial Operations, the Council discussed a number of issues arising from the report. Members were particularly concerned regarding the fact that Police Scotland's decision to remove the traffic warden service did not take account of the timescale necessary to allow Councils to introduce a decriminalised parking scheme. There appeared to be a clear assumption that Councils would automatically be able to demonstrate a business case to allow Ministers to approve an application to introduce decriminalised parking in their area. Whilst Police Scotland were removing the traffic warden service to reduce costs, the change did not take into account that if Councils were to introduce decriminalised parking there was likely to be a higher cost to the public purse albeit the Councils would be faced with meeting this additional cost rather than the Police. It was unclear in light of the decision to remove the traffic warden service what priority will be given by Police Scotland in the future to traffic parking related offences.

Decision

- (a) To approve the interim Service Level Agreement at a cost of £24,000;
- (b) To authorise a supplementary estimate of £24,000 for 2014/15;
- (c) To seek further update reports from the Director Resources; and
- (d) To write to the Chief Constable expressing the Council's concerns regarding the decision to withdraw the role of traffic wardens.

(Action; Director, Resources).

22 Dalkeith Town Centre Parking Strategy

With reference to paragraph 1 of the Addendum to the minutes of 14 August 2012 there was submitted report, dated 12 March 2014, by the Head of Commercial Operations advising of the outcome of a public consultation regarding the possible introduction of a Midlothian residents parking scheme and a residents' consultation exercise concerning a Dalkeith Parking Strategy.

The report advised that in terms of a Midlothian wide scheme an initial letter had been sent to all Community Councils to identify potential areas for a residents parking scheme. Of those Community Councils who had responded there was no appetite for controlled residential parking to be introduced. In terms of the feasibility of introducing a "Residents Parking Scheme" in Dalkeith the survey results indicated that such a scheme would not be welcomed nor would residents be willing to pay.

The Head of Commercial Operations in speaking to the report remarked that regardless of the outcome it did not change the issue that some residents in Dalkeith were being affected adversely by parking that could potentially have been exacerbated by the change of use of the two town centre car parks to pay and display. Members in discussing matters acknowledged this point and gave consideration to the suggestion of a short life working group to explore the issue further.

Decision

- (a) To support no further action regarding the introduction of a Midlothian wide controlled residents parking scheme; and
- (b) To agree to establish a short life working group comprising the Cabinet portfolio holder, the 3 elected Members for Ward 3: Dalkeith and appropriate Officers to look in more detail at the situation in respect of Dalkeith town centre and report back accordingly.

(Action; Director, Resources).

Sederunt

Councillor Muirhead left the meeting during discussion of the foregoing item of business (5.18 pm).

23 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 paragraph 11 of part 1 of Schedule 7A to the Local Government (Scotland) Act 1973:-

Review of Local Government Staff Terms and Conditions - Report by
Director, Resources – Approved the recommendations.

The meeting terminated at 5.28pm.

APPENDIX I

(relative to paragraph 16)

Premises of the former Bonnyrigg Leisure Centre

Name	Motion	Amendment	Abstention
Councillor Baxter		√	
Councillor Beattie		√	
Councillor Bennett	√		
Councillor Boyes			
Councillor Bryant	√		
Councillor Constable	√		
Councillor Coventry	√		
Councillor de Vink			
Councillor Imrie	√		
Councillor Johnstone	√		
Councillor Milligan	√		
Councillor Montgomery	√		
Councillor Muirhead	√		
Councillor Pottinger	√		
Councillor Rosie	√		
Councillor Russell	√		
Councillor Thompson	√		
Councillor Wallace	√		
TOTAL	14	2	