

# Undemocratic decision over Auchendinny path

**Council officers were accused of riding a 'horse and cart' through the democratic process in a furious row over a decision to resurface a footpath.**

Midlothian councillors clashed after they were presented with a report confirming that the path, between Rosewell and Auchendinny, was to be covered with Flexipave at a cost of £550,000 to the local authority.

Councillor Derek Milligan, leader of the Labour group, told the meeting that he had understood no decision would be taken until a report on a public consultation into the options had been brought back to council for approval.

Instead, he said, the council's SNP administration cabinet had given officers the green light to go ahead with it, before it was brought before full council for 'noting'.

He told the meeting: "When we discussed this back in June there were different views but what is very clear to me is that we agreed it would go out to a consultation with a further report coming back to council. What we have here is a report for noting not a decision.

"That drives a horse and cart through the democratic process. You have effectively taken away the right of this council to take its own decisions and taken it to where you thought you would get the outcome you wanted and that is not acceptable.

“There is a complete lack of trust here between elected members and officers.”

Councillor Milligan brought a motion rejecting the report and calling for a new report to be brought to full council’s next meeting in February for a decision to be taken.

He was backed by Councillor Russell Imrie who said he found it “appalling that officers had acted in this way”.

He added: “The democratic process is that this council is the body where decisions should be made.”

However council leader Kelly Parry denied the process had been undemocratic telling the meeting the paper which went to cabinet last month to approve the path could have been called in by the council’s scrutiny committee.

She said: “At no point has anyone from the Labour group got in touch with myself or any cabinet member to discuss the paper, so I take umbridge at coming into council chamber and criticising council officers for carrying out a job they were given governance to do.”

The council’s principal solicitor Alan Turpie told the meeting that elected members had agreed in June to hold a public consultation over the options for the path and there had been nothing wrong with cabinet taking the decision which was in its remit.

He said: “The minutes of the meeting do not specifically retain the final decision to the council but rather the outcome to council.”

However Councillor Milligan said his understanding of that was the outcome of the consultation would be brought to council for decision.

And Councillor Peter Smaill pointed out that the minutes also stated that costs would be brought back to council and that

had not been done saying: “We can’t go on having expenditure occur outside council, which council expects it will have a chance to review.”

Councillor David Virgo told the meeting he was ‘baffled’ by the ‘fiery rhetoric around a footpath” as he proposed a middle ground of noting the current report but asking for a review of procedure to be looked at to clarify things.

He said: “Let get this (the path) done for the people of Midlothian and have maybe a review of standing orders to make sure we are all crystal clear on how things should happen.

“I am not quite at the point of losing trust in officers, I feel that is overstating it.”

Councillors were split with nine voting to note the report and nine voting to reject it. Provost Debbi McCall had the casting vote and voted to note the report.

by Marie Sharp Local Democracy Reporter

