

Notice of Meeting and Agenda



Cabinet

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

Date: Tuesday, 21 January 2020

Time: 11:00

Executive Director : Place

Contact:

Clerk Name: Gordon Aitken
Clerk Telephone: 0131 271 3159
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Further Information:

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

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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 Declaration 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 Minute of Previous Meeting

- 4.1** Minute of Meeting of the Cabinet of 26 November 2019 3 - 12

5 Public Reports

- 5.1** Town Centre Capital Fund 2019/20 – Update - Report by Economic Development Manager 13 - 18

(A) TO CONSIDER RESOLVING TO DEAL WITH THE UNDERNOTED BUSINESS IN PRIVATE IN TERMS OF PARAGRAPH 3 OF PART 1 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 - THE RELEVANT REPORTS ARE THEREFORE NOT FOR PUBLICATION; AND (B) TO NOTE THAT NOTWITHSTANDING ANY SUCH RESOLUTION, INFORMATION MAY STILL REQUIRE TO BE RELEASED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2004.

6 Private Reports

- 6.1** Objections to Proposed Traffic Order R5.3.37: Double Yellow Line (24 hour) Waiting Restrictions on B7006 Main Street, Roslin - Report by Executive Director: Place
- 3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

7 Date of Next Meeting

The next meeting will be held on Tuesday 3 March 2020 at 11.00am.

Minute of Meeting

Cabinet
Tuesday 21 January 2020
Item No.4.1



Cabinet

Date	Time	Venue
26 November 2019	11.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Milligan - Convener	
Councillor Muirhead – Depute Convener	
Councillor Imrie	
Councillor Hackett	

Religious Representatives:

Mr Vic Bourne	
Mrs Elizabeth Morton	

1 Apologies

Apologies had been received for Councillor Curran.

2 Order of Business

The Order of Business was as detailed within the Agenda circulated:

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minute of the Meeting of the Cabinet held on 3 September 2019 was submitted and approved as a correct record.

5. Reports

Agenda No.	Report Title	Presented by:						
5.1	Update on Midlothian Residential Service Provision	Chief Officer, Children's Services, Partnerships and Communities						
Outline of report and summary of discussion								
<p>The report outlined the staffing and rota changes in response to the redesign of Midlothian Council's residential services for young people. The report also highlights that these changes are in line with the staffing requirements of the Care Inspectorate.</p> <p>The report advised that Midlothian Council undertook a review of Residential Service for young people in 2015 and at that point had a residential unit of 8 beds which were known as Midfield and located in the Lasswade area and a 4 bedded unit in Gorebridge. As a result of that review the Council moved from the idea of Residential Units to more small family friendly houses of 4 beds.</p> <p>Two new residential houses were built in Woodburn and Penicuik to meet the needs of our young people and our total provision in Midlothian was 12 places. A further review of the provision was undertaken and we now have more young people with complex care needs who could not be accommodated within Midlothian due to their disabilities and we have reconfigured our Residential Houses and staffing to meet that need.</p> <p>Following a successful collaboration with the 3rd Sector and the redesign of the current houses, Midlothian Council's residential provision for children and young people was:</p> <table><tr><td>Dalkeith</td><td>5 beds</td></tr><tr><td>Gorebridge</td><td>4 + 1 emergency bed</td></tr><tr><td>Penicuik (Barnados)</td><td>4 beds for complex care</td></tr></table> <p>The report also advised that the opportunity had been taken to commission an external organisation Barnado's to deliver the level of care our children with complex needs required and use Penicuik house for the delivery of this due to it being DDA compliant and on one level.</p>			Dalkeith	5 beds	Gorebridge	4 + 1 emergency bed	Penicuik (Barnados)	4 beds for complex care
Dalkeith	5 beds							
Gorebridge	4 + 1 emergency bed							
Penicuik (Barnados)	4 beds for complex care							

The Chief Officer, Children's Services, Partnerships and Communities was heard in amplification of the report after which she responded to questions from elected Members.

Decision

(a) To note that up to 4 children and young people with complex needs could be accommodated within Penicuik House supported by Barnado's.

(b) To note that the Residential homes in Dalkeith and Gorebridge would provide accommodation for up to ten children who were 'looked after away from home' - this includes the emergency bed.

(c) The staffing structures in the Residential homes had been reconfigured to reflect both the needs of the young people and Care Inspectorate feedback.

Action

Chief Officer, Children's Services, Partnerships and Communities

Agenda No.	Report Title	Presented by:
5.2	Parking Cross-Party Working Group – update and recommendations	Executive Director: Place
Outline of report and summary of discussion		
<p>The report advised that the cross-party working group had been considering proposals to expand parking enforcement to improve access and amenity for all and made recommendations on the three parking related matters listed below:</p> <ul style="list-style-type: none"> • Residential parking in Dalkeith • Workplace parking levy • Possible future parking charges in Midlothian. <p>The Executive Director: Place was heard in amplification of the report after which there was a general discussion on the content of the report.</p>		
Decision		
To continue consideration of this matter in order to hold a Seminar of Midlothian Council to fully explore all options available within this area.		
Action		
Executive Director: Place		

Agenda No	Report Title	Presented by:
5.3	Regional Education Improvement Collaborative: Update on the South East Improvement Collaborative (SEIC).	Chief Officer, Children's Services, Partnerships and Communities
Outline of report and summary of discussion		
<p>The report provided an update on the work of the South East Improvement Collaborative (SEIC) and the engagement of Midlothian practitioners, as a result of the publication of the updated Phase 2 plan in September 2019.</p> <p>The report advised that an increasing number of Midlothian practitioners were involved in the added value that SEIC had brought through collaborative working.</p>		

Many Midlothian schools had established networks through either facilitating or attending SEIC events. Others had made their own connections working collaboratively on an area of improvement.

The progress of improvement within SEIC was being monitored against a set of measures that had been based on the Scottish Government's chosen key measures for closing the attainment gap. These measures had been chosen to identify progress against the National Improvement Framework. SEIC was currently developing a scorecard based on these measures which reflected the local context of the region and aligned with Scottish Government key measures. This scorecard would be used to monitor the implementation of the SEIC 3 year strategic plan moving forward. The Chief Officer, Children's Services, Partnerships and Communities was heard in amplification of the report after which there was a general discussion on this.

Decision

- (a) To note the content of the report;
- (b) To note the progress of the work to date and the next steps;
- (c) To approve the updated version of the SEIC Plan Phase 2.

Agenda No	Report Title	Presented by:
5.4	Adult Social Care Quarter 2 Performance Report 2019/20	Service Manager, Disabilities
Outline of report and summary of discussion		
The Quarter 2 Performance Report 2019/20 for Adult Social Care was submitted. The Service Manager, Disabilities highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by elected Members.		
Decision		
To note the content of the report.		

Agenda No	Report Title	Presented by:
5.5	Children's Services Quarter 2 Performance Report 2019/20	Chief Officer, Children's Services, Partnerships and Communities
Outline of report and summary of discussion		
The Quarter 2 2019/20 Performance Report for Children's Services was submitted. The Chief Officer, Children's Services, Partnerships and Communities highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report. Thereafter she answered questions raised by elected Members.		
Decision		
To note the content of the report.		

Agenda No	Report Title	Presented by:
5.6	Customer and Housing Services Quarter 2 Performance Report 2019/20	Housing Services Manager
Outline of report and summary of discussion		
The Quarter 2 Performance Report 2019/20 for Customer and Housing Services was submitted. The Housing Services Manager highlighted progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by elected Members.		
Decision		
To note the content of the report.		

Agenda No	Report Title	Presented by:
5.7	Communities and Economy Quarter 2 Performance Report 2019/20	Director, Education, Communities and Economy
Outline of report and summary of discussion		
The Quarter 2 Performance Report 2019/20 for Communities and Economy was submitted. The Director, Education, Communities and Economy highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by elected Members.		
Decision		
To note the content of the report.		

Agenda No	Report Title	Presented by:
5.8	Education Q2 Performance Report 2019/20	Director, Education, Communities and Economy
Outline of report and summary of discussion		
The Quarter 2 Performance Report 2019/20 for Education was submitted. The report highlighted the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report.		
Thereafter the Director, Education, Communities and Economy responded to questions and comments raised by members.		
Decision		
To note the content of the report.		

Agenda No	Report Title	Presented by:
5.9	Commercial Operations Q2 Performance Report 2019/20	Executive Director: Place
Outline of report and summary of discussion		
The Quarter 2 Performance Report 2019/20 for Commercial Operations was submitted. The Executive Director: Place highlighted the progress in the delivery of strategic outcomes and a summary of the emerging challenges as detailed within the report and thereafter answered questions raised by elected Members.		
Decision		
To note the content of the report.		

Agenda No	Report Title	Presented by:
5.10	Finance and Integrated Service Support Quarter 2 Performance Report 2019/20	Executive Director: Place
Outline of report and summary of discussion		
The Quarter 2 Performance Report 2019/20 for Finance and Integrated Service Support was submitted. The Executive Director: Place highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed within the report and thereafter answered questions raised by elected Members.		
Decision		
To note the content of the report.		

Agenda No	Report Title	Presented by:
5.11	Property and Facilities Management Quarter 2 Performance Report 2019/2020	Executive Director: Place
Outline of report and summary of discussion		
The Quarter 2 Performance Report 2019/20 for Properties and Facilities Management was submitted. The Executive Director: Place highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
Thereafter he responded to questions and comments raised by members of the Cabinet.		
Decision		
To note the content of the report.		

Agenda No	Report Title	Presented by:
5.12	Midlothian Council Quarter 2 Performance Report 2019/20	Chief Executive
Outline of report and summary of discussion		
<p>The Quarter 2 Performance Report 2019/20 for Midlothian Council was submitted detailing the delivery of Midlothian Council's priorities through the Community Planning Partnership and the Single Midlothian Plan. The report highlighted that the 3 top priorities for 2019-22 were:</p> <ul style="list-style-type: none"> • Reducing inequalities in learning outcomes • Reducing inequalities in health outcomes • Reducing inequalities in economic circumstances <p>The Chief Executive was heard in amplification of the report during which she highlighted the 9 Key Drivers for Change as well as the public consultation visionary exercise supporting development of the MTFS which had highlighted the following key priorities for what Midlothian should be like in 2040:</p> <ul style="list-style-type: none"> • A sense of belonging Pride in communities, working in partnership, transparency in decision making and accessibility in service provision. • A balanced infrastructure Manageable housing numbers, vibrant towns, protected green spaces, a clean, carbon neutral environment and improved community transport. • Learning and working together High quality education and training, jobs close to where people live, a main provider of local food production, maximising technological solutions. • Intergenerational opportunities Reimagined older people services, being able to grow old in the one community, with support and good access to health and social care. 		
Decision		
To note the content of the report.		

Agenda No	Report Title	Presented by:
5.13	Balanced Scorecard Indicators – Half Year Report 2019/20	Chief Executive
Outline of report and summary of discussion		
<p>The report was presented using the Balanced Scorecard approach. The four Balanced Scorecard perspectives and key areas of focus were detailed within the report along with the associated key indicators drawn from across the Councils services.</p> <p>The Chief Executive was heard in amplification of the report during which she confirmed that she would arrange to have the details of the Sickness Absence statistics per Service for Q1 2017/18 – Q2 2019/20 circulated to the Members of the Cabinet.</p>		

Decision
(a) That the details of the Sickness Absence statistics per Service for Q1 2017/18 – Q2 2019/20 be circulated to the Members of the Cabinet; and (b) To otherwise note the content of the report.
Action
Chief Executive/Elaine Johnston

Agenda No	Report Title	Presented by:
5.14	Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2018/19	Director, Education, Communities and Economy
Outline of report and summary of discussion		
<p>The purpose of the report was to inform Cabinet of the Council's statement of compliance with Climate Change Duties for 2018/19, a copy of which was available in the CMIS Member's Library and to recommend its submission to Scottish Government by the due date of 29 November 2019.</p> <p>The Director, Education, Communities and Economy was heard in amplification of the report after which she responded to questions from elected Members.</p>		
Decision		
<p>(a) To approve the proposed report as the Council's Report on Compliance with the Public Bodies Climate Change Duties for 2018/19;</p> <p>(b) To agree submission of the report to Scottish Ministers by 29 November 2019; and</p> <p>(c) To refer the report to the Performance Review and Scrutiny Committee for its information.</p>		
Action		
Director, Education, Communities and Economy		

Agenda No	Report Title	Presented by:
5.15	Lothian Joint Health Protection Plan 2018-2020	Director, Education, Communities and Economy
Outline of report and summary of discussion		
<p>The report sought ratification of the Lothian Joint Health Protection Plan (JHPP) for the period 2018/2020. An error in having the finalised report issued to the local authorities had delayed the opportunity for consideration. The Plan was attached as an appendix to the report and the associated detailed reference document had been made available in the CMIS Members' Library.</p>		

The Director, Education, Communities and Economy was heard in amplification of the report after which she responded to questions from elected Members.

Decision

(a) To ratify the Lothian Joint Health Protection Plan 2018/20, and

(b) To remit the JHPP to the Chief Executive to sign off.

Action

Director, Education, Communities and Economy/Chief Executive

Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Agenda No	Report Title	Presented by:
6.1	Minute of Education Appointment Committee of 4 October 2019 – Depute Head Teacher (Curriculum), Lasswade High School	Executive Director: Place
Decision		
Cabinet noted the appointment of A Mitchell as detailed in the report.		

The meeting terminated at 12.45pm.

Town Centre Capital Fund 2019/20 – Update

Report by Ann Marie Macaskill, Economic Development Manager

1. Purpose of Report

- 1.1 The purpose of this report is to provide updated information in relation to Midlothian's allocation of £910k from the Scottish Government's Town Centre Capital Fund.
- 1.2 The report seeks approval from Cabinet for delegated authority to officers to redistribute funds from the next highest scoring and deliverable project as determined by the panel. This will allow for full commitment of the TCCF's funds, and for Gorebridge Community Cares to be allocated £27k towards a component of their application.
- 1.3 In addition, should any further monies become available, Cabinet agrees officers be granted delegated authority to reallocate to previous applicants, providing they meet the deliverability criteria. This will ensure no monies are returned to the Scottish Government.

2. Background

- 2.1 The Town Centre Capital Fund is ring fenced Scottish Government capital funding offered to each Local Authority in Scotland through the local authority capital settlement. The aim of this funding is to enable local authorities to stimulate and support place based economic investments which encourage town centres to diversify and flourish, creating footfall through local improvements and partnerships.
- 2.2 A report was approved by Council on 1 October 2019 outlining the Scottish Government's eligibility for funds and proposals for local delivery of Midlothian's £910k allocation was approved which included an open and democratic process for communities, business and groups.
- 2.3 The broad guidelines provided by the Scottish Government detailing how they would like Town Centre Capital Funding to be reported and spent set out clear deadlines including; requirement for quarterly reports, funding not drawn down would be reclaimed by the government, and time constraints where all projects must be 'spent' i.e. work commenced or contracts signed by March 2020, and completed by September 2020. Failure to do so risks funding being reclaimed.

3. Local Action

- 3.1 Given the time constraints on the funding, and following approval by Council, a project team representing interested Council departments was assembled. Represented on this group are senior officers from: Planning, Conservation and Environment, Communities & Lifelong Learning, Estates and Economic Development.

- 3.2 The third sector is also represented on this group following an approved participation request from Midlothian Voluntary Action under the guidelines of the Community Empowerment Act.
- 3.3 Projects were considered in a fair, open and collaborative way, and the group took a co-ordinated and targeted approach to inviting expressions of interest and then making recommendations for full applications during the course of summer 2019.
- 3.4 A total of 28 Expressions of Interest applications were received with a total request in excess of £3.5million. A scoring framework was developed which underpinned the guidelines of the Scottish Government's Town Centre Capital Fund and aligned with local priorities. From the initial 28 EOI's, the highest scoring 16 projects were invited to make full applications.
- 3.5 A total of 14 applications were received with two choosing to withdraw. A full list of recommended projects accompanied the report to Council on 1 October 2019 and was approved by members. Appropriate timescales were applied to each stage of the process to ensure project delivery within the timescale set by the Scottish Government, including local deadlines of monthly reporting being embedded into grant applications and managed by Economic Development.
- 3.6 The report to Council on 1 October 2019 recommended that in the instance any projects underspending against the approved amount, and to avoid funds being reclaimed by the Scottish Government, the project team will have the ability to redistribute funds within the existing approved projects in order to add value where required. The priority project in this instance will be Penicuik Town Hall due to the project not securing the full requested amount.
- 3.7 Regrettably, the Midlothian Council Hardengreen to Newtongrange Cycleway project required to withdraw from the process owing to issues concerning land ownership and was resultant in £247k coming back in to the pot. As approved by members, the remainder of the Penicuik Town Hall project was allocated on a priority basis, and an additional £219,423 was accepted by Midlothian Council officers for the project who confirmed the full project was deliverable within the timescales.
- 3.8 From Midlothian's allocation of £910k, this left a balance of £27k which was unable to be distributed amongst the approved projects list as they are all fully committed. In order to allocate the full amount of the allocation, officers seek delegated authority to reconsider the next highest scoring project from the list that is deliverable by March 2020 to ensure funds are fully committed. This will allow for full commitment of the TCCF's funds, and for Gorebridge Community Cares to be allocated £27k towards a component of their application namely a new training kitchen and boiler.

4. Resource

- 4.1 The management and reporting of this fund will continue to be led by the Council's Economic Development Service in close liaison with Council colleagues. The existing officer group will continue to meet throughout the duration of project activity to ensure projects remain supported throughout delivery and reduce risk of underspend. A representative from the Council's Finance team will also join this group to ensure robust financial monitoring.

5. Other Report Implications

5.1 Risk

The fund is time limited with spend required within the existing financial year March 2020 and all works completed by September 2020. Any unspent funds will be reclaimed by Scottish Government after this time.

Deliverability has been a key factor considered by the assessment panel during the scoring process. Each project has provided detailed timescales and milestones within their project delivery plan. The existing officer group will continue to meet regularly to ensure all project spend and milestones remain within the external time-frames provided. A risk has been identified regarding the potential underspend of £27k through this process and this report outlines action to be undertaken to mitigate any losses of the funding from Scottish Government.

To ensure robust financial monitoring and governance, the existing reporting and audit requirements in place for the Council's Large Grant Scheme will be mirrored throughout this project. All external applicants will be required to accept these terms and conditions within their grant award.

5.2 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

5.3 Key Priorities within the Single Midlothian Plan

- The funding is directly aimed at supporting the regeneration of Town Centres, which is a key priority under the Sustainable Growth theme of the Single Midlothian Plan.
- The monies will directly fund projects which support place based economic investments, which encourage town centres to diversify and flourish.
- Projects have the potential to improve opportunities for the people of Midlothian. Public engagement will attempt to involve citizens in the design and delivery of their local services. Project proposals will be encouraged from all communities giving individuals and groups the opportunity to directly influence project spend and the third sector will have a key role in the decision making process.
- Community asset transfer proposals will also be duly considered as part of the process where requested.

5.4 Impact on Performance and Outcomes

- This new funding has the potential to have significant impact on a range of economic outcomes.
- Depending on the nature of the projects supported, the fund has the potential to increase the attractiveness of Midlothian's town centres as a place to work, live or invest in.

- It offers opportunity to support the national inclusive growth agenda through: helping to support, attract or secure employment opportunities and/or public services, and encourage business start-ups and growth.

5.5 Adopting a Preventative Approach

Successful town centres are a key component of a thriving local economy and part of the Scottish Governments Inclusive Growth agenda. Having a vibrant and successful local town centre can help deliver key services, provide employment opportunities, attract tourism and encourage investment, all which has a positive impact on the local economy and its people.

5.6 Involving Communities and Other Stakeholders

The opportunity to submit project proposals for this fund will be a fair, open and transparent process. Proposals will be considered from communities, third sector, businesses and public sector groups. Successful projects will be those which are best fit to the fund guidelines. The wider community and third sectors will be represented by a dedicated representative on the steering group and assessment panel.

5.7 Ensuring Equalities

Projects will be considered in line with fund guidelines which will be developed with consideration to local policy and priorities. This process will be inclusive.

5.8 Supporting Sustainable Development

The nature of this fund is to support sustainable development and investment within Midlothian town centres. This will be a key criteria when considering proposals to ensure project viability.

5.9 IT Issues

No IT Issues apparent at this stage.

6. Summary

- 6.1 This report provides an update to deliverability of projects from the Town Centre Capital Fund of which Midlothian has been awarded a £910k allocation to be spent by March 2020.
- 6.2 The report suggests a process for reallocating from officers agreed list of projects which must be delivered by March 2020 or risk of funding being reclaimed by Scottish Government.

7. Recommendations

Cabinet is recommended to:

1. Note the guidelines and timescales of the funding as previously agreed at Council.
2. Approve the redistribution of funds from the next highest scoring and deliverable project as determined by the approval panel. This will allow for full commitment of the TCCF's funds, and for Gorebridge Community Cares to be allocated £27k towards a component of their application namely a training kitchen and boiler.

3. To agree that if further monies become available, officers are granted delegated authority to reallocate to previous applicants, providing they meet the deliverability criteria. This will ensure no monies are returned to the Scottish Government.

08 January 2020

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