

# Minute of Meeting

Midlothian Council  
Tuesday, 25 June 2024  
Item No 5.2

## Midlothian Council



Date	Time	Venue
Tuesday 7 May 2024	11:00 am	Council Chambers, Midlothian House/Hybrid

### Present:

Provost McCall (Chair)	Depute Provost Bowen
Councillor Parry (Council Leader)	Councillor Cassidy (Depute Council Leader)
Councillor Alexander (attended virtually)	Councillor Curran
Councillor Drummond	Councillor Imrie
Councillor McEwan	Councillor McKenzie
Councillor McManus	Councillor Milligan
Councillor Pottinger (attended virtually)	Councillor Scott
Councillor Smail	Councillor Virgo
Councillor Winchester	

### Religious Representatives:

Anne-Theresa Lawrie	
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### In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Fiona Robertson, Executive Director Children, Young People and Partnerships	Nick Clater, Head of Adult Services and Deputy Chief Social Work Officer
Alan Turpie, Legal and Governance Manager / Monitoring Officer	David Gladwin, Chief Financial Officer (Section 95 Officer)
Derek Oliver, Chief Officer Place	Emily Brown, Local Heat and Energy Efficiency Strategy Lead Officer
Gareth Davies, Senior Manager Property and Facilities	Janet Ritchie, Democratic Services Officer
Gary Leadbetter, Democratic Services Officer	Hannah Forbes, Assistant Democratic Services Officer

## 1. Welcome, Introductions and Apologies

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The Provost welcomed everyone to this meeting of the Midlothian Council and advised that the meeting was open to the public and would be webcast live.

Apologies were received on behalf of Councillor Russell.

The Provost noted that this was the two-year anniversary since Elected Members were elected.

## 2. Order of Business

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The order of business was as per the agenda previously circulated.

## 3. Declarations of interest

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None.

## 4. Deputations

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None received.

## 5. Minutes of Previous Meetings

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Item No.	Report Title	Submitted by:
5.1	Minute of Special Council of 26 March 2024	Executive Director Place
<b>Outline and Summary of Discussion</b>		
The Minute of the Special Meeting of Midlothian Council held on the 26 March 2024 was submitted for approval.		
Moved by Councillor McManus and seconded by Councillor Parry.		
<b>Decision</b>		
The Minute of the Special Meeting of Midlothian Council held on 26 March 2024 was approved.		
<b>Action</b>		
Democratic Services		

Item No.	Report Title	Submitted by:
5.2	Minute of Midlothian Council of 26 March 2024	Executive Director Place
<b>Outline and Summary of Discussion</b>		
The Minute and Private Addendum of the meeting of Midlothian Council held on the 26 March 2024 was submitted for approval.		
Moved by Councillor Parry and seconded by Councillor McManus.		

**Decision**

The Minute and private addendum of Midlothian Council held on 26 March 2024 was approved.

**Action**

Democratic Services

Item No.	Report Title	Submitted by:
5.3	Minute Volume Index	Executive Director Place

**Outline and Summary of Discussion**

The following minutes were previously circulated to Elected Members and subsequently noted and/or the recommendations contained therein approved:

- Minute of General Purposes Committee of 14 November 2023
- Minute of Performance, Review and Scrutiny Committee of 12 December 2023
- Minute of Audit Committee of 29 January 2024
- Minute of Local Review Body of 5 February 2024
- Minute of Midlothian Integration Joint Board of 8 February 2024
- Minute of Special Midlothian Integration Joint Board of 21 March 2024

Moved by Councillor McManus and seconded by Councillor Parry.

**Decision**

Minute Volume Index was noted.

**Action**

Democratic Services

Item No.	Report Title	Submitted by:
5.4	Action Log	Executive Director Place

**Outline and Summary of Discussion**

In responding to a question regarding the Capital Prioritisation Plan, the Executive Director Place confirmed that this was on today's agenda as Item 8.8. This follows further consideration by the Business Transformation Steering Group. The Executive Director Place also advised that Item 5 on the Action Log should read 'audit of **housing allocations**' not audit of tenancy agreements.

In responding to a further question with regards to the Capital Plan Prioritisation report being heard prior to an update on the Hillend Project, which was part of the Capital Plan, the Executive Director Place advised that there is reference in the report to developments for Hillend. The Executive Director Place also reminded Members that a briefing had been held recently on the Hillend Project and the

relevant points in respect of that were in the paper with a recommendation that additional work is carried out, if Members approve the recommendation.

#### Decision

The Action Log was noted.

#### Action

Democratic Services

## 6. Questions to the Leader of the Council

None received.

## 7. Motions

Report No.	Report Title	Submitted by:
7.1	Jo Cox Civility Commission	Councillor Parry and Councillor McCall
<b>Outline and Summary of Discussion</b>		
<p>The Notice of Motion was proposed by Councillor Parry and seconded by Councillor McCall.</p> <p>The Depute Provost took up the position of Chair for this Motion.</p> <p>Councillor Parry and Councillor McCall spoke in support of this motion highlighting the Jo Cox Civility Commission and the recommendations published in January 2024 and thanked the Jo Cox foundation for the report. Councillor McCall also highlighted her own experience and expressed her thanks to the support she received from the Police, Chief Executive, and staff.</p> <p>Council requested a report to the Standing Orders Working Group providing information on how the Council addresses, adopts or considers the Jo Cox Civility recommendations in existing workstreams, with specific reference to:</p> <ul style="list-style-type: none"><li>a) How the Council can improve risk planning for abuse at Council meetings and other events.</li><li>b) How the Council can ensure security and wellbeing resources are available to staff and elected members.</li><li>c) How the Council can engage with relevant toolkits such as the Local Government Association's 'Debate Not Hate' Councillor toolkit and the National Association of Local Councils' (NALC) Civility and Respect Project.</li><li>d) How the Council can work with organisations like COSLA, Elect Her and local organisations to remove barriers to Elected Office.</li></ul> <p>The Motion was welcomed by Councillors.</p>		
<b>Decision</b>		
The Notice of the Motion was moved.		

**Action**

Council Leader, Provost and Chief Executive

**8. Reports**

Report No.	Report Title	Submitted by:
8.1	School Session Dates 2025-2027	Executive Director Children, Young People and Partnerships

**Outline and Summary of Discussion**

The Executive Director Children, Young People and Partnerships presented the report. The report details that the authority is required to set school session dates each year with regard to statutory attendance. A scheme of session dates for Midlothian schools for the next two academic years, 2025/26 and 2026/27, has been drawn up. These session dates align closely with the dates set by neighbouring local authorities. Consultation was undertaken on these dates in April 2024, and they have been agreed with the Midlothian Negotiating Committee for Teachers. The proposed session dates are attached to the report as Appendix B.

Council is requested to:

- Agree the school session dates proposed for the academic year 2025/26.
- Agree the school session dates proposed for the academic year 2026/27.

The Chair thanked the Executive Director Children, Young People and Partnerships for the report and opened it up for questions and comments.

Councillors commented on the report and expressed their thanks to the team on all their hard work.

Moved by Councillor Scott, seconded by Councillor Virgo.

**Decision**

The Council approved the school session dates proposed as detailed within the report.

**Action**

Executive Director Children, Young People and Partnerships

Report No.	Report Title	Submitted by:
8.2	Standing Orders Working Group – Progress Report	Executive Director Place

**Outline and Summary of Discussion**

The Legal and Governance Manager presented the report. The report provides an update on the work of the Standing Orders Working Group and recommends immediate updates to the Standing Orders and associated Schemes(s) for consideration.

Council is asked to:

- Note the proposed work programme themes as listed in 3.2.
- Approve the Hybrid Meeting Protocol (Appendix B), as detailed in 3.3.
- Approve the proposed Deputations process (Appendix D), as detailed in 3.4.
- Approve the change of notice of meeting for Council meetings and the subsequent interim change to the motion deadline and Questions to the Leader, as detailed in 3.6 - 3.8.
- Approve the change to Council, Cabinet and Performance, Review and Scrutiny Committee agendas in relation to Education reports, as detailed in 3.9.
- Note that formal approval by Council of any (or all) of the above will require updates to the Standing Orders and associated Scheme(s) accordingly. Council is requested to delegate authority to the Executive Director Place.

The Chair thanked the Legal and Governance Manager for the report and opened it up for questions and comments.

Councillor Parry moved the report.

Councillor Curran proposed an amendment with regards to item 1) on the Protocol for the use of video conferencing facilities that 'must' be changed to 'where possible' as there could be a number of reasons when it is not possible. Item 1 to read:

- 1) Any Member wishing to participate by video conference link in any hybrid meeting of the Council, or of a Committee or Sub-Committee, wherever possible intimate their request in writing to the Clerk not less than **24 hours** in advance of the meeting taking place (excluding the day of the meeting).

Moved by Councillor Parry, seconded by Councillor Curran with the amendment as detailed.

The Provost advised that a show of hands was required to suspend Standing Orders. 17 voted to suspend Standing Orders to allow the change.

#### Decision

The Council approved the recommendations as set out in the report with the amendment to the paragraph on p49 as detailed above.

#### Action

Legal and Governance Manager

Report No.	Report Title	Submitted by:
8.3	Education Appeals Committee – Update to Membership	Executive Director Place

## Outline and Summary of Discussion

The Principal Solicitor presented the report. The report requests approval for the membership and quorum of the Education Appeals Committee to change from 5 members to 3 members, and to make required amendments to the Scheme of Administration relative to the Education Appeals Committee.

Council is asked to:

- Agree to change the membership of the Education Appeals Committee to 3 from 5 members.
- Agree to amend the quorum of the Education Appeals Committee to 3 members in line with the above change of membership number.
- Agree to update the associated Scheme to i) clarify that in terms of the relevant statute the Religious Representative of the Council requires to be appointed to a relevant committee prior to appointment to the Education Appeals Committee, ii) reflect that the Scottish Committee of the Administrative Justice and Tribunals Council has now been disbanded and iii) clarify that in terms of the relevant statute, if a member of the Committee requires to leave during a Hearing, the Hearing cannot continue (even if the parties would agree).
- Note that formal approval by Council of any (or all) of the above will require updates to the Standing Orders and associated Scheme(s) accordingly. Council is requested to delegate authority to the Executive Director Place to make the relevant changes following Council approval.

The Chair thanked the Principal Solicitor for the report and opened it up for questions and comments.

Councillors commented on the increase in the number of appeals and proposed that the membership of the Appeal Committee remains at 5 and that the quorum is 3 which will allow more flexibility and resilience. Thanks were expressed for training which had been provided. In responding to a question regarding volunteers it was confirmed there were 10 volunteers who were in the process of being trained.

A comment was also made with regards there being no consultation with Members of the Panel prior to this report being presented. It was noted that this had been discussed at the Standing Orders Working Group.

Moved by Councillor Parry, seconded by Councillor Scott with the amendment to remain at 5 Members for the membership and the quorum change to 3.

The Provost advised that a show of hands was required to suspend Standing Orders. 15 voted to suspend Standing Orders to allow the change.

## Decision

The Council approved that the membership of the Education Appeals Committee remains at 5 and the quorum to change to 3 members. The Council agreed that the required amendments are made to the Scheme of Administration relative to the Education Appeals Committee.

**Action**

Legal and Governance Manager

Report No.	Report Title	Submitted by:
8.4	Joint Consultative Group – Update to Membership	Executive Director Place

**Outline and Summary of Discussion**

The Legal and Governance Manager presented the report. The report requests approval for a change to the membership of the Joint Consultative Group.

Council is asked to:

- Agree to change the membership of the Joint Consultative Group;
- Note that formal approval by Council of the above will require updates to the Standing Orders and associated Scheme(s) accordingly. Council is requested to delegate authority to the Executive Director Place to make the relevant changes following Council approval.

The Legal and Governance Manager advised that a show of hands was required to suspend Standing Orders.

The Chair thanked the Legal and Governance Manager for the report and opened it up for questions and comments.

Moved by Councillor Parry, seconded by Councillor Cassidy.

The Provost asked for a show of hands to suspend Standing Orders. 17 in favour to amend Standing Orders.

Thanks were expressed to the Standing Orders Working Group and the Legal Team.

**Decision**

The Council approved the recommendations as stated in the report.

**Action**

Legal and Governance Manager

Report No.	Report Title	Submitted by:
8.5	Edinburgh, the Lothian and Scottish Borders MAPPA Annual Report for 2022/23	Head of Adult Services and Deputy Chief Social Work Officer

**Outline and Summary of Discussion**

The Head of Adult Services and Deputy Chief Social Work Officer (Head of Adult Services) presented the report. The report advises of the activities undertaken by the agencies across Edinburgh, the Lothians and Scottish Borders who work in



partnership as part of Multi-Agency Public Protection Arrangements (MAPPA) and statistical information.

Council is requested to note the information in the Edinburgh, the Lothians and Scottish Borders MAPPA Annual Report for 2022/2023.

An error was highlighted in the report on P68 regarding Registered Sex Offenders the figure should read 54 not 52 in Midlothian in the period 22/23.

The Chair thanked the Head of Adult Services for the report and opened it up for questions and comments.

The importance of partnership working was noted and communication between the MAPPA team and Elected Members.

Councillors expressed their thanks to the MAPPA team for all their hard work.

#### Decision

The Council noted the report.

#### Action

Report No.	Report Title	Submitted by:
8.6	Local Heat and Energy Efficiency Strategy	Executive Director Place

#### Outline and Summary of Discussion

The Executive Director Place and the Local Heat and Energy Efficiency Strategy (LHEES) Lead Officer presented the report. The purpose of the report is to provide an update on the Local Heat & Energy Efficiency activity and strategy documentation/action plans. The LHEES and delivery plan is a statutory piece of legislation designed to be used as a route map to decarbonise all of the buildings (domestic and non-domestic) within Midlothian Council's estate by assigning energy efficiency and district heating zones. The report provides an update on the progress in respect to the Midlothian Strategy, the Delivery Plan and next steps.

Council is recommended to:

- Note the progress and programme for the development of the Midlothian LHEES and the next stage for public engagement with the draft strategy and delivery plan included as Appendices.
- Agree to the LHEES Strategy and Delivery Plan as feedback from the Scottish Government is positive and the Strategy adheres to their requirements.

The Chair thanked the Executive Director Place for the report and opened it up for questions and comments.

Councillor Alexander moved the report.

It was queried whether a programme of works on the fabric first approach on housing estates was coming forward to Council. The Executive Director Place confirmed that it would be in the future.

A question was raised as to whether the housing revenue account had been recalibrated to show the level of intervention expected with the Council's own stock, in the context of the amounts required to expand the stock of social housing. It was also queried when Elected Members would have sight of these numbers. The Executive Director Place explained that there would potentially be an August Council paper in relation to the housing stock reconciliation and the modelling for the rent strategy. The Executive Director Place advised that they are waiting on confirmation of the Council's affordable housing supply allocation, although noted that this may be September before it is received. It was noted that this poses some risk for future years.

There was a query as to the difference between a communal heating system and a district heating system. It was also questioned, in regard to funding aspects, whether there was a simpler way forward for alternative funding options in terms of comfort costs being billed separately. The LHEES Lead Officer explained that in terms of the heating systems the former is much smaller and heats around 10-15 homes, whilst the latter is a far larger network and heats between 4 to 6 thousand homes. The LHEES Lead Officer also explained that, in terms of the funding question, there is a difference in terms of looking at owner occupiers compared to social housing. It was noted that one of the difficult aspects, particularly in relation to district heat networks, is how owner occupiers would be able to afford it. The LHEES Lead Officer explained this necessitated exploring different options and ideas to make it affordable.

In relation to air source heat pumps, assurance was sought around whether the Council has the resilience in terms of the management and maintenance of these. It was also queried whether the Council was in a position to collect, gather and analyse data around the efficacy of these heat pumps. A further question was asked as to whether the Council should be looking more at local power supply rather than a national grid. The LHEES Lead Officer explained that, in terms of the air source heat pumps, the biggest issue seems to be that they are not being used properly, so there is a lot of educating the householder and the user in terms of the management and maintenance of the heat pumps. In terms of grid supply it was noted that air source heat pumps do use electricity to run and that this was something to be aware of as it will put increased demand on the grid. It was noted that local power can definitely be looked at to try help reduce the demand on the grid.

In relation to the Council's own stock and retrofitting work, it was highlighted that it would be beneficial for Elected Members to see data on what is working well, what is not and what benefits the tenants receive. The Executive Director Place confirmed that the Council is committed to carrying out a post-occupancy settlement assessment and analysis.

It was queried whether the electricity grid would be able to cope should everyone switch to heat pumps. The Executive Director Place explained that this was a consideration of the business case, with part of the proposition about energy use, efficiency and production. The Senior Manager Property and Facilities explained

that the Council is working with Midlothian Energy Limited to identify sources of cheap heat, solar and wind potential which will be brought forward as the business case stacks up.

Assurance was sought about whether the Council had the capacity to maintain heat pumps as the number of them increase in the housing stock. The Executive Director Place stated that in terms of repair and maintenance focus there had been some issues recently where residents have had concerns with non-compliant installations. The Executive Director Place advised that this is being rectified. The Executive Director Place further advised that ongoing repair and maintenance is a capacity issue but noted that there is engagement and willingness from the team in terms of understanding this, training and improving this.

Councillor Alexander moved the report and was seconded by Councillor McKenzie.

**Decision**

Recommendations, as above, agreed.

**Action**

Executive Director Place

LHEES Lead Officer and Senior Manager Property and Facilities left the meeting.

Report No.	Report Title	Submitted by:
8.7	British Sign Language Plan	Executive Director Place

**Outline and Summary of Discussion**

The Executive Director Place presented the report. The purpose of the report is to present to Council the Midlothian Council British Sign Language (BSL) Plan 2024-2030, which describes the actions the Council will take to promote the use and understanding of BSL throughout the Midlothian area, and to provide local BSL users with equal access to support and services over the next six years.

Council is asked to approve the Midlothian Council BSL Plan 2024-2030.

The Chair thanked the Executive Director Place for the report and opened it up for questions and comments, of which there were none.

Cllr McManus in moving the paper expressed the importance of this paper and asked the members through sign language ‘to please vote for the paper, thank you’.

Councillor Parry in seconding the report congratulated Councillor McManus on the first time BSL was used in the Chambers.

Councillor McManus moved the report and was seconded by Councillor Parry.

**Decision**

Recommendation, as above, agreed.

**Action**

Executive Director Place

Report No.	Report Title	Submitted by:
8.8	Capital Plan Prioritisation	Executive Director Place

**Outline and Summary of Discussion**

The Executive Director Place presented the report. Council approved at the meeting on 27 February 2024 to adopt a longer-term strategic planning approach through the Strategic Infrastructure Investment Framework for future capital investment and asset management. Council also agreed to establish a forum for continued elected member involvement in a cross-party group for governance of the Capital Plan and Infrastructure investment. Members are required to decide if this will be incorporated into the Business Transformation Steering Group or a separate Investment Strategy Group. The report is to endorse that any increase in the General Services Capital Plan debt must be supported by clear, evidenced progress in bridging the gap between recurring expenditure and recurring income.

Council is recommended to:

- Approve the inclusion in the General Services Capital Plan (i) the extension of Bilston Primary; (ii) the extension of Mauricewood Primary, both expected to be fully funded by developer contributions (so no overall net borrowing cost to the Council); and (iii) expansion of Hawthornden & Mount Esk to provide dedicated Additional Support Needs (ASN) provision for Lasswade CHS and relocate Mount Esk ELC provision to Hawthornden PS, expected to be fully funded by developer contributions and early years funding (so no overall net borrowing cost to Council); all as outlined in section 4.1(a) of this report.
- Agree that the New Building Contract for Destination Hillend does not proceed, with a revised replacement to reduce the footprint of the building with a focus on facilities essential to the wider business case in order to protect the level of revenue to be generated on site. Noting that the extent of saving to be made is currently being reviewed by the design team and will be presented to Council in the form of a revision to the Business Case once this exercise is complete.
- Decide on the appropriate forum for continued elected member involvement in a cross-party group for governance of the Capital Plan and Infrastructure investment i.e. Business Transformation Steering Group (BTSG) or a new Investment Strategy Group.

The Chair thanked the Executive Director Place for the report and opened it up for questions and comments.

In relation to the consultation around Mayfield Primary School and Nursery in terms of relocating the nursery into the Hawthorn Children's Centre, and the petition against this, it was queried whether there was any possibility to retain the current site, such as through using the developer contributions. The Executive Director Place explained that this would not have been an option open to the Council. The Executive Director Children, Young People and Partnerships explained that there are a number of parents who are concerned about the move and advised that they

were provided with complete information about the move and the reasons why this was required. They further advised that the Council is currently engaging with every family affected by the move.

Councillor Parry moved the report, seconded by Councillor Scott. It was agreed that the appropriate forum for continued elected member involvement in a cross-party group for governance of the Capital Plan and Infrastructure investment would be the BTSG.

**Decision**

Recommendations approved as above, with the agreement that it would go before the BTSG.

**Action**

Executive Director Place

Report No.	Report Title	Submitted by:
8.9	Second Review of Scottish Parliamentary Boundaries	Legal and Governance Manager

**Outline and Summary of Discussion**

The Legal and Governance Manager presented the report. The report advises members of the terms of the second consultation during the Second Review of Scottish Parliamentary Boundaries and invites members to decide if the Council should make formal comment or objection to the proposals for the new Midlothian South, Tweeddale and Lauderdale and Midlothian North constituencies.

Council are invited to:

- Note the revised proposed boundary reviews for the Midlothian Scottish Parliamentary constituencies.
- Determine whether to submit a formal comment/objection to Boundaries Scotland.

The Chair thanked the Legal and Governance Manager for the report and opened it up for questions and comments.

There was a request that in a response to Boundaries Scotland it is proposed that Midlothian South is not split into two constituencies, so that there are no cross-boundary constituencies in Midlothian.

**Decision**

Respond to Boundaries Scotland expressing the desire that Midlothian South is not split into two constituencies, so that there are no cross-boundary constituencies in Midlothian.

**Action**

Legal and Governance Manager

Report No.	Report Title	Submitted by:
8.10	Glyphosate	Executive Director Place

#### Outline and Summary of Discussion

The Chief Officer Place presented the report. In March 2021, Council approved the use of glyphosate on a restricted spot application basis, on Midlothian's streets and pavements, and it agreed the continued reduction in usage in Midlothian's parks and open spaces, with the exception of invasive species, e.g. giant hogweed and Japanese knotweed; and dangerous road junctions and areas of highways that are key to maintaining visibility for the safety of all road users, e.g. laybys and the inside of bends; and agreed information on spraying locations be published as soon as possible. The purpose of this report is to update Council on the managed and controlled use of glyphosate since March 2021.

Council is recommended to note the targeted application and continued managed usage of glyphosate in weed control across Midlothian.

The Chair thanked the Chief Officer Place for the report and opened it for questions and comments.

A discussion took place on the use of glyphosate on Council grounds and the desire for this to be reduced in the coming years. It was also noted that the licensing for glyphosate is a reserved matter for the UK Parliament and is not devolved to Scottish Parliament.

The Chair queried engagement with housing associations or large groups and its use. The Chief Officer Place explained that the Council do not have an ongoing engagement, as it is their undertaking. However, it was advised that in terms of the Council's own undertakings on a commercial basis that they do discuss alternatives that can minimise the use of glyphosate.

It was queried whether, in terms of 4.10, would neighbourhood service operatives be undertaking a targeted winter programme of work and if a paper would be brought back to Council in the springtime to allow Elected Members to understand what has been achieved. The Chief Officer Place confirmed that they would be happy to bring this back.

In relation to publishing glyphosate use it was questioned whether the Council publishes this online. The Chief Officer Place confirmed that from 2021 the Council has published where glyphosate has been used and from this year the Council will also start to publish where glyphosate will be used.

#### Decision

Paper on neighbourhood service operatives would be undertaking a targeted winter programme of work in springtime 2025.

#### Action

Chief Officer Place

The Public section of the meeting concluded at 12:49pm.

## **9. Private**

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### **Exclusion of Members of the Public**

**In view of the nature of the business to be transacted, the Committee 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 paragraphs 3, 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-**

- 9.1** Midlothian Public Electric Vehicle Charging Strategy and Procurement, report by Executive Director Place

### **Date of Next Meeting**

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The next meeting will be held on Tuesday 25 June 2024 at 11.00am

The meeting concluded at 13.06 pm.