

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL CABINET** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 8 October 2013 at 11.00am.

**Present:-** Councillors Constable (Convener), Beattie, Bryant and Johnstone.

**Religious Representatives Present:-** Mrs M Harkness.

**Apologies for Absence:-** Mr V Bourne and Mr P Hayes.

## **1 Audio Recording**

Before the commencement of the business the Convener reminded members that the proceedings were being audio recorded.

## **2 Declarations of Interest**

There were no declarations of interest.

## **3 Minutes**

The Minutes of Meetings of 27 August 2013, were submitted and approved as correct records.

## **4 Inspection of King's Park Primary School and Nursery Class**

There was submitted report dated 20 August 2013, by the Director, Education, Communities and Economy outlining the outcome of the inspection of King's Park Primary School and Nursery Class as carried out by HM Inspectors in May 2013.

Following the inspection of each school, the Scottish Government gathered evaluations of three important quality indicators to keep track of how well all Scottish schools were doing. Noted below are the evaluations for King's Park Primary School and Nursery Class:

	Primary School	Nursery Class
Improvements in performance	Very Good	Good
Learners' experiences	Very Good	Satisfactory
Meeting learning needs	Good	Good

The Inspectors also evaluated the following aspects of the work of the school:

The curriculum	Good
Improvement through self-evaluation	Good

The following key strengths were indicated by the inspection team:-

- Very well-behaved children who achieve very well in literacy and numeracy.
- Children at the primary stages who are highly motivated and able to talk about their learning and what they need to do to improve.
- Highly-committed staff who work very well together to improve outcomes for children.
- The impact of the Head teacher and senior management team in developing a culture of improvement.

The following areas for improvement were agreed between Education Scotland, the school and the Education, Communities and Economy Division:

- Support children to be more involved in their learning in the nursery class.
- Continue to develop the arrangements to meet the needs of all children.
- Further improve self-evaluation.

### **Decision**

- (a) To note the content of the inspection report;
- (b) To pass this report to the Performance, Review and Scrutiny Committee for its consideration;
- (c) To congratulate the pupils, parents and staff connected with King's Park Primary School and Nursery Class on the key strengths highlighted in the report; and
- (d) To note that, whilst acknowledging the progress reflected in this report, the Council will continue to challenge, support and monitor the service in relation to achieving excellence through further improving performance.

(Action: Director, Education Communities and Economy)

## **5 Inspection of Mayfield Nursery School**

There was submitted report dated 25 September 2013, by the Director, Education, Communities and Economy outlining the outcome of the unannounced inspection of Mayfield Nursery School as carried out by the Care Inspectorate in May 2013.

The Care Inspectorate is the independent scrutiny and improvement body for care and children's services and they inspect every registered care service, local authority social work departments and child protection teams on a regular basis to make sure that providers are meeting standards required and were working to improve the quality of care for everyone. Every time they inspect these services they produce an inspection report.

Based on the findings of this inspection the Care Inspectorate awarded the following grades:

Quality of Care and Support	Grade 6 – Excellent
Quality of Environment	Grade 6 – Excellent
Quality of Staffing	Grade 6 – Excellent
Quality of Management and Leadership	Grade 6 – Excellent

The report and grades represented the Care Inspectorate assessment of the quality of the areas of performance which were examined during the unannounced inspection.

The Inspection Team noted the following strengths:-

- Mayfield Nursery School provided an excellent standard of care and support to the children and families who attend.
- Staff were enthusiastic and skilled in their interactions with children and at creating an exciting learning environment.
- The activities promoted children's continual development and encourage new and exciting experiences.
- The Head teacher shared her experience and knowledge with the staff. She was motivational with complete commitment to the work she and her nursery team do.

The Inspection Team also noted that Mayfield Nursery School should continue to monitor and maintain the excellent quality service, and that they should ensure that they continued to involve children and parents in identifying areas of improvement and implement action plans to address these.

The Care Inspectorate concluded that the nursery offered children a wealth of experiences and that the Head teacher and staff were committed to children's continual learning and progress. They attend ongoing training to support their work. The Head teacher and staff also provided an excellent quality of responsive care for the children and their families. They were meeting all of their stated aims.

### **Decision**

- (a) To note the content of the inspection report;
- (b) To pass this report to the Performance, Review and Scrutiny Committee for its consideration;
- (c) To congratulate the management and staff connected with Mayfield Nursery School on the excellent work being carried out at the nursery; and

- (d) To note that, whilst acknowledging the excellent work being carried out at the nursery, the Council would continue to challenge, support and monitor the service in relation to achieving sustained excellence through further improving performance.

(Action: Director, Education Communities and Economy)

## **6 Midlothian Local Development Plan Update**

There was submitted report dated 9 September 2013, by the Director, Education, Communities and Economy, providing an update on progress on the preparation of the Midlothian Local Development Plan (MLDP), principally early feedback on the consultation undertaken on the Main Issues Report.

The report advised that at its 19 March 2013 meeting, Council approved, for consultation purposes, the Main Issues Report for the MLDP. Council also noted that the Environmental Report (and its Non-Technical Summary), prepared in connection with the environmental assessment of the Main Issues Report, was also being made available for consultation. A number of documents were made available in support of the consultation, namely the Monitoring Statement, Technical Notes (covering a range of topics such as Green Networks; Green Belt; Minerals and Waste) and an Equalities and Human Rights Impact Assessment.

Council agreed that the consultation on the Main Issues Report and Environmental Report would be conducted between 1 May and 31 August 2013, a period of over 17 weeks, which well exceeds the statutory minimum requirement of 6 weeks.

The consultation period ended on 31 August 2013. As this was the main consultation phase of plan preparation, the deadline had not been strictly adhered to, and a few late submissions had been received and accepted. In addition some contributors had not utilised the online consultation portal, and these submissions were being input by Policy and Environment staff. As a result the processing of all of the representations was not complete. At this stage the consultation had received around 2100 responses.

### **Decision**

- (a) To note that the consultation stage for the Midlothian Local Development Plan Main Issues Report and Environmental Report has been completed;
- (b) That a further report providing an analysis of the issues arising from the consultation be brought to a future meeting of Cabinet; and
- (c) Remits this report to Planning Committee for its information.

(Action: Director, Education Communities and Economy)

## **7 Adopted Local Plan and Regional Plan**

There was submitted, report dated 18 September 2013, by the Director, Resources bringing to the Cabinet's attention a recommendation from the Performance Review and Scrutiny Committee in relation to the Adopted Local Plan and the Regional Plan.

The report highlighted that on 4 September 2013, the Performance Review and Scrutiny Committee considered a performance report in respect of Planning and Development. Amongst the issues debated were the progress with the Adopted Local Plan and the Regional Plan. In this regard the Committee's attention was drawn to recently reported statements by the Minister for Local Government and Planning, to the effect that in the event that sufficient land was not made available for new housing to satisfy developer demand, that he would direct Councils to make such land available.

The Committee accordingly agreed to recommend to the Cabinet that the Minister be advised that Midlothian Council had already made provision within the Adopted Local Plan based on the Housing Demands and Needs Analysis and as such the Council saw no need to allocate any additional land for this purpose in Midlothian either in the Regional Plan or in the Local Plan.

### **Decision**

To agree that there was no need to write to the Minister on this matter and to otherwise note the content of the report.

## **8 Strategic Development Plan for Edinburgh and South East Scotland (SESplan) Update**

There was submitted report, by the Director, Education, Communities and Economy informing Cabinet about the approval by Scottish Ministers, with modifications, of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the preparation of supplementary guidance on matters relating to housing land supply in compliance with the modifications.

The report *Supplementary Guidance - Housing Land* was approved for consultation by the SESplan Joint Committee at its meeting on 30 September 2013, subject to ratification by the six Member Councils.

A full list of the modifications was included in the Ministerial decision letter which was attached as an Appendix to the report

### **Decision**

- (a) To note that, following Ministerial approval with modifications, the SESplan Strategic Development Plan, as modified, was constituted as the Strategic Development Plan for the SESplan Strategic Development Area (Edinburgh and South East Scotland) from 27 June 2013;

- (b) To remit this report to Council with a recommendation to ratify, for consultative purposes, the draft *Supplementary Guidance - Housing Land* as approved for consultation by the SESplan Joint Committee at its meeting on 30 September 2013; and
- (c) To note the arrangements made for consultation on the draft Supplementary Guidance.

(Action: Director, Education Communities and Economy)

## **9 Procurement Process Comparison for Schools Projects**

There was submitted, report dated 18 September 2013, by the Director, Resources bringing to Cabinet's attention, recommendations from the Performance Review and Scrutiny Committee.

The report highlighted that the Performance Review and Scrutiny Committee initially called for a report on Procurement Process Comparison for Schools Projects, following consideration of the performance report in respect of Property and Facilities Management on 5 June 2013. At that time the Committee requested a report on the following issues viz:--

- An update on the main differences between the procurement processes for Hubco, PPP and the Schools for the Future project used at Lasswade; and
- An update on progress with the replacement/redevelopment works at Rosewell, Gorebridge and Bilston Primary Schools.

A report on this matter was submitted to the Performance Review and Scrutiny Committee on 3 September 2013 when they agreed inter alia,

- (a) To highlight to the Cabinet, the Committee's serious concerns regarding the performance of Hubco and the processes followed in relation to the letting of contracts;
- (b) To recommend to the Cabinet that it monitor closely the performance of Hubco in relation to the contracts for Rosewell Primary School and the replacement Newbattle High School; and
- (c) To recommend to the Cabinet that it take into account HUBCO's performance in relation to the contracts referred to at (b) above when determining the procurement route for improvements to Gorebridge Primary School and the replacement of Bilston Primary School.

### **Decision**

To note the content of the report.

## 10 Proposed change to Service Priority – Communities and Support

There was submitted, report dated 18 September 2013, by the Director, Resources bringing to Cabinet's attention, recommendations from the Performance Review and Scrutiny Committee, that the Cabinet reverse its decision to revise the target in respect the percentage of PPP maintenance issues that are addressed within timescale, from 100% to 90%.

The report advised that the Cabinet on 27 August 2013 adopted the recommendation that the target percentage of PPP maintenance issues that were addressed within timescale be reduced from 100% to 90%.

The recommendation was based on the fact that it was unrealistic to have a target of 100% as there would always be unexpected issues that would result in downtime.

The Performance Review and Scrutiny Committee, whilst accepting that downtime situations would arise, saw no benefit to the Council in reducing the target and felt that maintaining the target at 100% accorded with the service priority in ensuring that children had the best start in life by focusing on prevention and early intervention to address barriers to progress and to deliver effective outcomes. The Committee also noted that the Council was on target in the current year to achieve the 100% target. The Committee accordingly recommended that the Cabinet reverse its decision of 27 August 2013 and reinstate the 100% target.

### Decision

To accept the recommendations of the Performance, Review and Scrutiny Committee.

## 11 20 MPH speed Limit in Lasswade Village and Polton Road, Lasswade

There was submitted, report dated 18 September 2013, by the Director, Resources bringing to Cabinet's attention, recommendations from the Performance Review and Scrutiny Committee, in relation to the introduction of 20 mph speed limits in Midlothian arising from the Cabinet's decisions on 27 August 2013.

The report highlighted that on 27 August 2013, the Cabinet considered a report by the Director, Resources, on the possible introduction of 20 MPH speed limits. The Cabinet agreed:-

- “(a) That Lasswade Village and Polton Road not be subject to a 20mph speed limit until a strategic implementation process had been agreed; and
- (b) That the Director, Resources bring forward a report detailing a comprehensive strategy for the introduction of 20mph zones across Midlothian.”

The Cabinet's decision was subsequently called in by the Performance Review and Scrutiny Committee on the following grounds:-

*"The undersigned wish to call in the whole decision of Cabinet Meeting on Tuesday 27 August in relation to Item 15: Introduction of 20mph Zones Strategy. The reason being we do not think it appropriate to delay the implementation in Lasswade Village and Polton Road for the time it will take for a strategic implementation process to be agreed. "*

The call-in was considered by the Performance Review and Scrutiny Committee on 3 September 2013 when the Committee agreed, as follows:-

- (a) *That the introduction of a 20mph speed limit in Lasswade Village and Polton Road, Lasswade, be introduced, without undue delay, as a pilot project; and*
- (b) *That additional pilot projects introducing 20mph speed limits be introduced at the following locations;-*
  - *Penicuik town centre between Peebles Road and Beeslack and including Angle Park*
  - *Danderhall Village;*
  - *Gorebridge in the area between the two existing primary schools;*
  - *Mayfield in the Blackcot/Waverley housing estate; and*
  - *Bilston village."*

### **Decision**

To reject the recommendations of the Performance, Review and Scrutiny Committee, and thereby refer the matter to Council for determination.

(Action: Director, Resources)

## **12 Funding Bid Project for Arts in Midlothian**

The Cabinet agreed to continue consideration of this item of business to a future meeting.

(Action: Director, Education Communities and Economy)

## **13 Mavisbank House, Lasswade**

There was submitted, report dated 18 September 2013, by the Director, Resources bringing to the Cabinet's attention, recommendations from the Performance Review and Scrutiny Committee in relation to Mavisbank House, Lasswade arising from the Cabinet's decision on 27 August 2013.

The report highlighted that on 27 August 2013, the Cabinet agreed:-

*“To recommend to the Council that in the event that the application to the Heritage Lottery Fund was successful, that the Council give consideration to providing financial support to the project”*

The Cabinet's decision was subsequently called in by the Performance Review and Scrutiny Committee on the following grounds:-

*“The undersigned wish to call in the whole decision of Cabinet Meeting on Tuesday 27 August in relation to Item 8: Mavisbank House and Grounds. The reason being we have concerns at the potential cost to the Council in supporting this project and the impact on future capital and revenue budgets.”*

The call-in was considered by the Performance Review and Scrutiny Committee on 3 September 2013 when the Committee agreed, as follows:-

*“To recommend to the Cabinet that, in light of the current constraints on public spending, it advise the Trustees of Mavisbank House that any financial contribution from the Council towards the restoration of Mavisbank House and grounds, in either capital or revenue finance, could only be considered alongside other priority needs and should not therefore be relied upon in relation to any future application for funding from the Heritage Lottery Fund.”*

## **Decision**

To reject the recommendations of the Performance, Review and Scrutiny Committee, and thereby refer the matter to Council for determination.

(Action: Director, Resources)

### **14 Scottish Government Regeneration Capital Grant Fund Bid for Phase 2 of Dalkeith High Street Improvements**

There was submitted report dated 18 September 2013, by the Director, Education, Communities and Economy advising on the outcome of the Stage 1 bid to the Scottish Government for grant aid to continue the Dalkeith High Street improvements and to seek a Council contribution of a sum of £20,000 to the project.

In May 2013, Scottish Government announced a further round of Regeneration Capital Grant Fund (RCGF). This grant was aimed at economic regeneration and could include town centre improvements. It was expected that schemes should be ready to start on site in 2014.

The report advised that a Stage 1 bid was led by Midlothian Council (with the agreement of the Corporate Management Team) and was submitted on 28 June 2013. The bid had been successful and the Council had been invited now to go to a Stage 2 bid which had to be submitted by 14 October. The grant requested was a sum of £1,245,977 towards a total cost of £1,399,977.

Contributions sought to support the bid included:

	£
Buccleuch Estates (improvements to entrance to Country Park)	50,000
Historic Scotland (contribution to the restoration of Burns monument)	5,000
Local business contribution (to interpretative panels)	5,000
Devine Electrics (to restore derelict building at rear of Tolbooth)	54,000
Midlothian Council	20,000
Dalkeith Business Renewal (to be agreed)	<u>20,000</u>
TOTAL	154,000

If the Stage 2 bid was successful, this would mean that work to extend the improvements to the High Street could continue which would further enhance the setting of the buildings restored as part of the Townscape Heritage Initiative (THI)/ Conservation Area Regeneration Scheme (CARS). The Heritage Trail would also be developed further with interpretative panels and information available to the public.

### Decision

- (a) To note that the Regeneration Capital Grant Fund Stage 1 bid for the Dalkeith High Street Phase 2 improvements had been successful; and
- (b) To approve a Council contribution of £20,000 towards the High Street Phase 2 improvements for inclusion in the Stage 2 bid to the Scottish Government.

(Action: Director, Education Communities and Economy)

## 15 Health and Social Care Integration

There was submitted report dated 4 September 2013, by the Joint Director, Health and Social Care, summarising the progress made over recent months in the establishment of a local Health and Social Care Partnership

The report advised that a local Shadow Board had been established and the core members had met on two occasions as well as having an induction tour of Midlothian led by Ian Johnson Head of Planning. Membership was still being finalised with a member of the public and a carer having been appointed whilst decisions had still to be made regarding the involvement of the Third Sector.

The new post of Joint Director of Health and Social Work had been filled. Eibhlin McHugh had, from 1 August, assumed direct responsibility for all local health services in Midlothian and was now a member of NHS Lothian's senior management team as well as being a member of the Council management team.

The key issue at present was ensuring that the local health services remained effectively managed and arrangements were being made to realign the existing staff complement to reflect the move away from a Midlothian and East Lothian CHP structure.

A range of work-streams had been established to improve joint working in areas such as the use of financial resources; organisational development; risk management and information systems. Progress on such matters would be informed by work being undertaken at both a national and Lothian-wide level.

Alongside this work, progress was being made on the creation of a new single service for people with dementia due to become operational in September and on the enhancement of the Rapid Response Service through the establishment of a Frailty Project funded by NHS Lothian to reduce hospital admissions.

### **Decision**

To note the progress being made in establishing the local Health and Social Care Partnership and in developing more integrated services.

## **16 Proposed Business Improvement District – Penicuik Town Centre**

There was submitted report dated 20 August 2013, by the Director, Education, Communities and Economy providing an update on the development of a proposal for the establishment of a Business Improvement District covering Penicuik Town Centre and to identify Midlothian Council representation on the Penicuik Business Improvement District steering group which required to be formed.

The report advised that with regard to Penicuik Town Centre, efforts had been made in recent years by business representatives to establish a Business Improvement District. So far this had not progressed beyond the establishment of an informal, private sector led, steering group which had met on a fairly infrequent basis. However, the group had been successful in securing a grant of £20,000 from the Scottish Government to assist with developmental operations such as marketing and website development. To date, only a small sum (£1,663) had been expended, for marketing purposes. Council officers had been involved in recent discussions with the Director of Business Improvement Districts Scotland, Scottish Government officials and representatives from the informal Penicuik Town Centre Business Improvement District steering group in an attempt to regenerate interest in the concept and drive forward the initiative in the interests of Penicuik Town Centre.

The outcome of these discussions had been the agreed transfer of the remaining £18,337 to Midlothian Council to kick-start the Penicuik Town Centre Business Improvement District initiative. If Cabinet approval was secured, the first stage in the process would be the establishment of a formal Penicuik Town Centre Business Improvement District steering group. It was proposed that the Council takes the lead in establishing this steering group which should ultimately be private sector led. This would be progressed by holding a specific Business Improvement District consultation meeting in Penicuik in the near future to gauge private sector interest.

## **Decision**

- (a) To note the receipt of seed-corn grant awards from the Scottish Government amounting to £18,337 to assist in the development of proposals for a Business Improvement District in Penicuik Town Centre;
- (b) To agree that the Council provided appropriate project governance support to assist with the initial establishment and operation of the Penicuik Town Centre Business Improvement District ;
- (c) To recommend to Council the appointment of Councillor Rosie and the Economic Development Manager to represent the Council on the Penicuik Town Centre Business Improvement District Steering Group; and
- (d) That regular progress reports on the operation of the Penicuik Town Centre Business Improvement District Steering Group be presented to Cabinet.

(Action: Director, Education, Communities and Economy)

## **17 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 paragraphs 4, 6 and 9 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- (a) East of Scotland Investment Fund: Progress Report – To agree the Recommendations; and
- (b) Application for Loan Assistance from East of Scotland Investment Fund  
- To agree the Recommendations

The meeting terminated at 11.48am.