

Notice of meeting and agenda



Cabinet

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

Date: Tuesday, 01 March 2016

Time: 11:00

John Blair
Director, Resources

Contact:

Clerk Name: Gordon Aitken

Clerk Telephone: 0131 271 3159

Clerk Email: gordon.atiken@midlothian.gov.uk

Further Information:

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

Audio Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting, including publication via the internet. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

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 Public Items (Education Interest)

- | | | |
|------------|---|----------------|
| 4.1 | Cabinet Portfolios - Report by Director, Resources | 5 - 6 |
| 4.2 | Minutes of Cabinet of 12 January 2016 submitted for approval. | 7 - 12 |
| 4.3 | Minutes of Special Cabinet of 9 February 2016 submitted for approval. | 13 - 14 |
| 4.4 | Education Appointment Committee of 5 February 2016 - Bilston Primary School | 15 - 16 |
| 4.5 | Education Appointment Committee of 5 February 2016 - North Gorebridge | 17 - 18 |
| 4.6 | Council House Building Programme Phase 1 and 2 - Progress Report - Report by Head of Property and Facilities Management | 19 - 24 |
| 4.7 | Local Affordable Rent Housing Trust - Report by Joint Director, Health & Social Care | 25 - 30 |

5 Public Items (No Education Interest)

- | | | |
|------------|---|----------------|
| 5.1 | East High Street Public Realm Improvements including the Burns Monument - Report by Head of Communities and Economy | 31 - 36 |
|------------|---|----------------|

6 Private Items (Education Interest)

No business to be discussed at this meeting.

7 Private Items (No Education Interest)

No business to be discussed at this meeting.

Cabinet Portfolios

Report by John Blair, Director, Resources

1 Purpose of Report

Following the decision of Midlothian Council on 3 November 2015, the purpose of this report is to invite the Cabinet to approve the proposed Cabinet portfolios and further to confirm the appointments of the Cabinet Members to each of the portfolios.

2 Cabinet Membership and Portfolios

- 2.1** Section 3.1 of the Scheme of Administration states that the 'Cabinet will comprise 6 Members, including a Convener and a Depute Convener, each having a portfolio as determined by the Cabinet.'

Following the decision of the Council on 25 September, it was agreed that the membership of the Cabinet be reduced from 6 Members to 5 Members.

- 2.2** During the meeting of the Council on 3 November 2015, the membership of the Cabinet was confirmed as the following:

Councillor Cath Johnstone
Councillor Bob Constable
Councillor Derek Rosie
Councillor Jim Bryant
Councillor Kelly Parry

- 2.3** Following on from this, further work has been carried out to formulate proposals for the portfolios for each of the Cabinet Members which is reflective of the current Council management structure.

- 2.4** As a result of this work, it is proposed that the Cabinet portfolios are as follows:

- Adult and Social Care
- Education and Children's Services
- Planning Communities and Economy
- Finance and Integrated Service Support with Customer and Housing Services
- Commercial Services and Property and Facilities Management (including Borders Railway)

3 Portfolios Holders

- 3.1** If the Cabinet are minded to accept the proposals in relation to the portfolios, the Members of the Cabinet are requested to confirm the portfolio holders for each of the revised portfolios.

4 Report Implications

4.1 Resource Implications

There are no direct Resource implications in relation to this report.

4.2 Risk Implications

Failure to agree and confirm the portfolios will reduce the scrutiny function of the Cabinet.

4.3 Policy Implications

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment is not required in connection with this report.

Sustainability

There are no sustainability implications arising from this report.

5 Recommendations

The Cabinet is invited to:

- (a) Agree the portfolios for the Cabinet Members; and
- (b) Confirm the Cabinet Member for each portfolio.

17 February 2016

Report Contact:

Kyle Clark-Hay

Tel No 0131 270 5796

Kyle.Clark-Hay@midlothian.gov.uk

Minute of Meeting

Cabinet
Tuesday 1 March 2016
Item No 4.2



Cabinet

Date	Time	Venue
12 January 2016	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Johnstone	Councillor Bryant
Councillor Constable	Councillor Parry
Councillor Rosie	

Religious Representatives:

Mr V Bourne	Rev R Halley
-------------	--------------

1 Apologies

1.1 Apologies received for Mrs M Harkness

2 Order of Business

The order of business was confirmed as outlined in the agenda that had been circulated.

Before the main items of the Agenda were discussed The Chair proposed that a letter of Congratulations was sent from Midlothian Council to Yvonne Anderson, Swimming coach and vice chairperson to the Special Olympics who received an MBE in the Queen's New Year Honours list.

Action: Democratic Service and Document Manager.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

4.1 The Minutes of the Meetings of the Cabinet of 17 November 2015 were submitted and approved as a correct record.

Reports

Agenda No	Report Title	Presented by:
5	Performance Reporting 2015/16 – Q2 – Education Service	Director, Resources

Outline of report and summary of discussion

Director Education, Communities and Economy highlighted the main points as set out in the Report which included:

- Emphasis on prevention and early intervention to address barriers to progress and deliver effective outcomes.
- Closing the Gap is the Education Theme for the year ahead focussing on the outcome of the tariff scores.
- Implementation of Named Person by August 2016

Decision

To note the Report

Action

--

Agenda No	Title	Presented by:
6	Minutes of Education Appointment Committee of 10 December 2015	

Outline and summary of item
There was submitted the Minutes of Education Appointment Committee of 10 December 2015, appointment of Depute Head Teacher, Saltersgate School.

Decision
That the post of Depute Head Teacher, Saltersgate School be offered to S Shorthouse.

Action
Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
7	Tyne Esk LEADER Programme 2014-20	Director of Education, Communities and Economy

Outline of report and summary of discussion
<p>There was submitted a report dated 18 December to update Cabinet on the progress of the Tyne Esk Leader Programme 2014-20 following Scottish Government approval of the Local Development Strategy and Business Plan.</p> <p>Director Education, Communities and Economy highlighted to the Cabinet the main points of the report and introduced Carol Wright, Economic Development Officer who had successfully secured the bid for funding this programme</p>

Decision
<p>The following recommendations were accepted by Cabinet</p> <ul style="list-style-type: none"> (a) To note the success of the bid for funding for the Tyne Esk LEADER programme 2014-20 and the details of that funding and operational arrangements set out in this report. (b) That Midlothian Council will act as Accountable Body for the 2014-20 Tyne Esk LEADER Programme.
Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
8	Greenhouse Gas Emissions Arising from Business Use of Staff Motor Vehicles ("Grey Fleet")	Head of Communities and Economy

Outline of report and summary of discussion
--

There was submitted a report dated 18 December to brief Cabinet on the estimated levels of greenhouse gas emissions arising from business use of staff motor vehicles which as increased over recent years, to highlight possible reasons for the increasing levels of such emissions, and to advise on the intended response.

Decision

- (a) To note this report.
- (b) To refer this report to the Performance Review and Scrutiny Committee for its information.

Action

Democratic and Document Services Manager

Agenda No	Report Title	Presented by:
9	Dog Control	Director of Education, Communities and Economy

Outline of report and summary of discussion
--

There was submitted a report dated 23 December providing members with an update concerning the activities associated with dog control matters in Midlothian.

The report highlighted that complaints received and notices served on dog control continues to increase. It is currently intended that micro-chipping of all canines in Scotland will be required from April 2016.

Since 2011/12 the service commenced the zero-tolerance to dog fouling campaign and the service has used a variety of techniques to make people aware of the legislation. It was noted that there was a decline in the number of complaints Environmental Health receives, with a 60% reduction in a four year period 2011 – 2015.

Decision
<p>(a) To note the progress made by the Environmental Health Service in addressing the issues of out of control dogs and dog fouling.</p> <p>(b) To endorse the approach of seeking to use preventative measures to ensure that all dog owners recognise dog fouling as socially unacceptable.</p> <p>(c) To refer this report to the Performance, Review and Scrutiny Committee for information.</p>
Action
<p>(a) and (b) Director Education, Communities and Economy and (c) Democratic and Document Services Manager</p>

10 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 6, 8 and 11 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Irrecoverable Debt Write-off (a) Sundry Debt and (b) Revenue Accounts for Housing Rent Former Tenants and Non-Domestic Rates - approved recommendations contained therein.

The Cabinet thereafter agreed to proceed as detailed in the Addendum hereto.

The meeting terminated at 11.29 am.

Minute of Meeting



Cabinet
Tuesday 1 March 2016
Item No 4.3

Special Meeting of Cabinet

Date	Time	Venue
9 February 2016	1.30pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Johnstone	Councillor Bryant
Councillor Constable	Councillor Parry
Councillor Rosie	

Religious Representatives:

Mr V Bourne	Rev R Halley
-------------	--------------

1 Apologies

1.1 Apologies received for Mrs M Harkness

2 Order of Business

The order of business was confirmed as outlined in the agenda that had been circulated.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

No previous minutes submitted for this meeting.

Reports

Agenda No	Title	Presented by:
5.1	Minutes of Education Appointment Committee of 28 January 2016	

Outline and summary of item

There was submitted the Minutes of Education Appointment Committee of 28 January 2016 with regard to the appointment of Head Teacher, Lasswade High School Centre.

Decision

That the post of Head Teacher, Lasswade High School Centre be offered to C Hornell.

Action

Director Education, Communities and Economy

MINUTES of MEETING of the EDUCATION APPOINTMENT COMMITTEE held in the Committee Room, Midlothian House, Buccleuch Street, Dalkeith on Friday 5 February 2016 at 9.45am.

Councillors Present:- Constable, Muirhead and Wallace.

Bilston Primary School Parent Representatives Present:- Ms Z Fergie, Ms S Hamilton and Ms L Buchan.

In Attendance:- Ms N McDowell/Ms J Fox (School Group Managers).

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 paragraph 1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Appointment of Head Teacher, Bilston Primary School.

The meeting terminated at 12.35pm.

MINUTES of MEETING of the EDUCATION APPOINTMENT COMMITTEE held in the Committee Room, Midlothian House, Dalkeith on Friday 5 February 2016 at 12.45pm.

Councillors Present:- Constable, Muirhead and Wallace.

Woodburn Primary School Parent Representatives Present:- Mr M Winning, Ms C Anderson and Ms A Hutchison.

In Attendance:- Ms N McDowell/Ms J Fox (School Group Managers).

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 paragraph 1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Appointment of Head Teacher, North Gorebridge Primary School.

The meeting terminated at 3.25pm.

**Council House Building Programme Phases 1 and 2
Progress Report, February 2016****Report by Garry Sheret, Head of Property and Facilities Management****1 Purpose of Report**

To provide an update to Cabinet on the progress made on the Council Housing Programmes.

2 Background**2.1 Housing Phase 1**

Phase 1 of the Housing Programme provided 864 additional Council Homes within the Midlothian area over a period of 7 years and within the total budget of £108,684,000.

2.1.1 Residual Issues**Newbyres Crescent, Gorebridge**

Following the discovery of unacceptable levels of gas emissions within properties the Council took the decision to demolish these properties and relocate affected tenants elsewhere within the Midlothian area.

All tenants have now been successfully relocated with final moves took place in September 2015.

Re-development is programmed to commence as part of Phase 2 housing following demolition and redesign.

Scottish Water Contributions

The Council is entitled to recover contributions from Scottish Water following the completion of developments. This is progressing and outstanding contributions are expected to be recovered by the end of the financial year.

2.2 Housing Phase 2

The Phase 2 Housing Programme planned to deliver a further 420 Council homes by 2018 within the approved total development budget of £63,663,000 which is funded from the Council's Capital Plan.

Current sites under design development are programmed to complete in 2018 but further sites are still required to complete the remaining target of 102 units. The delivery of these final sites is expected to be during 2019 subject to site availability.

The availability of further sites is currently under review and is dependent on securing sufficient build sites acceptable to meeting housing needs.

2.2.1 Completed Sites

Site 2 Woodburn Road, Dalkeith

Site consists of 14 mainstream homes and 1 Home for Young People. All completed units were released to the client for occupation in September 2013.

Site 9 Craigiefield Crescent, Penicuik

Site consists of 17 mainstream homes. All completed units were released to the client for occupation in July 2015.

Site 18 Eastfield Drive, Penicuik

Site consists of 17 mainstream homes. All completed units were released to the client for occupation in August 2015.

Site 37 Eastfield Drive, Penicuik

Site consists of 32 extra care flats, 30 mainstream homes and 1 Home for Young People. All completed units were released to the client for occupation in November 2013.

Site 42 Jackson Street, Penicuik

Site consists of 14 mainstream homes. All completed units were released to the client for occupation in June 2015.

2.2.2 Construction Stage

Site 60 Edgefield Road, Loanhead

Main contract works commenced in June 2015 with the completion of 41 homes programmed for October 2016.

Site 51a Stobhill Road, Gorebridge

Main contract works were due to commence in August 2015 subject to Building Warrant approval. Approval was not granted until November 2015 due to further environmental requirements.

Main works commenced in November 2015 with completion of all 37 homes programmed for April 2017.

To facilitate earliest possible tenant occupation this site will be handed over to Housing colleagues on a phased basis.

Site 108 Polton Street, Bonnyrigg

Works commenced in November 2015 with completion of 18 homes programmed for November 2016.

2.2.3 Pre Construction Stage

Site 51b Stobhill Road, Gorebridge

This development adjoins the 51a Stobhill Road, Gorebridge site. Enabling works have been carried out alongside Site 51a which were completed June 2015.

Tender returns were received in August 2015 and evaluated. Hart Builders were given lead bid status.

Pre Construction design development is progressing. Planning consent was granted in February 2016 with Building Control consent expected in February 2016.

Main works are programmed to commence in March 2016 with completion anticipated May 2017.

The development mix agreed by Housing colleagues for 32 homes.

Housing Mix:

14nr 1 bed 2 person cottage flats
14nr 2 bed 3 person cottage flats
3nr 2 bed 4 person terraced houses
1nr 3 bed 4 person wheelchair accessible

2.2.4 Mini Competition/Tender Stage

Complex Care

Site 41 (Eastfield Farm Road, Penicuik) has been identified by Health and Social Care as the preferred location for a 12 person housing cluster unit.

A Cabinet Report submitted in February 2014 by Joint Director Health and Social Care outlined this project.

Demolition of the John Chant Centre building was completed May 2015.

Tenders for the main contractor were returned in January 2016 with evaluation and report to be completed end February 2016.

Works are envisaged to commence in March 2016 and the completion of 12 care units plus minor refurbishment of adjacent Council buildings is anticipated in winter 2016.

Site 32/34 Newbyres Crescent, Gorebridge

Services disconnections and demolition of the existing development was planned to commence in September 2015 however an extended period of time was required to allow for decanting of existing tenants.

The Demolition contract has been awarded to Reigart Contracts Limited.

Prior to demolition, legal colleagues requested that an opportunity be afforded to parties defending legal action brought by the Council to carry out their own gas testing. This window was originally to close mid January 2016 however following legal consultation it was agreed that an extension to the end of January 2016 be granted. A request to attend the identified properties and take further readings was received from one of the parties and arrangements made.

To accommodate this, the demolition has been re-programmed to commence in February 2016 with completion scheduled for June 2016.

All services have now been disconnected to facilitate commencement of the demolition works.

Appointment of an Engineering Consultant to assist the Council with the Ground remediation requirements is out to tender and expected to be in place by March 2016. Following this appointment it is anticipated that Site Investigative works would commence in June 2016 (following the completion of demolition works) and complete in October 2016 (subject to review by engineer following appointment).

Main build contract tender returns were received in November 2015. Following review by legal colleagues due to technical issues with the returned bids, a re-tender was instructed. The Re-tender is to be issued in May 2016 with notification of lead bid status in August 2016.

Main contract works are anticipated to commence in early 2017 subject to acceptable tenders and statutory consents being received.

The development has been reappraised and has an increased capacity of 66 homes, including some extra care housing.

Completion of all homes is anticipated early in 2019.

2.2.5 Future Sites

Ongoing feasibility studies of remaining housing sites suitable for Council housing is expected to be complete by the end of February 2016.

This Report will consider sites for the remainder of Phase 2 and for Phase 3, which will now be progressed following the approval of the Rent Setting Strategy by Midlothian Council in December 2015.

Site 6/24/25 D'arcy Road, Mayfield - On hold pending review of sites.

Bryans Primary Site, Mayfield - On hold pending review of sites.
Partial development of this site being explored.

Site 47 Kirkhill Road, Penicuik - This site is currently on hold pending review of all available sites.

3 Report Implications

3.1 Resource

All the costs of employing the necessary members of staff are included in the budgets for the two phases of housing.

3.2 Risk

A programme-wide risk register is being maintained. Site specific Risk Logs are being maintained and reviewed on a regular basis.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:-

Adult Health and Care.
Sustainable Growth and Housing.

3.4 Impact on Performance and Outcomes

The proposed works support the Council's Local Housing Strategy and accord with Midlothian Council's Corporate Priority; Objective 1a.

3.5 Adopting a Preventative Approach

Whilst reprogramming of the milestone dates has taken place this has been developed in a manner which avoids delays to the overall project timescale.

3.6 Involving Communities and Other Stakeholders

Consultations internally and externally continue to be carried out with relevant stakeholders ensuring input/comment on the proposed Layouts/House Types and mixes

3.7 Ensuring Equalities

This report is not proposing any new services, policies, strategies or plans (or significant changes to or review of them) and therefore has not been assessed for equalities implications.

3.8 Supporting Sustainable Development

The new build housing programme will comply with all current building regulations and follows best practice in line with the Council's policies on the environment.

3.9 IT Issues

The use of Building Information Modelling is being utilised to deliver the projects. Models exist for the generic House and Flat Types and also Site 9 Craigiebiel Crescent, Penicuik, Site 18 Eastfield Drive, Penicuik and Site 42 Jackson Street, Penicuik and this process will follow on for the remaining developments.

The Phase 2 project through the use of Building Information Modelling is in line with Government initiatives.

4 Recommendations

Cabinet is asked to note the content of this Report and the progress made on Phases 1 and 2.

24 February 2016

Report Contact:

Garry Sheret, Tel No 0131 561 5249
garry.sheret@midlothian.gov.uk

Local Affordable Rent Housing Trust

Report by Eibhlin McHugh, Joint Director, Health & Social Care

1 Purpose of Report

This Report provides information on the LAR (Local Affordable Rent) Housing Trust, ("LAR"), which is a Scottish Charitable Incorporated Organisation aimed at providing affordable homes at below market rent levels in Scotland.

2 Background

- 2.1** Since 2006 Midlothian Council and local housing associations have completed 1,416 new build homes, which is one of the largest affordable housing development programmes for a small council in Scotland and helped to meet the need for affordable housing in this area. However, despite this considerable investment and agreement for a 3rd phase of new council housing, a total of 4,876 households are on Midlothian's Common Housing Register list.
- 2.2** The Scottish Futures Trust assisted in setting up LAR Housing Trust (charity number SC044825) which has been funded by a £55 Million loan from the Scottish Government with a further £75 Million anticipated from private investment. LAR aims to be a long term provider of high quality, energy efficient, mid-market rental homes in Scotland and intends to build approximately 1,000 units across Scotland which will be rented out at below market levels to eligible households.
- 2.3** There has already been significant investment in Mid Market Rented (MMR) housing undertaken by Registered Social Landlords (RSL), with 65 units completed since 2012 at sites in Dalkeith, Newtongrange, Mayfield and Gorebridge by Dunedin Canmore Housing Association, Melville Housing and Castle Rock Edinvar Housing Association. These have been let to households in employment, with rents usually capped at 85% of the Local Housing Allowance (as shown in Table 1). Properties are usually let for a low deposit with floor coverings and white goods included.
- 2.4** Unlike the National Housing Trust and the Council's social rented housing which requires the Council to lend or borrow, LAR does not require any financial input from the Council and also does not require any grant subsidy from the Scottish Government. This is due to the loan already received by LAR from the Scottish government and rents being capped slightly higher than other Mid Market Rented properties at 100% of the Local Housing Allowance rate. This enables Scottish Government grant funding to be prioritised for council housing and other affordable

rented housing projects. Table 2, below, shows recent research by Housing Services on the private sector housing market in Midlothian, which indicates that the average cost of a private let does exceed the Lothian Local Housing Allowance rate, demonstrating that units delivered by LAR would be slightly lower than the Midlothian average.

Table 1: Weekly Local Housing Allowance Rate 2015/16 – by Size

Bedroom Size	1 Bed	2 Bed	3 Bed
Lothian	£116.52	£145.43	£186.47

Table 2: Weekly Private Rented Sector Rental Charges in Midlothian

Bedroom Size	1 Bed	2 Bed	3 Bed
Midlothian	£140	£159	£193

- 2.6** As the LAR Housing Trust will deliver housing of high quality and high energy efficient standards, it means households are less likely to live in or be at risk of fuel poverty. In addition, LAR can support the creation of sustainable communities as it is likely that the homes will provide a mix of housing tenures in a particular area.
- 2.7** The LAR Housing Trust will engage with developers, housebuilders and others in a number of ways. LAR launched a market engagement exercise in October 2015 with the aim of acquiring units which were recently built or in the process of being built. LAR is now seeking to expand its portfolio and will be looking to increase its unit numbers in a variety of ways including both the purchase of recently completed units, and the construction of new units. Once acquired, units can be managed and maintained on behalf of LAR by the council, or an RSL, or registered landlords and letting agents. In order that homes that are delivered remain affordable over the long term, units need to be built for low cost, usually without the cost of the land being payable. Consequently, LAR Housing Trust homes are more likely to be delivered as the affordable housing policy element of an otherwise private sector site or could be delivered as a shared site, with the council or a RSL in order to maximise the number of homes being built.
- 2.8** Similar to the allocation policy criteria of other Mid Market Rent housing, the Council will have the opportunity of discussing the letting priority criteria with LAR for each development. It is suggested that the initial eligibility criteria for LAR in Midlothian would be:
- Applicants must be retired or in employment and have a gross household income of no less than £14,000 per annum and prospective tenants should normally be individuals or households on gross annual household incomes that do not exceed:
 - 1 bedroom units: £27,000
 - 2 and 3 bedroom units: £35,000
 - When allocating homes among other relevant factors priority will be given to whether the applicant:

- is on Midlothian Common Housing Register for social housing; and /or has a local connection to Midlothian (e.g., family, education or employment); and/or
 - is currently living in expensive, overcrowded, poor quality or unsuitable accommodation which does not meet their needs or who is homeless and in employment.
- The allocation criteria may be subject to revision depending on location, house type, and if the property has been designed for a specialist provision, such as older people.
 - As tenants will have an Assured Tenancy any change in household income will not affect their tenancy status and can also apply to the Common Housing Register if there are any unmet housing or medical needs.

Report Implications

3.1 Resource

LAR does not require any direct subsidy from the Council and as such there are no additional direct resource implications arising from this Report.

3.2 Risk

If the Council does not support the development of new affordable housing, the number of households in housing need and homelessness will increase, with negative consequences for the community.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- X Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- X Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

This Strategy aligns with Midlothian's Single Outcome Agreement and with corporate and divisional priorities within Midlothian's Communities and Wellbeing Division.

3.4 Impact on Performance and Outcomes

The LAR Housing Trust supports the following Local Housing Strategy Outcomes and Actions:

- Households have improved housing options across all tenures.
- The condition of housing across all tenures is improved.
- Housing in all tenures will be more energy efficient and fewer households will live in or be at risk of fuel poverty.
- Develop affordable housing using innovative models for securing more affordable homes which requires less subsidy, such as Mid Market Rented (MMR) Housing.
- Work with accredited private landlords to increase the use of private rented housing.

3.5 Adopting a Preventative Approach

Use of LAR enables additional investment in the delivery of affordable housing in Midlothian and would bring affordable units to Midlothian that are additional to those funded through Midlothian Council's work with the Scottish Government in agreeing the Affordable Housing Supply Programme grant funding which supports Council and RSL social housing development programmes.

3.6 Involving Communities and Other Stakeholders

The development of affordable housing was strongly supported during community consultation on the Local Housing Strategy 2012 – 2017. There will also be ongoing consultation with key stakeholders including the Scottish Government, private housing developers and RSLs on the suitability of LAR for sites in Midlothian.

3.7 Ensuring Equalities

An Equality Impact Assessment is not required for LAR as the Strategic Housing Investment Plan 2014 assessed tenures of affordable housing as part of the EQIA carried out for that Report.. In addition, the LAR Trust has a duty not to discriminate in its delivery of housing and all types of housing including specialist housing will be considered for acquisition. Specifically, LAR's Deed of Entrustment with the Scottish Government noted that:

"In delivering the mid-market rented housing to the Target Tenant Group, LAR shall not discriminate either directly or indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the preceding provisions LAR shall not unlawfully discriminate within the meaning and scope of the Equality Act 2010 or the Human Rights Act 1998 as amended or re-enacted from time to time."

3.8 Supporting Sustainable Development

All houses developed through LAR will be sustainable as units will be built to high energy efficiency standards which will reduce CO₂ emissions while also ensuring that households are less likely to be at risk of fuel poverty.

3.9 IT Issues

There are no IT issues in this report.

4 Recommendations

It is recommended that Cabinet:

- a) note the contents of this Report and;
- b) support the use of LAR to provide affordable housing on affordable housing policy sites and for officers to consider for the suitability of LAR in addition to council housing on suitable sites.

Date: 16 February 2016

Report Contact:

Name : Kevin Anderson, Head of Customer & Housing Services

Tel No: 0131 271 6690

Email: kevin.anderson@midlothian.gov.uk

Background Papers: None

--

East High Street Public Realm Improvements including the Burns Monument**Report by Ian Johnson, Head of Communities and Economy****1 Purpose of Report**

- 1.1** To advise Cabinet on the proposals to improve part of the public realm in eastern High Street Dalkeith, to restore and relocate the Burns Memorial Fountain (known locally as the Burns Monument), and to recommend allocation of Dalkeith town centre Developer Contributions to this project.
- 1.2** The project would be undertaken in partnership with Dalkeith Business Renewal, which is expected to allocate funding to this project.

2 Background

- 2.1** In June 2013, a bid led by Midlothian Council was submitted to the Scottish Government Regeneration Capital Grant Fund (RCGF) to undertake public realm and building improvements in East High Street, Dalkeith. The bid was unsuccessful. In May 2014, Midlothian Council submitted a reduced bid to the Scottish Government Regeneration Capital Grant Fund to undertake public realm and building improvements in East High Street, Dalkeith. This bid was also unsuccessful.
- 2.2** A report to Cabinet on 26 August 2014 advised that the second bid to the RCGF had been unsuccessful due to the significant oversubscription of the scheme and the emphasis placed on building works rather than public realm improvements. The report noted improvements to eastern High Street would build on the work that had been carried out at the western end of the High Street as part of the Dalkeith Townscape Heritage Initiative (THI) and Conservation Area Regeneration Scheme (CARS). The report also noted that it was desirable to improve the public realm in eastern High Street and should further sources of funding become available for this or other town centre projects, a report would be brought to Cabinet outlining the proposals.
- 2.3** An opportunity has arisen to undertake public realm improvements to part of eastern High Street and to restore and relocate the Burns Monument to a more historic setting. Works would be paid for by a combination of Dalkeith town centre Developer Contributions and funding from Dalkeith Business Renewal.

- 2.4** The area outside the Tolbooth and the former Cross Keys buildings is a historic location within the town centre. Both buildings were improved using grants awarded by the Dalkeith THI & CARS project. Both the Tolbooth and the former Cross Keys Hotel have been the scene of significant events in the history of the town centre. A mixture of cobbles and setts in the road are arranged to mark the last hanging spot in the town. Display boards have been produced to provide the public with information about the history of these buildings and events surrounding them.
- 2.5** The site has great potential to become a focal point in eastern High Street, especially with the expected increase in footfall likely to occur when the former Dalkeith Corn Exchange building is reopened as the offices of Melville Housing Association, when the new Dalkeith Museum is opened (housed in the Corn Exchange) and when the improvements to Dalkeith Country Park are complete.
- 2.6** The Burns Monument (also known as the Burns Canopy or the Burns Fountain) was paid for by subscription by the members of the local Burns Club. It was erected in 1899 and provided clean drinking water in High Street. Under the canopy it originally had a drinking fountain in the form of a pedestal and boy with a paddle (also described as boy with oar). On top of the canopy it originally had a lamp (as can be seen in historic images of the drinking fountain).
- It was originally in a prominent location in High Street and remained there until the 1960's when it was considered a traffic hazard and moved to the Park. In 2003 it was relocated from the Park to its current location in Buccleuch Street.
- 2.7** The proposed public realm improvements outside the former Cross Keys building and the former Tolbooth in the High Street would involve;
- removing the existing concrete paving and replacing it with new Yorkstone paving (to match elsewhere in High Street and to be sourced from the UK),
 - repairs to areas of setts, repairs to existing whinstone kerbs (any replacement kerbs will be locally sourced whinstone),
 - form new paved area at the last hanging spot outside the Tolbooth with acknowledgement in the pavement (either in metal or stone)
 - remove two smaller trees from the pavement and form a new stone plinth for the restored and relocated monument to sit on (with ducting for power cables)
 - replace a minimum of two missing and/or damaged trees elsewhere in High Street and
 - install heritage interpretation panels (already manufactured as part of the Dalkeith THI & CARS project).

2.8 The proposed work to restore and relocate the Burns Monument would involve;

- removing the Burns Monument from site, stripping back paint, undertaking any repairs necessary and repainting the structure (all as per heritage specification)
- fitting a working replica lamp to the top of the monument
- replacing the missing pedestal, basin and seated boy holding an oar (known as a putto)
- relocating the Burns Monument on the new stone plinth.

2.9 The Project Costs and Project Funding

Project Cost

Burns Monument	£46,000
Public Realm*	£70,000
Contingency	£ 4,000
Total	£120,000

Project Funding

Midlothian Developer Contributions	£60,000
<u>Dalkeith Business Renewal*</u>	<u>£60,000</u>
Total	£120,000

**Work to the public realm may increase as Dalkeith Business Renewal has advised verbally that they may direct additional funds to this project. Written confirmation is expected shortly. No work will be commissioned beyond the original budget without confirmation that the additional funding is in place.*

3 Report Implications

3.1 Resource

Whilst no direct revenue or capital funding from Midlothian Council is required to fund the project, it is proposed that the Developer Contributions collected for Dalkeith town centre are directed to this project. Currently £64,419 of Developer Contributions have been collected for use in Dalkeith town centre. It is proposed that £60,000 of developer contributions is allocated to the project. Accordingly it is recommended that a provision of £120,000 is made in the General Services Capital Plan, funded by the utilisation of £60,000 of developer contributions and £60,000 contribution from Dalkeith Business Renewal.

Midlothian Council staff time will be required to project manage the works. This can be accommodated within existing budgets. The construction tendering process would be undertaken in-house by Midlothian Council staff. These costs can be accommodated within the project budget. The in house consultancy work is expected to be

undertaken in financial years 2015-16 and 2016-17. The construction work is expected to be undertaken in financial year 2016-17.

3.2 Risk

The Burns Monument is now in critical condition and frost fracturing is evident from the columns. This means water is entering the column tops. Should the fracturing continue the structure could be in danger of collapse. Undertaking a complete restoration of the structure will revitalise a key heritage asset of Dalkeith town centre, minimise the risk of further damage to the structure and minimise any risk to the public.

3.3 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

3.4 Key Priorities within the Single Midlothian Plan

In terms of the key priorities of the Community Planning Partnership through the Single Midlothian Plan, this proposal could deliver significant benefits in terms of the business growth and positive destinations priorities. The scheme would help create training opportunities, extending what has already been achieved as part of the Dalkeith THI & CARS project. It would add notably to the tourism potential of the County town. There is important synergy with the development projects ongoing in other parts of Dalkeith, including the expansion of Dalkeith Country Park and the regeneration of the Corn Exchange.

3.5 Impact on Performance and Outcomes

This project contributes to meeting the target of improving Midlothian's town and village centres. Regeneration outcomes directly related to the project are as follows:

- Community benefit: greater access, understanding of the heritage, training opportunities for local people during the construction phase.
- Physical: 160m² of public realm improved and one historic structure restored.
- Social: making the East High Street a more comfortable pedestrian environment to improve retail and business footfall.

3.6 Adopting a Preventative Approach

The proposals offer improved prospects for getting people to come into, and stay longer in, the town centre. This will make the town more economically viable and more attractive. It will increase appreciation of our heritage, and contribute to furthering Dalkeith's more positive image.

3.7 Involving Communities and Other Stakeholders

A consultation and information event would be held before work commences on site.

3.8 Ensuring Equalities

The impact on the following equality target groups would be positive: age (older or younger), disability, and the impact on other target groups would be likely to be neutral; no negative impacts are anticipated.

3.9 Supporting Sustainable Development

The proposals would be developed in line with the principles applied to the public realm improvements undertaken in the High Street to date, including the use of high quality natural stone sourced as locally as possible and recycling materials where feasible. Improvements to the High Street contribute to the economic, social and environmental objectives for the town centre and the wider community as a whole.

3.10 IT Issues

There are no IT issues relating to this report

4 Recommendations

It is recommended that Cabinet;

- (a) agrees implementation of the proposals to improve part of the public realm and restore and relocate the Burns Monument at East High Street, Dalkeith;
- (b) approves the use of Dalkeith town centre Developer Contributions for this project;
- (c) subject to recommendations a&b, recommends to Council that a provision of £120,000 is made in the General Services Capital Plan, funded by the utilisation of £60,000 of developer contributions and £60,000 contribution from Dalkeith Business Renewal and
- (d) notes that the recommendations above are subject to formal written confirmation by Dalkeith Business Renewal of its expected financial contribution to the project.

Date 15th February 2016

Report Contact:

Name Elaine Richardson, Conservation and Town Centres Officer

Tel No 0131 271 3465

Elaine.Richardson@midlothian.gov.uk

Background Papers: None

