

Minute of Meeting

Midlothian Council
Tuesday 29 August 2023
Item No: 5.1



Midlothian Council

Date	Time	Venue
27 June 2023	11.00 am	Council Chambers, Midlothian House

Present:

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

In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Morag Barrow, Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB	Fiona Robertson, Executive Director Children, Young People & Partnerships
Alan Turpie, Monitoring Officer, Legal and Governance Manger	David Gladwin, Acting Chief Financial Officer (Section 95 Officer)
Derek Oliver, Chief Officer Place	Fiona Clandillon, Head of Development
Joan Tranent, Chief Officer Children's Services, Partnerships and Communities	Myra Forsyth, Continuous Improvement Manager

Religious Representatives:

Mrs Anne-Theresa Lawrie	
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Janet Ritchie, Democratic Services Officer
Lynn Wilson/Heidi Waugh, Members Support

1. Welcome and Apology for Absence

The Provost welcomed everyone to the meeting, advising that this meeting was a public meeting and would be webcast live to the internet. Apologies were received on behalf of Mrs Morton.

2. Order of Business

As per the agenda with an additional Motion – Bonnyrigg Bowling Club which will be taken as 7.5 on the agenda.

The Provost also advised due to the number of reports on the Agenda there would be a break for lunch at 1pm and another break if required at 3pm.

3. Declarations of interest

8.10 Provost declared an interest in this item advising she worked for the MSP for Midlothian South and will withdraw from the meeting during this discussion and Councillor Bowen, Depute Provost will chair this item.

8.21 Councillor Scott declared an interest in this item due to her personal involvement and would leave the meeting during this discussion.

8.16 With regards to this item the Provost advised that she was Chair of Penicuik Townscape Heritage and Conservation Area Regeneration Scheme and Councillors McEwan and Councillor McManus also declared they had an active role in this group.

The Legal and Governance Manager sought clarity in their involvement in these meetings and was advised that Councillor McCall as Chair, Councillor McEwan and Councillor McManus all attend these meetings and took an active role in the whole process as an Elected Member. The Legal and Governance Manager confirmed that they do not have to declare an interest as they do not have any financial interest. It was noted for the purpose of transparency Councillor McCall, Councillor McEwan and Councillor McManus were members of this group but would still take part in the discussion.

8.20 Councillor Milligan also declared for the purpose of transparency that he was a member of the Midlothian Integration Joint Board and that Councillor Parry, Councillor McManus and Councillor Winchester were also members of this Board but would all take part in the discussion for this item.

4. Deputations

None.

5. Minutes of Previous Meetings

Item No.	Report Title	Submitted by:
5.1	Minute of Council 9 May 2023 submitted for approval	Executive Director Place
Outline and Summary of Discussion		
<p>The Minute of the meeting of Council on 9 May 2023 was submitted and approved as a correct record.</p> <p>Moved by Councillor Cassidy, Seconded by Councillor Parry</p>		
Decision		
<p>The Minute was unanimously approved and the Provost was authorised to sign as a true record of the meeting.</p>		
Action		
<p>Provost/Democratic Services</p>		

Item No.	Report Title	Submitted by:
5.2	Minute Volume Index Midlothian Council 27 June 2023	Executive Director Place
Outline and Summary of Discussion		
<p>The following minutes were previously circulated to Members and subsequently noted and/or the recommendations contained therein approved.</p> <ul style="list-style-type: none"> • Minute of Cabinet – 28 February 2023 • Minute of Local Review Body – 17 April 2023 • Minute of Planning Committee – 28 March 2023 <p>Moved by Councillor Parry, Seconded by Councillor McManus</p>		
Decision		
<p>All to note.</p>		

Item No.	Report Title	Submitted by:
5.3	Action Log	Executive Director Place
Outline and Summary of Discussion		
<p>Action log updates were all noted and it was agreed all completed actions would be removed.</p>		
Decision		
<p>To remove all completed actions.</p>		
Action		
<p>Democratic Services</p>		

6. Questions to the Leader of the Council

None received

7. Motions

Item No.	Notice of Motion	Submitted by:
7.1	Pre-payment Meters	Councillor McEwan and Councillor Curran
Outline and Summary of Discussion		
<p>Midlothian Council notes the great hardship the people of Midlothian are now living with as a result of the Cost of Living Crisis and the dysfunctional market providing unaffordable energy costs.</p> <p>Midlothian Council opposes the force fitting of pre-payment meters and will write to the Minister demanding that each warrant to fit such a meter be treated individually on its own merit and any vulnerability be taken into account before a decision is made, and also that the tariff charged should be in keeping with the most competitive rate offered to other consumers, it should never be more expensive to be poor.</p> <p>Proposed by Councillor McEwan, Seconded by Councillor Curran</p> <p>Councillor McEwan and Councillor Curran presented this motion highlighting the key points as detailed.</p>		
Decision		
The Council noted and unanimously agreed		

Item No.	Notice of Motion	Submitted by:
7.2	Volunteers' Week	Councillor McCall and Councillor Russell
Outline and Summary of Discussion		
<p>As this was proposed by the Provost, the position of Chair for this item was passed to the Depute Provost</p> <p>The Provost introduced this Motion highlighting the excellent work by volunteers and noted the awards ceremony held at Newbattle Abbey College and expressed her congratulations to all the winners and nominees and her thanks for their commitment and dedication.</p> <p>That Council recognises Volunteers' Week, which ran from 1 to 7 June 2023, with the theme of "Celebrate and Inspire"; notes that Volunteer Midlothian hosted the annual Volunteer Awards at Newbattle Abbey College on Thursday 1 June 2023, with ten different awards being presented on the night; welcomes the diversity of volunteering opportunities within Midlothian; congratulates all the winners and nominees and thanks them for their commitment and dedication.</p>		

Councillors commented positively on this motion and expressed their thanks and at the dedication of volunteers in Midlothian and it was noted that Midlothian has the highest level of volunteer participation in Scotland.

Proposed by Councillor McCall, Seconded by Councillor Russell

Decision

The Council noted and unanimously agreed

item No.	Notice of Motion	Submitted by:
7.3	Gala Days	Councillor Drummond and Councillor Imrie

Outline and Summary of Discussion

Councillor Drummond introduced this Motion.

Midlothian Council recognises the hard work put in to all the community events across Midlothian and would like to congratulate all the gala courts, committees and volunteers for the wonderful celebrations across the county this gala season.

Midlothian Council would like to take particular note of Gorebridge Gala who celebrated their 100th year and made it a Gala Day to remember.

In these particularly tricky times, events that bring people together and foster community spirit are particularly important.

Councillor Imrie in seconding the motion endorsed everything that was said and highlighted that the Gala days started from the mining communities and the importance of this success continuing.

Councillors commented on the celebrations and the importance of providing communities with great memories. Thanks were also expressed for all involved in particular the Council workers who assisted in making these a success. It was also noted that the Provost had attended every one of the Gala days and Councillor Scott gave a special thanks to the crafters who made over 300 gala day crochet medals for the children to celebrate Gorebridge's Gala day 100th anniversary.

The Provost also commented on the mining heritage and that the Queen of the Court in Loanhead laying a floral tribute down at the mining memorial and again at the war memorial.

Proposed by Councillor Drummond, Seconded by Councillor Imrie

Decision

The Council noted and unanimously agreed

Item No.	Notice of Motion	Submitted by:
7.4	Pride Month in Midlothian	Councillor McManus and Councillor Drummond
Outline and Summary of Discussion		
<p>Councillor McManus and Councillor Drummond presented this motion.</p> <p>The month of June is recognised as Pride Month across Scotland and also internationally, to celebrate and honour the contributions and experiences of lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) individuals and communities.</p> <p>Pride Month is an opportunity to acknowledge the ongoing struggles and challenges faced by LGBTQIA+ individuals, including discrimination, harassment, and violence, and enables us to commit to creating a more inclusive and equitable society for all.</p> <p>We acknowledge that Midlothian is committed to promoting diversity, equity, and inclusion, and recognises the importance of celebrating and supporting all members of our community, regardless of their sexual orientation or gender identity.</p> <p>Consequently, Midlothian Council wish all of those who identify as LGBTQIA+ a happy Pride Month, and we recommit to working towards a more just and equitable community for all.</p> <p>The Provost advised that the Pride flag which was raised in Midlothian House last year for the month of June was raised at Penicuik Town Hall this year due to the scaffolding at Midlothian House.</p> <p>Councillors expressed their thanks and support for this motion being brought forward.</p> <p>Proposed by Councillor McManus, Seconded by Councillor Drummond</p>		
Decision		
The Council noted and unanimously agreed		

Item No.	Notice of Motion	Submitted by:
7.5	Bonnyrigg Bowling Club	Councillor Milligan and Councillor Alexander
Outline and Summary of Discussion		
<p>Bonnyrigg Bowling Club are now three times Scottish Inter-County Top Ten winners following a successful finals day last Sunday, 11th June 2023, at Bainfield B.C. The most recent victory follows success in 2009 and 2014.</p> <p>Council asks that the Provost write to the club formally congratulating them on these superb achievements.</p>		

Proposed Councillor Milligan, Seconded Councillor Alexander

The Legal and Governance Manager advised that in order to discuss this item the Council has to agree to suspend Standing Orders under 3.1 for this Motion to be accepted. This was voted on and agreed.

Councillor Milligan thanked the Council for allowing his late Motion to be presented and highlighted the fantastic achievements by Bonnyrigg Bowling club and also the improvements to a new club house and changing room by volunteers and asked if the Provost would formally congratulate them on all their fantastic achievements on behalf of the Council.

Councillor Alexander on seconding this motion commented very positively on the all the champion sportsmen in Midlothian and the great achievement for Bonnyrigg Bowling Club in the Scottish Inter-County Top Ten winners for the third time. The Club was founded in 1870 and is a great place for both all to enjoy.

Councillor Curran also supported this motion and commented on the great achievements of the teams in Midlothian who have won the top ten which included Loanhead, Newbattle, Danderhall, Gilmerton and congratulations to Bonnyrigg who have won it 3 times.

Councillor Curran also advised that Midlothian Indoor Bowling Club won the Scottish Cup and Scottish Premier League and it is only the third time in history any team has achieved this so if approved would like to add the following sentence to this motion:

Council also congratulates Midlothian Indoor Bowling Club on their historic achievement, winning both the Scottish Cup and Scottish Premier League.

Councillor Curran also expressed his congratulations to Colin Walker who plays bowls at Pathhead in achieving in excess of 50 international caps for Scotland.

Councillor Milligan and Councillor Alexander agreed with the amendment to the Motion.

Decision

The Provost would write to the clubs formally congratulating them on these superb achievements.

Action

Provost

8. Reports

Report No.	Report Title	Submitted by:
8.1	Financial Monitoring 2023/23 – General Fund Revenue	Acting Chief Finance Officer (S95 Officer)

Outline and Summary of Discussion

The purpose of this report is to provide Council with information on performance against service revenue budgets in 2022/23 and to provide commentary on areas of material variance against budget.

The budget performance figures as shown in appendix 1 result in a net underspend of £11.631 million. This is a £10.039 million improvement on the projected position at quarter 3 although £7.565 million relates to the one-off positions on VAT and Servitude income and also unbudgeted Waste third party income as explained in sections 3.3 to 3.8 of the report.

The most notable factors in the remaining favourable movement of £2.474 million are a further upside in loan charges and vacant posts, lower spend in educational settings and higher than anticipated distribution of previously undistributed Scottish Government Grant. Whilst very difficult to quantify, the moratorium on non-essential spend will also be significant. The underspend, excluding one-off's, is 1.51% of the revised budget.

The General Fund balance at 31st March 2023 is £34.194 million, of which £17.477 million is earmarked for specific use and a further £6.839 million relates to VAT claims leaving a non-earmarked General Fund balance of £9.877 million, of which Council are asked to earmark a further £2 million to support Transformation Blueprint work.

The Chief Finance Officer (Acting) in presenting this report highlighted the key points detailed within the report.

Councillor Milligan advised that he would like to move an amendment to the recommendations with regards to earmarking £3m for public realm improvements and to cover the backlog of maintenance for leisure centres, schools, libraries and equipment and plant replacement. He further advised on the financial report with regards to underspend, over paid tax and the reserves which he pointed out are already earmarked. He raised further concerns on the pupil transport detailed in item 3.9 and asked for an explanation as to why this was on track in Q1,2 and 3 but now an overspend.

The Chief Finance Officer (Acting) in responding to the questions advised that he would work on the presentation of the figures and provide better clarity on this, with regards to pupil transport he responded that it was identified as a risk in Q1-3 monitoring and reported that it may not end up at the end of the year within budget. He further advised that it was difficult to accurately forecast this due to the quality of the data but colleagues were working on improving the data and making the routes more efficient, so progress is being made. The Executive Director, Place also advised these were excessive costs and as well as a service review

there was also an audit review and work was ongoing to improve and this will be reported back to Council.

Councillor Parry also commented on the reporting of reserves and acknowledged there was still work to be done but wanted to thank the Finance team for all the work done. Councillor Parry seconded Councillor Milligan's motion.

Councillor McEwan expressed his congratulations to Mr Gladwin on the finance work he has done and enquired if the Council would receive any interest payments on the over-paid tax. The Chief Finance Officer (Acting) confirmed the Council would receive an interest payment and the longer to settle the more interest payment would be received. He also provided a brief update on the two outstanding tax payments. The Chief Finance Officer (Acting) in responding to a further question on the £3m from reserves for the amendment proposed by Councillor Milligan and advised that the reserves would still be above the minimum that is required therefore that money can be released now.

Councillor Smail also raised two points one on non-domestic rates which was discussed at Audit Committee and also the governance and delivery of the earmarked £3m discussed today. The Chief Finance Officer (Acting) provided an explanation on the non-domestic rates and advised that the response he prepared for Audit committee will be circulated to all for information.

The Executive Director, Place advised on the programme of work and what could be delivered and that a report would be brought back to Council in due course.

Decision

Midlothian Council agreed to:

- a) Approve the use of Capital Receipts Flexibility of £0.397 million as laid out in section 3.17 of this report;
- b) Approve the earmarking of £2m of the £9.877m General Reserve to invest in projects to support delivery of the Transformation Blueprint with authority to release this funding delegated to the Business Transformation Steering Group (BTSG) as laid out in section 5.2 of this report; and otherwise
- c) Approve the earmarking of £3m of the General Reserve to cover the backlog of maintenance for leisure centres, schools and plant machinery.
- d) Information on Non-Domestic Rates income to be circulated to all Members.
- e) To otherwise note the contents of this report.

Action

Acting Chief Financial Officer/Democratic Services

Report No.	Report Title	Submitted by:
8.2	Housing Revenue Account Revenue and Capital Final Outturn 2022/23 and Capital Plan 2023/24 - 2025/26	Acting Chief Finance Officer (S95) Officer
Outline and Summary of Discussion		
<p>The purpose of this report was to provide Council with:-</p> <ul style="list-style-type: none"> • The final outturn position for 2022/23 for both the Housing Revenue Account (HRA) Capital Plan and the Revenue Account; • A revised capital plan for 2023/24 to 2025/26 reflecting the cross-year budget movements. <p>The summarised financial performance for 2022/23 is:</p> <ul style="list-style-type: none"> • Capital Investment in the year totalling £51.710 million; • A net underspend of £0.245 million on the Revenue Account; • An HRA reserve at 31st March 2023 of £32.142 million, the majority of which is committed to finance investment in the new build programme. <p>The Chief Finance Officer (Acting) presented this report highlighting the main sections contained within the report and advised that this report was for noting.</p> <p>Councillor McKenzie thanked Mr Gladwin and his team for preparing this work but also advised that with the large inflation pressures the Council cannot underestimate the challenges faced.</p> <p>In responding to a question raised by Councillor Smaill, the Executive Director, Place confirmed that £32m was committed and provided a brief update but also advised that an annual report would be brought back to Council after recess in terms of the council housing programme.</p>		
Decision		
The Council noted the contents of the report.		

Report No.	Report Title	Submitted by:
8.3	General Services Capital Plan Outturn 2022/23	Acting Chief Finance Officer (S95 Officer)
Outline and Summary of Discussion		
<p>The purpose of this report was to provide Council with:</p> <ul style="list-style-type: none"> • Information on the final outturn performance against budget for 2022/23 (Section 3.1 - 3.5); • An update on the capital fund balance at 31 March 2023 (Section 4). <p>It was noted that there was a typo in the recommendations and the report was for noting not for decision. The Chief Finance Officer (Acting) apologised for the error and proceeded to provide a brief update on this report outlining the main sections as contained within the report.</p>		

Decision

The Council noted the contents of the report.

Report No.	Report Title	Submitted by:
8.4	Treasury Management 2022/23	Acting Chief Finance Officer (S95 Officer)

Outline and Summary of Discussion

The purpose of the report was to inform members of the Council of the Treasury Management activity undertaken in 2022/23 and the year - end position.

Audit Committee on 26 June 2023 scrutinised a draft of this report in advance of its consideration today by Council. The final version of this report to Council will incorporate Audit Committee comments arising from the meeting on 26 June 2023.

In responding to a question raised by Councillor Milligan regarding the figures in borrowing the Chief Finance Officer (Acting) confirmed those that Mr Fairley had previously presented were correct.

Decision

The Council noted the contents of the report.

Report No.	Report Title	Submitted by:
8.5	Developer Contributions	Executive Director Place

Outline and Summary of Discussion

The purpose of this report was to provide an update to Council on developer contributions received in 2022/23 financial year and specifically to confirm that some of these will be utilised to deliver a modular unit at Woodburn Primary School.

Councillor Cassidy, seconded by Councillor Parry approved this paper and expressed their thanks to the Finance team for all their hard work,

Decision

The Council:

- Noted the base value of planning obligations entered into in the period 01.10.2022 to 31.03.2023
- Noted developer contributions accounted for/received by the Council in the 2022/23 financial year
- Noted the developer contributions to be applied at the close of Financial Year 2022/23
- Noted the developer contributions due to potentially expire by the end of Financial Year 2026/27

- Confirmed as an action from Council meeting in March 2023, the rental costs for a modular units for Woodburn Primary School will have a revenue cost of 0.150m split between 2023/24 and 2024/25 and note that these costs are covered in full by relevant planning obligations

Action

Executive Director Place

Report No.	Report Title	Submitted by:
8.6	Midlothian Council Transformation Blueprint (2023-28)	Chief Executive

Outline and Summary of Discussion

The Chief Executive advised that the purpose of the report was to provide the Council with the opportunity to consider the updated Midlothian Transformation Blueprint which was submitted to Council today for approval.

In providing an overview of the report, the Chief Executive apologised for the error in Section 4.1 which should read Theme 4 for Commercialisation and Income Generation.

Councillor Milligan advised that he would like to put forward Councillor Imrie for Commercialisation and Income Generation and Councillor Virgo confirmed that he would sponsor Theme 2 – 21st Century Workforce.

Councillor Parry accepted the recommendations and thanked the Councillors sponsoring Themes 2 and 4 and advised that the Administration would sponsor the remaining 3 recommendations.

Councillor Parry, seconded by Councillor Milligan moved the report.

Decision

The Council:

- Noted the decisions of Business Transformation Steering Group on 23 April 023
- Noted the progress on the quarter 1 sprints outlined in section 4
- Approved the Midlothian Transformation Blueprint and the supporting Medium Term Financial Strategy projections
- Considered and appointed Elected Members to the Transformation Themes, Councillor Virgo to sponsor Theme 2 and Councillor Imrie to sponsor Theme 4 and that the Administration would sponsor Themes 1, 3 and 5.

Report No.	Report Title	Submitted by:
8.7	Single Midlothian Plan 2023/27 and Single Midlothian Plan H2 Performance Report (Half year October 2022 to March 2023)	Chief Executive
Outline and Summary of Discussion		
<p>This Community Planning Partnership (CPP) Board's thematic partnerships developed the attached four year plan, outcomes and indicators for 2023 - 27. It was approved on Thursday 1 June 2023 as a live working document. The purpose of this report was to draw Elected Member's attention to the Single Midlothian Plan 2023/27 and the H2 performance report of Midlothian Community Planning Partnership. It is a statutory duty for the partnership to publish a Local Outcome Improvement Plan and associated performance reports. The Single Midlothian Plan is adopting a new structure with 7 thematic groups as opposed to 5 - this includes a dedicated poverty thematic group to build on the work of the current Community Planning Strategic Poverty Group and the Elected Member Cost of Living Task Force.</p> <p>The Chief Executive in presenting this report advised that this report was presented for noting.</p> <p>Councillor Parry highlighted the work that went into this paper and welcomed this report.</p>		
Decision		
The Council noted the report.		

Report No.	Report Title	Submitted by:
8.8	Service Plans 2023/24 – 2027/28	Chief Executive
Outline and Summary of Discussion		
<p>The Chief Executive presented this report to Council highlighting the main sections contained within the report.</p> <p>Councillor McManus, seconded by Councillor Virgo moved the report.</p>		
Decision		
The Council approved the 2023/24 – 2027/28 Service Plans		
Action		
Chief Executive		

Report No.	Report Title	Submitted by:
8.9	Equalities Outcomes and Mainstreaming Progress Report 2021-23	Chief Executive
Outline and Summary of Discussion		
The purpose of this report was to outline how the Council has taken forward work to mainstream equality across the Council both in its role as a service provider and		

as an Employer. The report also demonstrates current progress against equality outcomes detailed in the Midlothian Council Equality Plan 2021 – 2025.

This report uses the terms 'Midlothian Council/Council' as shorthand for the Council, Education Authority and Licensing Board (all three bodies).

The Continuous Improvement Manager presented this report for noting providing a brief overview of each section as contained within the report.

Councillor McManus, Equalities Champion welcomed the report and commented on the progress made and the work he was undertaking with the Equality, Diversity and Human Rights Officer with regards to the EQIAs.

Decision

The Council noted the report.

The Provost having declared an interest in Item 8.10 left the meeting at 12.12 pm prior to the following item being discussed.

Report No.	Report Title	Submitted by:
8.10	Second Review of Scottish Parliament Boundaries	Legal and Governance Manager (Monitoring Officer)

Outline and Summary of Discussion

This report advised Members of the terms of the Second Review of Scottish Parliamentary Boundaries and invited Members to decide if the Council should make formal comment or objection to the proposals for the Midlothian South and Midlothian North and Musselburgh constituencies; noting that should the Council make formal objection a local inquiry will require to be held.

The Legal and Governance Manager in presenting this report advised that this report follows on from the briefing to Members on 8 June 2023. The Legal and Governance Manager highlighted the main points contained within the report. The Legal and Governance Manager further advised that these proposals are out for consultation and the consultation process should have finished on 17 June 2023 but Boundaries Scotland have agreed to extend to 30 June 2023 to allow the Council to consider this today. He also highlighted that if Midlothian were to make a formal objection this would require a local inquiry to be held.

Councillor Parry, seconded by Councillor Cassidy moved to submit a formal objection submitting the comments raised at the briefing by Members and including any comments raised by Communities and Community Councils. Councillor Parry also highlighted that the changes to the Midlothian North boundary only included a small part of Midlothian so naming it Midlothian North might be confusing.

Councillor Milligan moved that instead of a formal objection the council noted the boundary review and writes to them with the comments regarding the name for Midlothian North.

Further comments were also raised with regards to the positives and negatives of this review, the names of the proposed boundaries and also assurances that the proposed changes were only related to voting boundaries.

The Legal and Governance Manager clarified that it would be acceptable to make a comment regarding a name change and also that these changes are only for the Scottish Parliamentary Elections due to come into effect from 2026.

Councillor Parry commented on the reasons for formally moving an objection following the Briefing held but was happy to go with the consensus of the Council and also asked for clarity on submission of comments from Dalkeith Community Council or other statutory partners.

The Legal and Governance Manager advised that the formal deadline for all comments was 17 June 2023 and the extended deadline of 30 June 2023 only applied to the Council as the deadline for individual responses had passed.

Following discussion it was agreed that a formal comment would be submitted suggesting the re-thinking of the naming of both proposed constituencies.

Decision

The Council noted the proposed boundary reviews for the Midlothian Scottish Parliamentary constituencies and agreed to submit a formal comment to Boundaries Scotland suggesting re-thinking the names of both proposed constituencies.

Action

Legal and Governance Manager

Report No.	Report Title	Submitted by:
8.11	Midlothian Integration Scheme Review	Executive Director Place

Outline and Summary of Discussion

In 2016 Midlothian Council entered into the Midlothian Integration Scheme with NHS Lothian to establish the Midlothian Integration Joint Board ('MIJB').

The Public Bodies (Joint Working) Scotland Act 2014 requires the Council and the NHS to carry out a review of the integration scheme within five years from the date the Scottish Ministers approved the scheme.

On 28 June 2022, the Council approved the draft revised Midlothian Integration Scheme, and subject to approval of the Scheme by NHS Lothian, agreed to submit the draft revised Integration Scheme to Scottish Ministers for their approval, as required by law.

The Scottish Ministers confirmed their approval of the revised Integration Scheme with effect from 15 May 2023.

The Executive Director, Place presented this report advising that this report was for noting.

Councillor McManus moved to note the report.

Decision

The Council noted the revised Midlothian Integration Scheme has now been approved by the Scottish Ministers.

Report No.	Report Title	Submitted by:
8.12	Midlothian Negotiating Committee for Teachers schedule of meeting dates	Executive Director Place
Outline and Summary of Discussion		
<p>The Midlothian Negotiating Committee for Teachers meeting dates for 2023/24 require to be revised following discussion with Trade Unions. The purpose of this report was to agree these are agreed outwith the meeting schedule reporting to Council, by the Executive Director Place in consultation with the relevant Trade Unions.</p> <p>The Council agreed to suspend Standing Orders in order for this report to be presented.</p> <p>The Executive Director, Place advised that at its meetings of 21 March and 9 May 2023, Council agreed the schedule(s) of meeting dates from August 2023 to June 2024. Within the schedule were dates for the Midlothian Negotiating Committee for Teachers (MNCT). Following discussion with the relevant Trade Unions, however, it was highlighted that a number of participants were unable to attend on the identified dates. The meeting dates for 2023/24 therefore are required to be revised and agreed outwith the meeting schedule reported to Council, by the Executive Director, Place in consultation with the relevant Trade Unions.</p> <p>Councillor Scott, seconded by Councillor Virgo moved the report.</p>		
Decision		
The Council suspended Standing Orders and agreed that the Executive Director Place revised the Midlothian Negotiating Committee for Teachers meeting dates in agreement with the Trade Unions, outwith the Council meeting schedule reporting.		
Action		
Executive Director, Place		

Report No.	Report Title	Submitted by:
8.13	Easthouses Education Consultation	Executive Director Children, Young People and Partnerships
Outline and Summary of Discussion		
This report advised on the outcome of the statutory consultation on the proposal to establish a new primary school and its associated catchment area within the land		

at Easthouses and realign the catchment areas of Dalkeith High School, Newbattle High School and Lasswade High School.

This report summarised the statutory consultation on the proposal which was undertaken in the period from Monday 27 February to Sunday 23 April 2023. The report on the outcome of the consultation was published on 5 June 2023 and provided full details of the process undertaken, representations made and Education Scotland's report on the proposal.

The Executive Director presented this report highlighting the main sections contained within the report in particular highlighting the five recommendations as outlined in the report.

Councillor Scott moved the paper and thanked the Executive Director and Officers for carrying out the statutory consultation and commented favourably on this report, Councillor McKenzie seconded this report. This report also received positive comments from Councillor Drummond and Councillor Smaill.

Decision

The Council approved the following:

- The establishment of a new primary school catchment for Easthouses and the realignment of the catchment areas of King's Park, Lawfield, Mayfield, Woodburn and Newtongrange Primary School;
- The establishment of a new primary school with early learning and childcare provision and specialist ASN provision for the proposed Easthouses primary catchment area;
- The opening of the new primary school on its permanent site on the completion of the new building in August 2024 or as soon as possible thereafter;
- The realignment of the Bonnyrigg Primary School Catchment Area and Lasswade High School Catchment Area from August 2023;
- The realignment of the catchment areas of Dalkeith High School and Newbattle High School.

Action

Executive Director, Children, Young People and Partnerships

Report No.	Report Title	Submitted by:
8.14	Structural Report - Mayfield Primary School and St Luke's Primary School	Executive Director Place
Outline and Summary of Discussion		
Mayfield and St Luke's Primary schools are scheduled to be replaced within the next 24 -30 months and the conclusions and recommendations drawn reflect this limited residual life. This report seeks to summarise the findings of a non-intrusive visual condition survey into structural elements of Mayfield Primary School and St Luke's Primary School following an incident of falling masonry, and sets out		

actions taken to make the building as safe as possible for its remaining expected life span.

The Executive Director, Place in presenting this report outlined the main sections as contained within the report and responded to questions raised.

Councillors commented on the concerns that had been raised and the quick action taken by Officers, ensuring there is good communication with parents and on social media and the importance of the health and safety of the children. The Executive Director, Place in responding to a question raised advised that the costs should be within the estimated budget.

Councillor Scott, seconded by Councillor McKenzie moved the report.

Decision

The Council:

- Noted the findings of structural engineers, Will Rudd Associates, following their inspection and the actions taken to make safe the buildings.
- Noted the recommendation for the installation of remedial steel channels on one internal stair elevation; the east tower block at Mayfield PS, as most recently installed on the west elevation.
- Noted the continued requirement for protective measures to remain in place for the remaining life of the building and the need to regularly monitor these to ensure they remain correctly positioned as effective safety barriers.
- Noted and approved the expenditure incurred to date £36,589.98 and the ongoing cost of scaffolding and protective measures are £497.00 plus AT per month equating to £5,964.10 plus VAT p.a. These measures will need to remain in place for the remaining life of the school and budget provided for accordingly.
- Noted the option to install alternative protective measures around low level windows allowing the removal of some Heras fencing and the release of that playground space.
- Approved a supplementary estimate of £0.060 million in 2023/24 to meet the remedial and ongoing costs as detailed in section 4.1.

Action

The Executive Director, Place

At 12.45 pm the Provost advised of a 30 minute comfort break and asked Members to return at 13.15 pm.

Report No.	Report Title	Submitted by:
8.15	Beeslack Community High School and Penicuik Community High School	Executive Director Place

Outline and Summary of Discussion

The purpose of the report was to provide an update to Midlothian Council on the status of two priority projects from the previously approved Learning Estate Strategy, namely the replacement of Beeslack Community High School and the refurbishment of Penicuik High School.

Both of these projects must be delivered by 2026 in order to avoid the risk of losing funding secured through the Scottish Government's Learning Estate Investment Programme. The approval of the provision of capital expenditure budget for both Beeslack Replacement and Penicuik High School refurbishment is therefore sought.

The allocation of expenditure and funding budgets for these projects within the Council's General Services Capital Plan will ensure these projects can progress to the necessary timescales. This report follows the delivery of a seminar to Members on these projects on 25 April 2023 and an additional briefing to Members on 20 June 2023.

The Executive Director, Place presented this report outlining the main sections contained within the report and advised on Officers present to answer any questions raised.

Councillor Parry highlighted that an amendment had been circulated to Members and commented on the various emails received regarding this from members of the community. Thereafter provided a brief outline of the contents of the amendment and in thanking the community for taking their time to send on their views, moved this amendment.

Councillor Virgo in seconding this amendment, highlighted the importance of getting the school built and commented on the reasons for this. He also advised that with regards to the pool it should be considered as part of the whole process and further expanded on some of the main points from the amendment.

Councillor Scott and Councillor McManus also commented positively on this amendment and the importance of this build and the commitment from Midlothian to the pupils and community.

Councillor Imrie advised he also had an amendment to this report and asked for this to be circulated.

Clarification was then sought and the Legal and Governance Manager confirmed that Councillor Parry, seconded by Councillor Virgo moved the Motion which was to add the 6 recommendations to the existing recommendations contained within the report.

Councillor Imrie, seconded by Councillor McEwan moved an amendment to the report.

Councillor Imrie then spoke to the terms of the amendment highlighting the difference of the costs previously submitted 2 years ago and advised that there should be a pause on this until a review of the overall costs is carried out and presented to August Council. He also highlighted that there was an opportunity ask

for additional money from the Scottish Government and to establish that LEIP funding will not be withdrawn, in terms of a funding shortfall, costing a total refurbishment and extension to the existing school and a costed plan for placing the ASN unit at Saltersgate or alongside Beeslack Community High School.

Councillor McEwan in seconding the amendment reiterated what was said and advised the original paper put forward was for replacement and should be like for like and therefore should proceed with a swimming pool. He also commented further on the catchment areas and the uncertainty of what feeder primaries will be feeding into the school.

Councillor Smail advised that he would likely abstain on this and commented on the capital prioritisation exercise and highlighted the difference in the upfront funding for Dalkeith Campus by the Government and what the Scottish Government is providing from the LEIP funding for this project. He further commented on the costs of the Hillend project and the prioritisation of projects.

Councillor Milligan questioned the increase in costs and why 18 months ago a report was presented with a cost of £60m now the costs are nearly £120m and the swimming pool at that time was a third of the price. He advised that if this is approved today the Capital Plan will be spent and what assurances can be given that this will not have an impact on other community facilities getting closed in the future.

The Executive Director, Place in responding the question regarding the increase of costs advised that he appreciated the concerns raised and that this was also shared by officers but that they had taken advice from a range of funders and in terms of the LEIP aspect as well. He further advised that a number of efforts had been taken to drive the cost down and will continue to do so, he also advised on the benchmarking against a comparable school. In terms of PPP position and the contrast with LEIP they are very different models. He highlighted that in terms of the capital prioritisation this was presented in December last year when £10m was extracted and there is still £61m to find and advised there needs to be a change in the methodology. The Executive Director, Place also highlighted that with regards to this report and other financial papers regarding capital plans, proposals are added on in isolation and it is a shared concern that needs addressed and in the next paper that will be presented regarding the capital plan prioritisation it will be presented differently and highlighted some of the changes. He further advised that with regards to Hillend this was a different product, it was an income generating product. He further highlighted that if this paper is delayed or deferred he will bring back another report with all the elements asked for today.

Further comments from members were made with regards to developer contributions and any that are allocated to Dalkeith ward should remain in that ward. Also raised was the movement in costs which is happening daily and the impact on this if delayed further and the importance of moving forward with a building this school including the swimming pool. It was acknowledged the increase in size but the price did not justify the cost and assurances that other facilities are safeguarded. Further comments were made regarding the impact on the communities.

Councillor Parry acknowledged there had been a full and frank debate on this but to end on a positive this will be a fantastic asset for not only the community but for the whole of Midlothian.

The Executive Director, Children, Young People and Partnerships in responding to a question raised by the Provost confirmed that with the new Beeslack Campus and ASN provision they would undertake a statutory consultation and based on the proposals would have enough capacity in the new Penicuik High School.

Further points were raised with regards to the two schools decanted to temporary accommodation and the Executive Director, Children, Young People and Partnerships advised due to impact of pandemic, plans were delayed and the LEIP funding has a deadline for both projects and due to the deadlines there was not enough time to wait therefore both projects need to be done at the same time and provided an update on the plans in place and confirmed that there is positive feedback that these will be completed quicker.

The Executive Director, Children, Young People and Partnerships confirmed the deadlines and also stated if Penicuik High School is delayed this will incur an additional cost and provided clarification on the consultation period. Further comments made by Councillors and it was noted that consideration that green technology is given to both schools.

On a vote being taken 9 voted for the Motion and 7 for the amendment and two abstained, therefore the decision of the Council was to accept the Motion presented by the Administration to include the further 6 recommendations.

Decision

The Council:

- Noted the progress made with Replacement Beeslack Community High School (CHS), the emerging design for the site and the steps being taken to secure the site under an agreed Heads of Terms.
- Noted the updated basis for the Heads of Terms with the University of Edinburgh which the Executive Director – Place has delegated authority to finalise and agree and the associated cost of delivering the Phase 1 First Opinion Practice (indicative cost of £4.99m).
- Noted the borrowing requirement by the Council of £82.466m once external developer contribution funding is taken into account; and a net notional capital cost of £65.362 once Scottish Government LEIP funding is taken into account for the total estimated capital cost of the Replacement Beeslack Community High School of £105.537m (based on a reduced project scope).
- Approved the provision of a capital expenditure budget of £115.811m for the delivery of the replacement Beeslack Community High School in the Council's General Services Capital Plan.
- Noted the borrowing requirement by the Council of £44.710m as estimated capital cost of the refurbishment and extension of Penicuik

High School and a net notional capital cost of £25.316m once Scottish Government LEIP funding is taken into account.

- Approved the provision of a capital expenditure budget of £44.710m for the delivery of the refurbishment and extension of Penicuik High School in the Council's General Services Capital Plan.
- Approved the preferred decant strategy for Penicuik High School utilising Montgomery Park to facilitate the school's refurbishment for 2026. A further report to Council seeking budget for this decant is to be provided once this decant option is fully designed and costed.
- Noted the total Council funded borrowing requirement for Beeslack and Penicuik projects of £90.7m
- Approve the inclusion of pool, community facilities and pavilion recognising that the additional facilities increase ongoing annual debt charges by £0.393m (Pool - £0.273m, Pavilion - £0.040m and Community Facilities - £0.080m) from 2028/29 with a tapered increase between now and then depending on timing of capital spend.
- Where possible, allow a phased approach to construction and incorporation of additional elements mentioned at point
- Ensure budget constraints, space and design elements are practically addressed.
- Instruct officers to urgently review Developer Contributions that could be applied to this project but are not currently applied, with the view of reducing the overall borrowing cost to the council.
- Instruct officers to investigate the use of green technologies to reduce future revenue costs for the campus.
- Instruct officers to review the sport and leisure offering, maximising income and availability for community uses.

Action

Executive Director, Place

Report No.	Report Title	Submitted by:
8.16	Penicuik Townscape Heritage and Conservation Area Regeneration Scheme (Penicuik TH-CARS) - Public Realm Developer Contributions and 2-4 West Street	Executive Director Place
Outline and Summary of Discussion		
<p>The purpose of this paper was to report to council on the allocation of developer contributions secured from planning applications for housing development at north west Penicuik to the Penicuik TH/CARS project for public realm works in Penicuik town centre (paragraphs 3.4-3.6) and to request that £171,192 of received and uncommitted developer contributions planning applications from housing development at north west Penicuik are allocated to the Penicuik TH/CARS project</p>		

for public realm works in Penicuik town centre; with the use of these developer contributions delegated to Council officers.

The report highlights that the developer contributions received from the housing development at north west Penicuik can only be used for public realm works in Penicuik town centre and identifies potential projects in Penicuik town centre to which these public realm developer contributions could be used.

In relation to 2 - 4 West Street, Penicuik, it reports an increase in project budget and details of funding package (paragraphs 3.7-3.13). The report requests that Council retrospectively endorses the increase in financial spend on the restoration building project at 2-4 West Street project (Belgian Consulate building), due to increased construction costs and the funding and delivery package used for the project. The increase in spend is from approximately £106,000 to £207,177.

The report informs Council the increased project costs are to be met through additional external funding and from Penicuik Town Centre Improvements developer contributions already allocated to the Penicuik TH/CARS project; that no additional Council money is being used to fund the increased cost of the 2-4 West Street project; details the funding package for the restoration of 2-4 West Street; and highlights an error in the funding package which created a funding gap of £10,079. This gap to be met by the Penicuik Town Centre Improvements developer contributions already allocated to the Penicuik TH/CARS project.

The Executive Director, Place presented this report outlining the sections contained within the report.

Councillor McManus, seconded by Councillor McEwan moved the paper and both commented very positively on the work done by the regeneration scheme and that many businesses have benefitted from this.

The Provost also highlighted some of the positive work done.

Decision

The Council:

- Authorised the allocation of £171,192 received and uncommitted developer contributions, secured through the section 75 legal agreements of planning applications for housing development at north west Penicuik, to the Penicuik TH/CARS project for public realm works in Penicuik town centre;
- Delegated to Council officers how these developer contributions are used for public realm works within the Penicuik town centre, and noted that the section 75 agreements for these developer contributions restrict their use to only public realm works in Penicuik town centre
- Noted that the report identifies potential projects for which these public realm developer contributions can be used.
- Retrospectively endorsed the increase in financial spend on the restoration building project at 2-4 West Street project (Belgian Consulate building), due to increased construction costs of approximately £106,000 to £207,177;

- Noted and endorsed the increased funding package arrangements secured to deliver the 2-4 West Street project and the increased use of developer contributions already allocated to the Penicuik TH/CARS project;
- Noted that no additional Council money is being used to fund the increased cost of the 2-4 West Street project.

Action

Executive Director Place

Report No.	Report Title	Submitted by:
8.17	Scottish Government Funding for Children's Outdoor Play - Refurbishment of Play Areas 2023/2	Chief Officer Place

Outline and Summary of Discussion

The purpose of this report was to advise on the proposed expenditure of £0.197m in Financial Year 2023/24 across the council play estate to replace equipment that has either been removed or requires replacement along with appropriate safety surfacing and, where possible, an access path to the refurbished play area in accordance with equalities legislation.

Additionally, it is intended to provide top up funds to enable the implementation of pump tracks at Rosewell and Roslin. The report also provides an outline plan of future funding of play areas for financial years (FY) 2024/25 and 2025/26.

Chief Officer, Place in presenting this report highlighted the main sections contained within the report.

Councillor Alexander, seconded by Councillor Parry moved the paper and commented positively on the equipment that will be put in the green spaces for the young people and people with mobility or disability issues.

Decision

The Council:

- Approved a capital expenditure budget of £0.197 million in the general Services Capital Plan, to be fully phased in 2023/24 and to be fully financed by £0.197 million of Scottish Government Capital Grant funding;
- Approved that the proposal to install and/or construct the outdoor play equipment be progressed;
- Noted the indicative proposals for expenditure of Scottish Government Capital Grant in financial years 2024/25 and 2025/26.

Action

Chief Officer Place

Report No.	Report Title	Submitted by:
8.18	Cycle Path (Rosewell to Auchendinny)	Chief Officer Place
Outline and Summary of Discussion		
<p>The purpose of this report was to advise Council of the prospective surfacing of a section of cycle path NCN196 and seeks a decision to move to consultation, whilst noting possible amendments to the project scope, or otherwise to decide on withdrawing the project.</p> <p>The Chief Officer, Place presented this report providing an overview of the main sections contained within the report.</p> <p>Councillor Alexander, seconded by Councillor Cassidy moved the report acknowledging the link all the way to Penicuik for walkers and cyclists.</p> <p>Comments were raised by Councillors with regards to some supporting this and others not as small group of cyclists, electric bikes and scooters do not slow down for pedestrians. It was noted that it was important to have a consultation to get the views of the members of the public using the walkway. Issues were also raised with regards gritting and if there was a possibility of doing half and half.</p> <p>The Chief Officer, Place advised that he would work with colleagues to ensure they would cover a wide audience with regards to the consultation and would also review the materials used and bring back costs in relation to materials and salt.</p>		
Decision		
<p>The Council:</p> <ul style="list-style-type: none"> Noted the feedback received with regards to the proposed surfacing of cycle path CN196 Rosewell – Auchendinny; Approved a public consultation on retaining the status quo or surfacing of the cycle path, with a further report to Council in August 2023. 		
Action		
Chief Officer, Place		

Report No.	Report Title	Submitted by:
8.19	Advertising and Marketing Policy	Chief Officer Place
Outline and Summary of Discussion		
<p>The purpose of this report was to provide policy on proposals for advertising by third parties which would be installed on assets directly owned by the Council and third party sponsorship of Council events or initiatives.</p> <p>The Chief Officer, Place presented this report highlighting main points within the report.</p> <p>Councillor Cassidy in expressing his thanks for this paper coming to Council, moved the paper, seconded by Councillor Virgo.</p>		

In responding to a question by Councillor McEwan, the Chief Officer confirmed he was happy to add the crossing patrols into the sponsorship.

Decision

The Council approved the Advertising and Sponsorship Policy.

Action

Chief Officer Place

Report No.	Report Title	Submitted by:
8.20	Analogue to Digital Capital Bid	Executive Director Place and Chief Officer, Midlothian Integrated Joint Board & Director, Health & Social Care
Outline and Summary of Discussion		
<p>The purpose of this report was to provide background on the requirement for investment to implement the Analogue to Digital (A2D) transition and estimated associated funding required.</p> <p>The Director, Health and Social Care presented this report advising on the funding requested.</p> <p>Councillor McManus commented positively on this paper and moved the paper, Councillor Parry seconded the report.</p>		
Decision		
<p>The Council;</p> <ul style="list-style-type: none">• Noted the report;• Approved capital funding in 2023/24 considering the Integration Joint Board (IJB) discussion on the 16 March and 13 April 2023 in relation to the 2023/2024 resource allocation.		
Action		
Executive Director Place and Chief Officer, Midlothian Integrated Joint Board Director, Health & Social Care		

Report No.	Report Title	Submitted by:
8.21	National Housing Project	Chief Social Work Officer and Chief Officer Children's Services, Partnerships and Communities
Outline and Summary of Discussion		
<p>This report provided the Council with the context which informed the decision taken by Children's Services to match fund a successful Life Changes funding application to pilot the National House Project framework within Midlothian.</p>		

Chief Officer, Children's Services, Partnerships and Communities presented this report highlighting the main points of this report.

Councillor Parry in moving the report expressed her congratulations to the Chief Officer and her team and all others involved in this project for leading the rest of Scotland in this work.

Councillor Drummond seconded the report.

Decision

The Council noted and approved the following:

- The success of the National Housing Project around improving outcomes for young people through securing a permanent tenancy.
- To utilise the learning and to develop a Midlothian House Project which will be a permanent element of the children's services structure.
- This to be achieved within existing budget.

Action

Chief Social Work Officer and Chief Officer Children's Services, Partnerships and Communities

Report No.	Report Title	Submitted by:
8.22	The Promise	Chief Social Work Officer and Chief Officer Children's Services, Partnerships and Communities

Outline of Report and Summary of Discussion

This report provides Council with a brief overview of The Promise, the context from which it emerged and the significant achievements already delivered within Midlothian, as well as our key priorities going forward. It is important that the interface with our Corporate Parenting Plan is articulated and understood.

The Chief Officer Children's Services, Partnerships and Communities in presenting this report outlined the main sections contained within the report.

Councillor Parry, a care experienced person felt privileged to move this paper and expressed some of challenges that care experience young people face and outlined some of the investments not just in the people looking after the young people but the work planned to support and strengthen the commitment already in place in Midlothian.

Councillor McManus commented positively on the paper and seconded the paper.

Councillor Scott congratulated the Chief Social Work Officer and her team on the work they have done and the launch of the Promise guarantee and the uplift for

foster carers which are an integral part of the Promise and thanked them for all their time and commitment to the children under their care.

Further comments were made by Councillors expressing their sentiments and congratulations to Joan and her team. In responding to questions the Chief Officer advised that Midlothian is comparable with other local authorities with regards to payment to foster carers and also confirmed that care experienced children have the same opportunities as any other children.

Decision

The Council:

- Noted the significant progress and achievements delivered by Midlothian Council in its commitment to the Promise;
- Noted the revised '#Keeping the Promise in Midlothian', publication alongside the updated 3-year Corporate Parent plan;
- Agreed the future priority areas and action, and in particular, The launch of our Promise Guarantee,
- Noted that Edinburgh College has also committed to the Promise Guarantee and other partners have the scheme under consideration,
- Agreed the 2023/24 proposed 5% uplift to Midlothian Council foster carers fees.

Action

Chief Social Work Officer and Chief Officer Children's Services, Partnerships and Communities

Public section of the meeting concluded 14.35pm

Councillor Scott left the meeting at this point prior to the discussion on 9.1

9. Private

The meeting then moved to private consideration of the following report:-

9.1 Dundas Highbank (Extra Care) St Mary's Bonnyrigg – Update on Tenders – Report by Executive Director Place

Councillor Scott joined the meeting after conclusion of the above item.

9.2 Midlothian House Update Health and Safety Works and Remediation Options - Report by Executive Director Place

Date of Next Meeting

The next meeting will be held on Tuesday 29 August 2023 at 11am

The meeting concluded at 15.05pm.