

Minute of Meeting

Midlothian Council
Tuesday, 7 May 2024
Item No 5.2



Midlothian Council

Date	Time	Venue
Tuesday 26 March 2024	11:00 am	Council Chambers, Midlothian House/Hybrid

Present:

Provost McCall (Chair)	Depute Provost Bowen
Councillor Parry (Council Leader)	Councillor Cassidy (Depute Council Leader)
Councillor Alexander	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

Religious Representatives:

Anne-Theresa Lawrie	
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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	Michelle Strong, Education Chief Operating Officer
Alan Turpie, Legal and Governance Manager / Monitoring Officer	David Gladwin, Chief Financial Officer (Section 95 Officer)
Derek Oliver, Chief Officer Place	Saty Kaur, Chief Officer Corporate Solutions

Lucy Roddie, Democratic Services Officer	Hannah Forbes, Assistant Democratic Services Officer
Janet Ritchie, Democratic Services Officer	Fiona Clandillon, Head of Development

1. Welcome and Apology for Absence

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

The Provost advised Council of the death of former Councillor David Fletcher and his wife Susan. A minute silence was observed.

The Provost welcomed Cal Haston, Scottish Youth Parliament member for Midlothian North and Musselburgh, who would be observing today's meeting.

The Provost gave congratulations to Jasmin Paris who had recently become the first woman to complete the Barkley Marathons race in Tennessee. Jasmin lives and works in Midlothian.

2. Order of Business

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

3. Declarations of interest

Councillor McEwan gave a declaration of transparency in relation to Item 8.2.

4. Deputations

None received.

5. Minutes of Previous Meetings

Item No.	Report Title	Submitted by:
5.1	Minute of Meeting of Midlothian Council 27 February 2024	Executive Director Place
Outline and Summary of Discussion		
The Minute of Meeting and Private Addendum of Midlothian Council held on 27 February 2024 was submitted for approval.		
It was noted that Councillor Smail's apologies for the meeting had not been recorded in the minute.		
The minute was approved, subject to the above amendment. Councillor Parry moved. Councillor Cassidy seconded.		
Decision		
Minute of Meeting and Private Addendum of Midlothian Council held on 27 February 2024 was approved.		

Action
Democratic Services to amend minute for accuracy.

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

Outline and Summary of Discussion

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

- Minute of Community Asset Transfer Committee of 30 January 2024
- Minute of Appeal Hearing of 6 September 2023
- Minute of Cabinet of 28 November 2023
- Minute of Planning Committee of 28 November 2023
- Minute of Planning Committee of 23 January 2024
- Minute of MIJB Audit and Risk Committee of 7 December 2023
- Note of Seminar of 23 January 2024

Moved by Councillor Parry. Seconded by Councillor Cassidy.

Decision

Minute Volume Index noted.

Action

Democratic Services

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

Outline and Summary of Discussion

It was requested that Action 1 – Capital Plan Prioritisation remain open.

Decision

The Action Log was noted, with all actions recommended for closure to be closed except Action 1 which remains open.

Action

Democratic Services

6. Questions to the Leader of the Council

None received.

7. Motions

Item No.	Notice of Motion	Submitted by:
7.1	Month of the Military Child	Councillor Winchester and Councillor Virgo

Outline and Summary of Discussion

It was noted that there was an error - the Motion should read Dandelion is the flower not Daffodil.

The Notice of Motion was proposed by Councillor Winchester and seconded by Councillor Virgo.

Decision

The Notice of Motion was moved.

Action

Executive Director Place

8. Reports

Report No.	Report Title	Submitted by:
8.1	Intake Figures and Limits for Primary and Secondary Schools Session 2024/25	Executive Director Children, Young People and Partnerships

Outline and Summary of Discussion

The report provides Council with an update on the enrolment of pupils and intake for the school session 2024/25. The report identifies a number of schools where there is pressure on school capacity, and the need for intake limits to safeguard places for catchment children and to manage placing requests.

Council is requested to approve the requirement to apply intake limits, as detailed in the report, at a number of schools in order to safeguard places for pupils to be able to attend their catchment school. Council is requested to note the estimated intake figures for primary and secondary schools.

The Education Chief Operating Officer responded to questions from elected members in relation to class capacities. Scottish Government sets maximum class sizes but the physical size of the classroom restricts the number of learners that can be accommodated. The Executive Business Manager, Children, Young People & Partnerships reported that there may be instances in which the maximum class size is exceeded. For example, team teaching may be implemented for larger rooms with a maximum of 30 pupils under 2 teachers. The calculation of class sizes remains dynamic depending on the number of children that need to be accommodated. In responding to a question from an elected member, the Executive Business Manager, Children, Young People & Partnerships reported that the Council has a statutory obligation to provide an early years place to all children within Midlothian, but there is no obligation to attach the place to a specific school or locality, which provides flexibility for parents. The Council maintains close contact with funded providers to ensure adequate places and continually works with funded partners to explore opportunities to extend partnerships.

Councillor Scott moved. Seconded by Councillor Milligan.

Decision

Council:

- a) approved the requirement to apply intake limits, as detailed in the report, at a number of schools in order to safeguard places for pupils to be able to attend their catchment school.
- b) noted the estimated intake figures for primary and secondary schools.

Action

Executive Director Children, Young People and Partnerships

Report No.	Report Title	Submitted by:
8.2	Large Grants 2025/28	Executive Director Place

Outline and Summary of Discussion

The Chief Officer Corporate Solutions presented the report. The report provides an update on the current programme and options for the next round of large grants funding 2025/28.

Council is recommended to:

- a) Note the issues highlighted and proposed actions set out at 3.4-3.8.
- b) Note the establishment of a Short Life Working Group to progress options for the grant funding programme.
- c) Approve option 4 within 3.14 as recommended by Business Transformation Steering Group.

The Chief Officer Corporate Solutions assured elected members that the Short Life Working Group would report into the Business Transformation Steering Group to ensure elected member visibility and opportunity to contribute to these discussions.

In responding to a question from an elected member in relation to group membership and governance, the Chief Officer Corporate Solutions reported that the Short Life Working Group would be reviewing the strategic approach more broadly as opposed to reviewing specific grants or organisations. The terms of reference would make clear the requirement to declare conflicts of interest and transparency.

Councillor Parry moved. Councillor Scott seconded.

Decision

Council:

- a) Noted the issues highlighted and proposed actions set out at 3.4-3.8.
- b) Noted the establishment of a Short Life Working Group to progress options for the grant funding programme.

c) Approved option 4 within 3.14 as recommended by Business Transformation Steering Group.

Action

Executive Director Place

Report No.	Report Title	Submitted by:
8.3	Midlothian Council Housing Allocation Policy Review 2023/24	Executive Director Place

Outline and Summary of Discussion

The Executive Director Place presented the report. It is recommended that Council approves the outcome results of the Housing Allocation Policy Review consultation with all Midlothian Council tenants, waiting list applicants, stakeholders and tenant groups during the Winter 2023 period as listed in Section 6 of the report.

Some discussion took place in relation to consultation methods. An elected member commented that the majority of respondents completed the survey online, noting the existence of bias in this regard. Assurances were sought that other methods of response were available. The Executive Director Place reported that while the Council has adopted a digital by default position, the potential for exclusion of certain populations is recognised in this regard and the Council ensures that other opportunities for engagement are available through community settings (e.g. libraries) and that hard copy materials are available.

An elected member noted that 59% of respondents disagreed with the percentage split for allocation of housing to the homeless and queried if the percentage split would be reviewed. The Executive Director Place commented that the Council aligns to the regulator recommendation and there were no plans to change this.

In response to a request from an elected member, the Executive Director Place agreed to consider increasing the financial incentive for downsizing.

The Executive Director Place provided further information in relation to Scottish Government financial support for housebuilding and reported that the Scottish Government target has not changed, however there will be a reduction in the subsidy level for the affordable housing programme for Midlothian which will impact the delivery of social housing.

In response to a request from an elected member, the Executive Director Place agreed to provide further information in relation to the viability of the Housing Revenue Account in the long term, however noted that this would not be available until final accounts from some developments had been received.

In responding to a question from an elected member, the Executive Director Place reported that the Council were endeavouring to provide an online tenant portal.

In responding to a question from an elected member in relation to the allocation of 30 points for notice to quit, the Executive Director Place noted that this was benchmarked against neighbouring Local Authorities. The Executive Director Place reported that the impact of this particular allocation of points would be included in a subsequent review.

In response to a request from an elected member, the Executive Director Place agreed to consider providing physical assistance for moving as an incentive for tenants to downsize.

In response to a request from an elected member, the Executive Director Place agreed to an audit of housing allocations.

In response to a request from an elected member, the Executive Director Place agreed to arrange a briefing on tenancy agreements.

Some discussion took place in relation to the buyback programme with the Executive Director Place confirming that this was still in existence with budget available within the Housing Revenue Account.

Elected members noted that the response rate had been poor and the Executive Director Place reported that the intention was to align the next housing allocation policy survey with the rent strategy survey, where response rates are usually much higher.

In response to a request from an elected member, the Executive Director Place agreed to review benefit in kind.

In responding to an elected member about property sizes and whether it would be possible to extend existing properties, the Executive Director Place reported that the housing and development teams were reviewing the provision of larger size housing and commented that it is not standard practice to extend existing properties, except in exceptional cases where bidders have mobility issues or disabilities which require alterations.

Councillor McKenzie moved the paper.

Councillor Curran moved an amendment to the motion in relation to Section 6 of the report, namely, that the Tier system is retained, removing the recommendation below:

Local Letting Initiative for New Builds

(a) It is recommended to prioritise Midlothian Council tenants, and merge Tiers 1 and 2, supported by 75%.

(b) Housing Associations applicants to remain in Tier 3, according to 65% of respondents.

Councillor McKenzie agreed to Councillor Curran's amendment.

The motion as amended was moved by Councillor McKenzie. Seconded by Councillor Curran.

Decision

Council approved the outcome results of the Housing Allocation Policy Review consultation with all Midlothian Council tenants, waiting list applicants, stakeholders and tenant groups during the Winter 2023 period as listed in Section 6 of the report, subject to the removal of the following recommendation:

Local Letting Initiative for New Builds

- (a) It is recommended to prioritise Midlothian Council tenants, and merge Tiers 1 and 2, supported by 75%.
- (b) Housing Associations applicants to remain in Tier 3, according to 65% of respondents.

Action

Executive Director Place

Report No.	Report Title	Submitted by:
8.4	Midlothian Council Mixed Tenure Strategy	Executive Director Place

Outline and Summary of Discussion

The Head of Development presented the report and noted the recommendations as outlined in Section 1.

The strategy aims to address rising pressure on the Council's waiting list from those in housing need and pressures on funding on the affordable housing supply programme, while meeting the housing supply target for alternative tenures of affordable homes. It does this by encouraging more diversity in the kinds of affordable homes available in Midlothian, particularly in relation to discounted homes for sale, and the expansion of homes available for mid-market rent.

Elected Members noted the chronic shortage of housing across Midlothian and welcomed the paper as a means of addressing this.

In responding to a question, the Head of Development provided further information in relation to the golden share. When a home comes up for resale, it reverts back to the council for appraisal in terms of its value, therefore the discount is maintained through every transaction.

In responding to a question, the Head of Development and Executive Director Place provided further information in relation to housing allocation policy. The Council shares a common housing register with Melville Housing Association and that the percentage allocations vary, but new build nomination agreements are generally 50%.

Several Elected Members commented on the importance of ensuring that new housing is made available to those already resident in Midlothian. In relation to guaranteeing the allocation to Midlothian residents, the Head of Development commented that partnership agreements would set out the parameters and criteria in terms of the allocation of mid-market rent. The Council would seek to include the prioritisation of housing for Midlothian residents. These agreements would be legally enforceable.

In responding to a question, the Head of Development provided further information on property costs. The Council would seek to apply a cap to the value, which would need to be proportionate to the type and size of home being acquired.

In responding to a question regarding build rates, the Head of Development referred to the rent setting strategy that was approved at Council which detailed the level of investment capacity to forward fund homes. It was noted that this was based on the assumption that grants would be available to co-fund homes.

In responding to a question regarding arms length organisations (ALEOs), the Head of Development agreed to arrange a briefing for Elected Members to provide further information in this regard once the Council has moved forward with the first development.

Councillor McKenzie moved. Councillor Parry seconded.

Decision

Council:

- i. Noted the continued and rising demand for affordable homes in Midlothian and the disparity between the cost of buying and renting privately and the rents available through homes made available for social rent.
- ii. Supported the active promotion of a range of mixed tenures in meeting the need for affordable homes in order to provide more choices to those in housing need and reduce demand for social housing on Midlothian Council's waiting list.
- iii. Approved a range of affordable ownership tenures to be delivered by Registered Social Landlords (RSLs – Housing Associations) and Midlothian Council through Golden Share.
- iv. Noted that opportunities for homes to be built and sold through New Supplied Shared Equity scheme by Midlothian Council will be considered in future developments.
- v. Approved the delivery of Mid-Market Rent by Midlothian Council through partnerships with RSLs that will ensure preference is given to Midlothian residents who are in housing need.
- vi. Noted that further investigation of opportunities to directly deliver Mid-Market Rent will be undertaken where this will leverage in alternative sources of finance, e.g. through lease-based models, in order to mitigate impact on the General Fund.
- vii. Noted that any proposals to directly deliver Mid-Market Rent will require the establishment of an arms length organisation, which will require a further report to Council for approval.
- viii. Approved the alignment of relevant planning policy in the emerging Local Development Plan on affordable housing with the recommendations of the Mixed Tenure Strategy, including support for Intermediate Rent in Build to Rent developments.
- ix. Note that Midlothian Council's housing options interviews and information on the Council website will be amended to ensure better awareness of alternative ownership and rental tenures available for those applying to

Midlothian Council's social housing waiting list, with service training provided to support this.

- x. On that basis, approved the adoption of the Mixed Tenure Strategy by Midlothian Council.

Action

Executive Director Place

Report No.	Report Title	Submitted by:
8.5	Midlothian Local Transport Strategy (LTS) – ‘Case for Change’ consultation	Executive Director Place

Outline and Summary of Discussion

The report informs Council of the policy context guiding the development of a new Midlothian Local Transport Strategy (LTS) and seeks agreement to commence a short survey in April. This is needed to help ensure transport problems are fully identified, and thus conclude the early stages of the LTS development.

It is recommended that Council:

- a) Agrees to a six-week long public survey commencing in April 2024, to help conclude Stages one and two (referred to as the ‘Case for Change’ stage) of the Local Transport Strategy (LTS), and
- b) Notes that the results of the survey will be used to help finalise the Stages one and two report and help inform the development of ‘options’ for the final Local Transport Strategy document, also
- c) Notes that a fuller 12-week long public consultation exercise will be held over July, August, and September, on the draft final Local Transport Strategy.

Councillor Cassidy moved. Councillor Virgo seconded.

Councillor Imrie moved an amendment to the motion, namely, that in relation to recommendation (a), the 6-week consultation begin after the Easter holiday period and in relation to recommendation (c) the 12-week consultation period begin after the summer holiday period.

Councillor Cassidy and Councillor Virgo agreed to Councillor Imrie’s amendment. The motion as amended was moved by Councillor Cassidy. Seconded by Councillor Virgo.

Decision

Council:

- a) Agreed to a six-week long public survey commencing after the Easter holiday period, to help conclude Stages one and two (referred to as the ‘Case for Change’ stage) of the Local Transport Strategy (LTS), and
- b) Noted that the results of the survey will be used to help finalise the Stages one and two report and help inform the development of ‘options’ for the final Local Transport Strategy document, also

- c) Noted that a fuller 12-week long public consultation exercise will be held after the summer holiday period, on the draft final Local Transport Strategy.

Action

Executive Director Place

Report No.	Report Title	Submitted by:
8.6	Pavement, Double and Dropped Kerb Parking Restrictions	Chief Officer, Place

Outline and Summary of Discussion

The purpose of this report was to update Council on the introduction of new parking prohibitions for pavement, double and dropped kerb parking. The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 came into force on 11 December 2023.

It was recommended that Council enforce these new Regulations utilising its decriminalised parking powers with effect from 1st April 2024, prioritising locations where public safety and accessibility are impacted. There will be a graduated approach, with a short introductory period to allow the public to adjust to the new rules. A targeted, awareness campaign will be launched during this period, where behavioural change will be the focus and compliance with the prohibitions will be encouraged.

The Chief Officer Place presented the report, Councillor Alexander moved the report, seconded by Councillor Virgo.

A discussion took place regarding parking in streets where the width of the road restricts traffic if parking on both sides; areas where there are wide pavements and with cars parked does not impact the movement of pedestrians and areas where there has always been parking allowed on the grassy areas. It was also highlighted that some areas should be assessed, and signs erected if they are designated parking area(s) and it was also suggested that an informal system with parking wardens should be implemented with stickers on cars advising not suitable and illegal.

The Chief Officer Place noted all the concerns and suggestions raised and confirmed these would all be taken into consideration.

Decision

Council:

- a) Noted inconsiderate and obstructive parking on pavements, footways, dropped kerbs and double parking causes inconvenience and accessibility issues; and

- b) Approved that pavement, footway, double and dropped kerb parking restrictions, as introduced by The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023, be enforced effective from 1st April 2024.

Action

Chief Officer Place

Report No.	Report Title	Submitted by:
8.7	Covert Surveillance Annual Report	Executive Director, Place
Outline and Summary of Discussion		
<p>The purpose of this report is to advise the Council of covert surveillance actions in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 (“RIPSA”) by the Council during 2023.</p> <p>The Legal and Governance Manager presented the report for noting.</p>		
Decision		
Council noted the terms of the report.		
Action		

Report No.	Report Title	Submitted by:
8.8	Pre-Election Publicity Guidance	Chief Executive
Outline and Summary of Discussion		
<p>The purpose of this report was to update Members of the terms of the Council’s Pre-Election Publicity Guidance which has previously been approved. This is to ensure that Council facilities are not used to support any particular political party in any election, by-election or referendum.</p> <p>The Chief Executive presented this for noting.</p> <p>Following concerns raised regarding acceptable photo ID, the Chief Executive confirmed that communication would be sent out in advance and confirmed that photo ID was only required when voting in person at polling stations, and there was no change to postal voting.</p>		
Decision		
Council noted the terms of the Council’s Pre-Election Publicity Guidance in advance of the forthcoming UK Parliamentary General Election.		
Action		

The Public section of the meeting concluded at 13:13pm.

9. Private

Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 3, 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- 9.1** Review of Cost Implications of Passivhaus versus Standard High Efficiency Social Housing, report by Executive Director Place
- 9.2** Ukraine Longer Term Resettlement Programme, report by Executive Director Place

Date of Next Meeting

The next meeting will be held on Tuesday 7 May 2024 at 11.00am

The meeting concluded at 14.16pm.