

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL CABINET** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 26 August 2014 at 11.00am.

**Present:-** Councillors Thompson (Convener), Constable (Depute Convener), Bryant, Johnstone and Rosie.

**Religious Representatives Present:-** Mr P Hayes and Mrs M Harkness.

**Apology for Absence:-** Mr V Bourne.

## **1 Order of Business**

Advice was noted from the Clerk that:-

- (a) (i) the "To Follow" report for Agenda Item 10 (European Commission: Call for Proposals for Social Policy Innovations Supporting Reforms in Social Services – Report by Director, Education Communities and Economy) had been circulated electronically earlier that morning and hard copies had also been tabled at the meeting; and (ii) given the late circulation of this report, the Convener had ruled that it should be dealt with as urgent business in view of the Council's interest in the matter; and
- (b) Standing Orders would require to be suspended to allow the Cabinet to consider Agenda Item 11 (Purchasing New Properties in Midlothian for use as Council Housing – Report by Joint Director, Health and Social Care) as the Cabinet, on 27 May 2014, had already agreed to use the funding in question towards a development at Wester Cowden, Dalkeith.

In relation to paragraph (b) above, the Convener asked the Cabinet whether they were agreeable to suspending Standing Orders to allow consideration to be given to the Joint Director, Health and Social Care's report. The Cabinet thereupon agreed unanimously to do so.

## **2 Declarations of Interest**

No declarations of interest were intimated.

## **3 Minutes**

The Minutes of (a) the Special Meeting of the Cabinet of 27 May 2014; and (b) the Ordinary Meeting of the Cabinet of 27 May 2014, were submitted and approved as correct records.

## **4 Inspection of Midlothian Council Adoption Service**

There was submitted report, dated 18 July 2014, by the Head of Children's Services, advising of the outcome of an inspection of the Midlothian Council Adoption Service by the Care Inspectorate in May 2014.

The report advised that the service was based in Lawfield Primary School and provided an adoption service for children and young people aged 0-18 years, and their families, who were assessed as being in need of this service.

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

Quality of care and support	Grade 4 – Good
Quality of staffing	Grade 4 – Good
Quality of Management and Leadership	Grade 3 – Adequate

In their report the Care Inspectorate had noted a number of areas where there had been significant improvements in the service. They had also noted areas of strength within the service as well as areas for improvement.

Overall, the Inspection Team concluded that Midlothian Council had made significant developments over the previous year. The Inspection Team had also reported that the authority was committed to improving and developing its Adoption Service for Midlothian's children.

### **Decision**

- (a) To note the content of the inspection report;
- (b) To pass the report to the Performance, Review and Scrutiny Committee for its consideration;
- (c) To note that the Council would continue to challenge, support and monitor the service in relation to achieving excellence through further improving performance.

(Action: (b) Legal and Secretariat Manager)

## **5 Inspection of Midlothian Council Fostering Service**

There was submitted report, dated 28 July 2014, by the Head of Children's Services, advising of the outcome of an inspection of the Midlothian Council Fostering Service by the Care Inspectorate in May 2014.

The report advised that the service was based in Lawfield Primary School and provided an fostering service for children and young people aged 0-18 years, and their families, who were assessed as being in need of this service.

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

Quality of care and support	Grade 2 – Weak
Quality of staffing	Grade 4 – Good
Quality of Management and Leadership	Grade 3 – Adequate

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The Head of Children's Services was heard in relation to the report when she advised that arising from a procedural error on the part of the service, the Care Inspectorate were returning to the Fostering Service for two days commencing that day to look at the "Quality of Care and Support" where a weak grading had been given. She advised that as soon as this error had come to light an action plan had been agreed with immediate effect and no child had been placed at risk as a result of this.

### **Decision**

- (a) To note the content of the inspection report;
- (b) To pass the report to the Performance, Review and Scrutiny Committee for its consideration; and
- (c) To note that the Council would continue to challenge, support and monitor the service in relation to achieving excellence through further improving performance.

(Action: (b) Legal and Secretariat Manager)

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

There was submitted report, dated 18 July 2014, by the Head of Communities and Economy, recalling that the Cabinet, at its meeting on 22 April 2014, had authorised the submission of a revised bid to the Scottish Government Regeneration Capital Grant Fund Round 2 for improvement works at eastern High Street Dalkeith.

The report now advised that the Round 2 bid had been unsuccessful and the project had not been recommended by the Scottish Government Regeneration Investment Panel to proceed to stage 2.

Notwithstanding this, the report advised that some improvement works were still planned for eastern High Street. Buccleuch Estates planned to upgrade the public realm outside the Palace Gates entrance and Melville Housing Association would be improving the public realm outside the Corn Exchange as part of their work to bring the Corn Exchange back into use.

The report also advised that should a third round of Scottish Government Regeneration Capital Grant Fund funding be announced, a further report would be submitted to Cabinet to consider alternative town centre projects that might be more eligible for funding.

### **Decision**

- (a) To note the unsuccessful outcome of the Scottish Government Regeneration Capital Grant Fund stage 1 bid for phase 2 of Dalkeith High Street improvements;
- (b)/

- (b) To agree that, should a third round of Scottish Government Regeneration Capital Grant Fund funding be announced, a further report be submitted to Cabinet considering alternative town centre project proposals; and
- (c) To note that alternative sources of funding for potential improvement projects in Dalkeith and other town centres, would continue to be investigated.

(Action: Head of Communities and Economy)

## **7 The Easter Bush Development Board**

There was submitted report, dated 10 July 2014, by the Head of Communities and Economy, providing an update on the operation of the Easter Bush Development Board.

The report recalled that on 26 February 2013, the Cabinet had approved a report entitled 'The Bush Framework Masterplan' and noted that the continuing development of the Bush was central to supporting the Programme Areas highlighted in "Ambitious Midlothian: Economic Recovery Plan" and key economic sectors such as Life Sciences and Animal Biosciences.

The Masterplan, which had been published in early 2013, had been commissioned by Midlothian Council, Scottish Enterprise and the University of Edinburgh. Key elements of the Action Plan contained in the Masterplan included:-

- liaison between key stakeholders to establish a Bush governance structure (which gave the impetus for the establishment of the Easter Bush Development Board );
- utilisation of the Masterplan as a basis for further consultation with key stakeholders such as Transport Scotland and utility service providers; and
- development of strategies for environmental improvements, road and junction design, branding, signage and a path network.

It was explained that on 15 March 2013, officers attended an Easter Bush Campus Partnership meeting at the Royal Dick Vet School, Easter Bush. This meeting had been chaired by a senior member of staff from the Biotechnology and Biological Sciences Research Council and involved representatives from a range of key partner organisations including the University of Edinburgh, the Roslin Institute and the Moredun Foundation. At this meeting, the Council was requested to provide project governance support for the establishment of the Easter Bush Development Board - a strategic partnership for the future development of Easter Bush.

The report also recalled that on 13 August 2013, the Council had agreed that Councillor Bryant and the Head of Communities and Economy be appointed to represent the Council on the Easter Bush Development Board. The Economic Development Manager also provided project governance to the Board which was chaired by Dr John Brown, Co-Chair of the Scottish Life Sciences Advisory Board.

The first meeting of the Board had taken place on 28 August 2013 and the minutes of this meeting, which had been formally approved at the Board's meeting on 18 March 2014, were appended to the report. The next meeting was (at the time of writing the report) scheduled to take place on 22 August 2014.

### **Decision**

- (a) To note the content of the report;
- (b) To agree that the Council continue to provide ongoing project governance support to the Easter Bush Development Board;  
and
- (c) To require that regular progress reports on the operation of the Easter Bush Development Board be prepared.

(Action: Head of Communities and Economy)

## **8 National Planning Framework 3 and Scottish Planning Policy**

There was submitted report, dated 1 August 2014, by the Head of Communities and Economy, advising that Scotland's Third National Planning Framework (NPF3) and revised Scottish Planning Policy (SPP) had been published on 23 June 2014. The report briefly summarised the main implications for the preparation of the Midlothian Local Development Plan and advised that copies of both documents had been placed in the Members' library.

It was explained that NPF3 set the context for development planning and provided a statutory framework for the spatial development of Scotland as a whole. It set out the Government's development priorities over the next 20-30 years and identified 14 'national developments' which supported and delivered the development strategy. Development plans had to have regard to the NPF3, which would inform the investment decisions of the Scottish Government and Scottish Ministers expected planning decisions to support its delivery. The NPF3 was also expected to be considered by councils and their community planning partners in taking forward their Single Outcome Agreements.

The report also advised that the finalised revised SPP set out national planning policies which reflected Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. The SPP was described as promoting consistency in the application of planning policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. Whilst it was non-statutory, the SPP was a material consideration which carried significant weight and, where development plans and proposals accorded with it, their progress through the planning system was expected to be smoother.

The Midlothian Local Development Plan (MLDP) Proposed Plan, which was currently being finalised for approval, required to take account of the new SPP insofar as it was consistent with the recently approved first SESplan Strategic Development Plan which set the land requirements and strategic-level policy framework for the MLDP. The NPF3 and finalised SPP would therefore be taken into account as far as possible in the MLDP Proposed Plan. The preparation/

preparation of the second Strategic Development Plan for South East Scotland (SESplan) which was currently underway required to seek to deliver the policies and proposals of the NPF3 and should be consistent with the new SPP.

The report also noted that specific reference was made in NPF3 to the potential for further growth in South East Edinburgh and into Midlothian, and at the Midlothian BioCampus.

### **Decision**

To note the publication of the Scottish Government's Third National Planning Framework and finalised Scottish Planning Policy and their implications for taking forward the Midlothian Local Development Plan to Proposed Plan stage later this year.

(Action: Head of Communities and Economy)

## **9 European Commission: Call for Proposals for Social Policy Innovations Supporting Reforms in Social Services**

There was submitted report, dated 14 August 2014, by the Director, Education, Communities and Economy, advising that the Improvement Service had approached the Council to offer the opportunity in partnership with them, the University of Edinburgh (as an evaluation agency) and other members of the Community Planning Partnership, to submit a bid to the European Commission Innovation Fund for Social Policy Innovations Supporting Reforms in Social Services.

The deadline for submissions was 28 August 2014 and only one national demonstration project was thought likely to succeed from Scotland. A draft proposal had been prepared within the limited time available and this had been approved in principle at the community planning working group for discussion at the Community Planning Partnership Board. This set out:-

- an intention to adopt a co-production approach to working with local residents;
- sub-projects focussed on the existing results of neighbourhood planning in the three target areas of Woodburn, Mayfield and Gorebridge; and
- 4 individual 'outcome gap closing actions', linked to the Single Midlothian plan outcomes and approaches as follows:-
  - Localising access to customer transactions with public and community services in Mayfield through a 'one stop shop' access point in Mayfield Library - reducing the gap in local access as part of a capacity building approach;
  - Developing locally accessible economic development/employability services – reducing the economic outcome gap in a co-productive approach;
  - Developing local 'preventive' health and care condition management approaches - reducing the health outcome gap in a co-productive approach; and
  - Developing early years interventions reducing the educational attainment gap in a co-productive approach.

Council match funding of £200,000 would be required to access funding of £800,000, giving a total project budget of £1 million over a three year period. The Council's match funding would be met from existing staffing and operational budgets. The staffing and other resources identified would, however, be dedicated to the project for its duration.

### **Decision**

To approve and support the submission of the proposal as detailed in the report.

(Action: Director, Education, Communities and Economy)

## **10 Purchasing New Properties in Midlothian for use as Council Housing**

There was submitted report, dated 4 August 2014, by the Joint Director, Health and Social Care, seeking the Cabinet's agreement to re-allocate available resource from the Housing Revenue Account to purchase additional properties for use as social rented housing by the Council.

The Cabinet had agreed earlier in the meeting (see paragraph 1 above) to suspend Standing Orders to allow consideration of the Joint Director's report. The suspension of Standing Orders was necessary as the Cabinet had previously agreed on 27 May 2014, to utilise the funding in question towards a development at Wester Cowden, Dalkeith.

The report recalled that in October 2013, the Scottish Government had announced an additional funding allocation of £27 million to support affordable housing development, with £400,000 unallocated in Midlothian. If not utilised in Midlothian this time limited grant funding would be reallocated to another local authority area.

The Joint Director's report now requested that the same resource be used towards additional units to be provided for alternative housing in Midlothian, resulting from the need to relocate households from Newbyres Crescent and Gore Avenue, Gorebridge, as a result of the Council's decision on 17 June, 2014 to demolish those properties affected by CO<sub>2</sub> gas emissions.

The report explained that as residents required to be re-housed, this could be achieved in appropriate cases for housing options cases where required either through Phase 2 of the New Social Housing Programme or through the purchase of replacement properties. This would require an additional sum of approximately £9 million to be incorporated in the HRA Capital Plan. Consequently, the option to purchase properties at Wester Cowden would not now therefore proceed.

### **Decision/**

## Decision

- (a) To note the content of the report, and that the available resource would no longer be used for purchases at Wester Cowden, but utilised as required for housing options for tenants at Newbyres Crescent and Gore Avenue; and
- (b) To agree to the Council increasing the supply of new housing by funding the purchase of units for use as Council housing, subject to the agreement of satisfactory contracts overseen by the Council's Legal Section.

(Action: Joint Director, Health and Social Care)

## 11 Annual Gas Safety Checks - Reducing the Number of Tenancies at Forced Entry Stage

There was submitted report, dated 14 July 2014, by the Joint Director, Health and Social Care, advising that the Gas Safety (Installation and Use) Regulations 1998 set out landlords' duties to make sure gas appliances, fittings and flues provided for tenants were safe. Landlords' duties included responsibility for the safety of tenants occupying property under a lease or agreement. All gas safety certificates had to be renewed annually and a 12 monthly gas safety check required to be carried out on every gas appliance/flue. This was to make sure gas fittings and appliances were safe to use.

The report advised that in order to obtain access to properties to undertake these checks, forced entries sometimes had to be made. A breakdown was provided of the Gas Forced Entry (GFE) cost and of the procedural sequence for escalating access arrangements to forced entry stage.

It was explained that forced entries were made to around 450 Council houses each year to allow for the annual servicing of boilers. This cost approximately £200 per property, totalling around £90,000 for all forced entries. Tenants were not currently charged for this failure to provide access for a statutory duty, but benchmarking showed that all of the Council's neighbouring authorities did so.

The report explained that tenants were presently issued with a tenancy warning for Gas Forced Entries, but that it was now proposed that warning letters be introduced for tenants at the GFE stage. A first letter would be issued along with the hand delivered GFE appointment letter. This letter from Housing Services would remind tenants of their obligations under the tenancy agreement. A second official tenancy warning letter would be sent to those tenants where entry was forced at the GFE appointment.

It was intended that Housing Services would undertake a pilot exercise whereby a compulsory annual tenancy inspection would be introduced for those tenants who had previously had a GFE. These house inspections would give housing officers the opportunity to review the condition of the tenancy, speak to the tenant about any issues they had and provide them with a reminder about their tenancy obligations, including allowing access to their property for gas safety/



safety checks. It was also proposed that the annual inspection be scheduled to take place in advance of their next gas safety check appointment to maximise the effect of the visit.

The report also advised that research had shown that 85% of tenants were at home when gas forced entries were taking place and 7% of these had the gas supply capped by the gas supplier. This often happened when the tenant had insufficient funds. It was intended therefore that an exercise would be undertaken to review the number of tenants whose gas supply was capped due to lack of funds. The project team would then liaise with the 'Improving Opportunities in Midlothian' (IOM) group to ascertain what support could be provided to those tenants who appeared to be struggling with fuel poverty issues, with a view to maximising household income options. The charging proposals would not be applied to households in these circumstances.

### **Decision**

- (a) To agree to introduce a re-charge of £200 for forced entries, with the exception of households that had a capped gas supply;
- (b) To agree to introduce a tenancy warning for tenancies where forced entry into the property was necessary;
- (c) To agree to undertake a pilot exercise where a compulsory annual tenancy inspection was introduced for those tenants who had previously had a gas forced entry. These would be scheduled to take place in advance of the next gas safety check appointment; and
- (d) To agree to undertake analysis of tenants with capped gas supply and liaise with the IOM group for appropriate support and financial inclusion provision to be provided to these tenants.

(Action: Joint Director, Health and Social Care)

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

In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 4 and 6 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- Application for Loan Assistance from the East of Scotland Investment Fund – Application approved; and
- Irrecoverable Debt Write-Off – Report approved.

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

The meeting terminated at 11.40am.

