

Minute of Meeting



Midlothian Council

Date	Time	Venue
15 December 2015	2pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Provost Wallace	Depute Provost Coventry
Councillor Johnstone – Leader of the Council	Councillor Constable – Depute Leader of the Council
Councillor Baxter	Councillor Beattie
Councillor Bennett	Councillor Bryant
Councillor de Vink	Councillor Milligan
Councillor Montgomery	Councillor Muirhead
Councillor Parry	Councillor Pottinger
Councillor Rosie	Councillor Russell

Religious Representatives (Non-voting observers for Education Business):

Mrs M. Harkness	Mr V. Bourne

In attendance:

1. Apologies

- 1.1 It was noted that apologies had been received from Councillors Imrie and Young.

2. Order of Business

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

3. Declarations of interest

- 3.1 Councillor Russell declared an interest in item 13 (HRA Rent Strategy) as a Council tenant and item 19 (Small Grant Allocation) as a member of the Bill Russell Woodburn Youth Project.
The Monitoring Officer confirmed that item 13 was part of the general exemptions in terms of the Code of Conduct and therefore it was unnecessary to declare an interest.
- 3.2 Councillor Milligan declared a general interest on behalf of the Labour Group in respect of the agenda items relating to the small grants and item 20 (Gala Day Funding) as all Councillors are involved in these to some degree.
The Monitoring Officer confirmed that Councillors could still continue to be part of these discussions as they were overseeing the grant process and not dealing with any specific grant or gala funding as part of the discussion.

4. Minutes of Previous Meetings

- 4.1 The minutes of the meeting of Midlothian Council on 3 November 2015 were submitted and approved as a correct record.
- 4.2 The following minutes were presented to the Council for noting and consideration of any recommendations therein:

Meeting	Date of Meeting	Response from the Council
Cabinet	6 October 2015	Noted
Planning Committee	24 August 2015	Noted
Planning Committee	29 September 2015	Noted
General Purposes Committee	29 September 2015	Noted
Local Review Body	20 October 2015	Noted
Performance, Review and Scrutiny Committee	20 October 2015	Noted
Audit Committee	29 September 2015	Noted
Midlothian Safer Communities Board	18 August 2015	Noted

5. Questions to the Leader of the Council

5.1 It was noted that no questions to the Leader of the Council had been received.

6. Notices of Motions

Motion No.	Motion Title	Proposed by:	Seconded by:
A	Fairtrade	Councillor Beattie	Councillor Baxter

Motion:

That Midlothian Council renews its commitment to its ongoing support for the Fairtrade Foundation. We note that many other organisations and community groups, including schools in Midlothian, support the aims of the Fairtrade Foundation and this Council commits to further support and encourage these groups with particular attention for the annual Fairtrade Fortnight, this year running from 29 February to 13 March.

Summary of discussion

The Council heard from Councillor Beattie who moved the motion. Councillor Beattie provided background to the concept of Fairtrade and the importance of Fairtrade in the modern world. In summary Councillor Beattie confirmed that Midlothian Council had a part to play in supporting Fairtrade and demonstrating that this was taken seriously.

Councillor Baxter who had seconded the motion was heard in amplification of the motion. Councillor Baxter highlighted that the motion had involved Councillors across all parties and the motion had been submitted without any party logos. Councillor Baxter confirmed that in reaffirming its commitment to Fairtrade the Council would continue to use Fairtrade tea, coffee and sugar and other products within Council offices; to explore supporting Fairtrade within procurement and purchasing strategy within the Council, continue to promote Fairtrade in schools; continue to support Fairtrade in our communities specifically by supporting Fairtrade Fortnight; and promoting Fairtrade practices with local businesses.

Further, Councillors Russell and Pottinger were heard in support of the motion

Decision

The Council agreed to approve the motion.

Action

Director, Resources

Motion No.	Motion Title	Proposed by:	Seconded by:
B	Sale of Fireworks	Councillor Montgomery	Councillor Imrie

Motion:

Public safety is a major responsibility for Local Authorities and the recent incident in Paris was a timely reminder of how vulnerable we all are to terrorism from whatever source.

As a Council we have an obligation to work with all public services to make our citizens feel safe and secure, and in this respect we agree the sale of fireworks to individuals needs to be looked at.

Midlothian Council agrees to create an all party working group, including representatives from Trading Standards, the Police and Fire Services to consider how to implement banning the sale of fireworks to individuals and how to allow sales only to organised firework displays authorised and licensed by the Council. This to include consideration of the introduction of a local by-law along the lines of the ban on drinking alcohol in public places.

Amendment(s) to the motion:

An amendment to the motion moved by Councillor Rosie and seconded by Councillor Parry was tabled as follows:

At Para 3 removed all from 'agrees toCouncil' and replace with 'agrees to pass this to the Safer Communities Board for consideration.'

Summary of discussion

The Council heard from Councillor Montgomery who moved the motion. Councillor Montgomery further confirmed his support to the amendment that had been tabled by Councillor Rosie and seconded by Councillor Parry which he confirmed would be relevant to the discussion on item 16 of the agenda.

Councillor Montgomery provided the context in which the motion was raised and the potential mayhem that the release of a firework in a public place could cause in light of recent terrorist activity. Further Councillor Montgomery confirmed that this may be a code of practice rather than a by-law having taken advice from the Council's Legal team.

Councillor Muirhead was then heard in support of the motion, drawing on a previous incident at Newbattle High School which had been in lock down as a result of the release of fireworks and spoke of the ensuing panic as a result of this situation.

Councillor Rosie was then heard in support of the motion and moving the amendment confirming that further discussion was required and further spoke of a petition currently being raised with the Westminster Government supporting organised displays of fireworks only.

Councillor Parry was then heard in amplification of the motion and seconded the amendment asking that caution was observed in relation to drawing comparisons to the events in Paris and the context of the sale of Fireworks.

Decision

Following the discussion, the Council agreed to approve the motion.

Action

Democratic Services

Motion No.	Motion Title	Proposed by:	Seconded by:
C	34C Buccleuch Street, Dalkeith	Councillor Russell	Councillor Bennett

Motion:

The Council has submitted plans to Historic Scotland for the demolition of outbuildings at 34C Buccleuch Street, Dalkeith to allow parking for 24 cars. The two storey non listed building is within a Dalkeith House and Park Conservation Area therefore consent is required from Historic Scotland.

The area of land had been identified as a possible development site for twelve one bed roomed studio houses in 2011. Council agrees to request that officers look again at providing single person accommodation on this site in the centre of Dalkeith, instead of staff parking.

Summary of discussion

The Council heard from Councillor Russell who moved the motion. Councillor Russell confirmed that the reason for raising the motion was in light of the fact that she believed that the proposals for building a car park at 34C Buccleuch Street was an inappropriate use of land. Further Councillor Russell made reference to previous discussions of the Council's sub group of the Midlothian Housing Strategy Forum in July 2011 which under the heading of High Priority Area identified 'site 26' at 32 – 38 Buccleuch Street for 12 one bedroomed houses. The Buccleuch Street development didn't happen. Councillor Russell then spoke about the demand for this type of accommodation in Midlothian and in conclusion moved that Council Officers be instructed to abandon the car park idea and in its place consider a development of one bedroomed properties.

Councillor Bennett was then heard in support of the motion citing that this had been reviewed in 2011 following the introduction of the bedroom tax. Councillor Bennett also confirmed that following a previous meeting of the General Purposes Committee, there was no further requirement for additional parking provision in Dalkeith.

Councillor Rosie was then heard in opposition of the motion confirming that his view was that the motion was not necessary as the proposed use as a car park did not preclude the use of the land for housing in the future. Councillor Rosie also raised that the Council should await the results of the ongoing feasibility study in Dalkeith town centre before making any further decisions. Following this Councillor Rosie confirmed that he moved against the motion.

The Council then heard from Councillor Baxter who spoke in support of the motion as it would send out the correct signal in relation to the direction of travel for the Council in providing more housing and shouldn't be encouraging people from using this mode of transport.

The Council heard from Councillor Johnstone who spoke in support of Councillor Rosie.

Following this, the Council heard from Councillor Pottinger who spoke in support of the motion and confirmed his view that the Council should send out the correct message in relation to the provision of housing in Midlothian.

Councillor Russell then exercised her right to reply and confirmed her disappointment that there was opposition to the motion. Whilst accepting that the feasibility study was ongoing it might be 2020 before anything was taken forward

as a result of this.

Following the discussion, the Council took a vote in relation to the motion.

Decision

7 Councillors voted in support of the motion and 9 Councillors voted against the motion which accordingly became the decision of the Council and the motion failed.

7. Reports

Agenda No.	Report Title	Presented by:
7	Financial Strategy 2016/17 to 2020/21 – Update	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The report dated 7 December 2015 was presented by the Head of Finance and Integrated Service Support providing the Council with an update on the Financial Strategy 2016/17 to 2020/21 following the publication of the UK Government's Spending Review on 25 November 2015.

The Head of Finance and Integrated Service Support further eluded to the fact the day following this Council meeting would see the publication of the Scottish Government's 2016/17 Budget along with the Grant Circular setting out the local government grant settlements for the next financial year and as such is a key milestone in preparing the Council budget for 2016/17 which will be brought to the Council in February 2016 for consideration. In relation to Midlothian, every 1% reduction in the grant equates to approximately £1.1m reduction in cash terms.

Councillor Parry spoke in amplification of the concern in relation to the Spending Review and the potential impact to Council services. The Councillor also wished to express her thanks to the Administration and Council Officers for managing this year's budget so closely whilst still allowing for development of key projects such as new homes and schools.

Decision

The Council agreed to:-

- a) Note that Scottish Government will publish its 2016/17 budget together with Local Government Grant Settlement figures on 16 December 2015.
- b) Note that a further report will be presented to Council on 9 February 2016 to allow Council to determine its 2016/17 budget and set Council Tax.
- c) Otherwise note the report.

Action
Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
8	Newbattle Centre European System of Accounts 2010 Update	Head of Property and Facilities Management

Outline of report and summary of discussion
<p>The Council heard from the Head of Property and Facilities Management who provided a further update in relation to Scottish Futures Trust's (SFT) progress in respect of resolving the technical accounting issue 'European System of Accounts 2010 (ESA 10)' in relation to Newbattle High School. Further the Head of Property and Facilities Management updated the Council in relation to the final outcome of the Office of National Statistics (ONS) findings in relation to how the Hub Design, Build, Finance and Maintain (DBFM) projects require to be altered to bring them within ESA 10 guidance.</p> <p>Councillor Rosie proposed that the recommendations were accepted and welcomed the news that the ESA 10 situation had been resolved and the project could move forward.</p> <p>The Council then heard from Councillor Muirhead who confirmed he was pleased that the situation was progressing although expressed disappointment that it would be March before there would be financial close. Councillor Muirhead requested further clarification in relation to the private sector partner and their acceptance of the changes that had been made. The Head of Property and Facilities Management confirmed that progress had been made since the report was written and March 2016 would be the long date in achieving financial close and moving the project to start. In relation to gaining agreement from the various parties, the Head of Property and Facilities Management confirmed there was positive progress towards a consensus from all parties including the private sector partner.</p> <p>Councillor Milligan was then heard requesting clarification of the cost of the Newbattle build. Following debate between Councillor Milligan and the Head of Property and Facilities Management, the Head of Finance and Integrated Service Support confirmed there had been no fundamental change to the funding structure since the previous reports to the Council and the paper itself was in relation to the ESA10 situation.</p> <p>The Council then heard from Councillor Constable who confirmed his view that this was fantastic news and looked forward to getting the project started as soon as possible.</p> <p>Councillor Pottinger then confirmed that he hoped that lessons had been learned from these funding structures and asked for further clarification in relation to the funding situation which was provided by the Head of Finance and Integrated Service Support.</p>

Decision

The Council agreed to:-

- a) Note the decision by Office of National Statistics and that SFT have advised to commence to Financial Close for the delivery of Newbattle High School.
- b) Note the potential resource implications and inflation risks associated with the delay incurred through the ESA10 situation and instruct the Director, Resources to recover from SFT/Scottish Government all additional costs as a result of the delays created by ESA 10.
- c) Instruct the Director, Resources to provide a further report to Council as soon as reasonably practical confirming the outcome of the Financial Close stage and resultant construction phase programme.

Action

Director, Resources

Report No.	Report Title	Presented by:
9	Raising Attainment – Closing the Gap: Examination Attainment 2015	Head of Education

Outline of report and summary of discussion

The Council heard from the Head of Education who presented the report providing the Council with an overview of secondary school examination attainment in session 2014-15 using the new senior phase benchmarking attainment measures, called 'Insight'.

The Council heard from Councillors Constable, Muirhead, Coventry and Beattie and Mr Bourne all supportive of the progress that has been made in attainment in secondary schools in Midlothian and further and welcoming the recommendations contained within the report.

Decision

The Council agreed to:

- a) Note the significant improvements in performance outlined in this report.
- b) Note the next steps for improvement outlined on pages 2, 3, 5, 6 and 8 of the report.
- c) Invite Secondary Head Teachers to outline their schools' progress in raising attainment and closing the attainment gap in an annual seminar with elected members in December each year prior to the attainment report being presented to Council, commencing in December 2016.
- d) Provide a report to Council in May and December each year outlining progress made in raising attainment and closing the attainment gap in Midlothian.

Action
Head of Education
Democratic Services

Report No.	Report Title	Presented by:
10	Creating and Developing Positive Destination Posts for Adults and Young People within Midlothian Council	Director, Education, Communities and Economy

Outline of report and summary of discussion
<p>The Council heard from the Director, Education, Communities and Economy who spoke to the report which sought to identify ways to increase employment opportunities in Midlothian Council for those who are unlikely to secure a positive destination.</p> <p>Councillor Constable moved that the recommendations be accepted by the Council.</p> <p>Councillor Coventry requested clarification as to whether these posts would be accessible to those receiving support from Midlothian Training Services. The Director, Education, Communities and Economy confirmed that these opportunities would be advertised widely not only to Midlothian Training Services but through Schools, PAVE and the College.</p>

Decision
<p>The Council agreed to:</p> <ul style="list-style-type: none"> a) Approve the promotion and implementation of a systematic approach to the conversion of existing substantive posts to Positive Destination Posts taking into account the EQIA using divisional budgets. b) Agree that targets will be set by Heads of Service in relation to the number or percentage of Positive Destination vacancies in Midlothian Council to be converted on an annual basis. These will be tracked through quarterly performance reporting

Action
Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
11	Catchment Review Programme	Director, Education, Communities and Economy

Outline of report and summary of discussion
<p>The Director, Education, Communities and Economy presented the report written on 24 November 2015 providing the Council with an update on the progress of the school catchment review programme as last reported to Council on 16</p>

December 2014 and outlining the proposed next phases of the programme.

Councillor Constable spoke in support of the recommendations.

Councillor Muirhead asked for clarification in relation to the issue of paid transport for school pupils whose catchment area had changed to which the Director, Education, Communities and Economy confirmed she would seek further guidance and confirm with the Council

The Council then heard from Mr Bourne who expressed his view that this was an exciting prospect for Midlothian and would give his support to the review of Catholic Primary Schools and the ongoing project in Bonnyrigg and Rosewell.

Decision

The Council agreed to:

- a) Note that statutory consultations have been completed.
- b) Note that informal consultation is being undertaken on the use of the former Hopefield Primary School site to provide primary school capacity for the Bonnyrigg/Lasswade and Roswell areas and that a report on this matter will be brought to the next meeting of Council.
- c) Note that informal consultation will be undertaken on the options for secondary schools to serve the A701 Corridor and Penicuik to include a 'centre for excellence' for Science and that a report on the way forward will be brought to Council in the course of 2016.
- d) Approve the safeguarding of a site in Gorebridge to provide a location for a secondary school which can be included in the next Midlothian Local Development Plan.
- e) Note that consultation will be undertaken on the development of a strategy for denominational school provision across Midlothian.
- f) Approve detailed feasibility studies looking at a range of options available to the Council to provide primary school capacity in Mayfield and Dalkeith.

Action

Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
12	Consultation on Catchment Areas of Schools in Newbattle Associated School Group	Director, Education, Communities and Economy

Outline of report and summary of discussion

The Director, Education, Communities and Economy presented the report the purpose of which was to seek the Council's approval to implement the proposed establishment of a new primary school at Whitehouse Way, Gorebridge and creation of its catchment area, changes to the catchment areas of Gorebridge, Stobhill, Mayfield and Newtongrange Primary Schools, and the relocation of Newbattle High School to the replacement school site at Mayfield Road.

Decision

The Council agreed to:

- a) From August 2016 establish the new primary school at Whitehouse Way, Gorebridge and create its catchment area to include areas at Gowkshill, Hunterfield, Barleyknowe, Glenview, Arniston and by the A7 as well as housing development sites h36 'North Gorebridge', h50 'Redheugh/Prestonholm', Hs7 'Redheugh West' and Hs8 'Stobhill Road'.
- b) From August 2016 adjust the catchment boundary for Gorebridge Primary School to include the existing houses in the vicinity of Wilson Road, currently in the catchment of Stobhill Primary School.
- c) From August 2016 transfer the area of housing development known as site h35 'Lingerwood' and the part of site h34 'East Newtongrange' which lies to the east of the dismantled railway to the catchment of Mayfield Primary School, currently in the catchment of Newtongrange Primary School.
- d) When the replacement for Newbattle High School is ready for occupation, change the location and address of Newbattle High School to the replacement school site at Mayfield Road, Easthouses.
- e) Apply transition arrangements to give consideration to enrolment at the associated nursery for those enrolling in Primary 1 in August 2016 and 2017.
- f) Apply transition arrangements for pupils entering Primary 1 from August 2016 to August 2018, where the Council will prioritise the granting of placing requests for children who would, except for the catchment changes, have been in catchment.
- g) Give reassurance that all pupils already attending a school whose house is moving from the catchment of one school to the catchment of another can remain at their current school.
- h) By August 2016 review School Travel Plans for existing schools in light of the changes to catchment areas and revise them where appropriate.

Action

Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
13	Housing Revenue Account - Rent Strategy 2016/17 – 2018/19 – Joint Report	Head of Customer and Housing Services

Outline of report and summary of discussion

The Head of Customer and Housing Services presented the report to the Council which proposed a strategy for future rental charges for Council housing from 2016, which in turn will support ongoing investment in the Council's Housing stock and will determine the level of new build investment beyond the Council's current phase 2 Social Housing Programme.

Councillor Parry moved that the recommendations be accepted and took the opportunity to thank everyone who had taken part on the survey.

Decision

The Council agreed to :

- a) Note the positive response to consultation with tenants and prospective tenants in relation to agreement on future rent setting;
- b) Agree to a three year increase in rents and related charges of 5% per annum with effect from 1st April 2016 until 31st March 2019;
- c) To incorporate a provision of £36 million in the HRA Capital Plan for a phase 3 new build programme of approx 240houses;
- d) Agree to a Members Seminar to discuss potential sites for development and an appropriate housing mix for the 3rd phase of new council housing development;
- e) To consider to reprioritise to fund footpath works from the General Fund

Action

Head of Customer and Housing Services

Report No.	Report Title	Presented by:
14	Borders Rail Update	Chief Executive

Outline of report and summary of discussion

The Chief Executive presented the report to the Council which advised Members of the substantial activity undertaken and future work planned relating to the Borders Railway, with particular reference to Midlothian.

Councillor Rosie spoke in support of maximising the economic benefits for Midlothian as a result of the introduction of the Border Railway and proposed that the recommendations were accepted.

Councillor Coventry highlighted that young people now had wider access to educational opportunities as a result of the Borders Railway.

Councillor de Vink noted that he felt there was more potential that could be realised from the Borders Railway and encouraged the Council to continue to meet with partners and increase the level of activity to support this important economic vein.

The Chief Executive agreed with comments that had been made and expressed

his desire to meet with interested parties to support further economic development within Midlothian.

Decision

The Council agreed to:

- a) note the extensive level of commitment being shown by the Council and its Borders Railways Blueprint partners towards maximising the economic benefits of the new railway to Midlothian;
- b) approve a supplementary estimate of £50,000 to meet the Council's financial commitments to activities directly related to promotion of economic development consequent on the opening of the new railway; and
- c) instruct the submission of further update reports to Council on a regular basis and as appropriate.

Action

Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
15	Midlothian Integration Joint Board - Financial Assurance Update	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Head of Finance and Integrated Service Support presented the report in relation to the Financial Assurance for Midlothian Integration Joint Board. The report provided a further update to Council on the work undertaken to date on financial assurance in relation to the delegation of financial resources to the Midlothian Integration Joint Board and on the work plan for the period leading up to delegation on 1 April 2016.

The Head of Finance and Integrated Service Support confirmed that he was satisfied with the financial governance arrangements.

Councillor Johnstone proposed that the recommendations were accepted and added her sentiments that there would need to be careful negotiation in relation to delegated resources to the Midlothian Integration Joint Board.

Decision

The Council agreed to:

- a) Note the ongoing financial assurance process in relation to the delegation of financial resources to Midlothian Integration Joint Board.
- b) Note that the amount to be delegated to the Board will be agreed as part of the Council's budget setting process for 2016/17.
- c) Agree to receive a further update report in March 2016.

Action

Head of Finance and Integrated Service Support

Sederunt – Due to the fact that the item 16 contained proposals to alter a Council decision approved within the past six months, the Provost sought permission of two thirds of the Elected Members to suspend the Council Standing Orders in order to consider item 16. As a result of a show of hands from Elected Members, permission was granted to suspend Standing Orders and consider the item.

Report No.	Report Title	Presented by:
16	Community Safety and Justice Partnership Governance	Joint Director, Health and Social Care

Outline of report and summary of discussion

The Joint Director, Health and Social Care presented the report which set out proposals for the remit and operation of the Safer Communities and Shadow Reducing Reoffending Partnership and proposed alternative scrutiny arrangements for the local Police and Fire and Rescue services.

The Council heard from the Joint Director, Health and Social Care in relation to the Scottish Government's new model for Community Justice and the requirement for the formation of Reducing Reoffending Partnership for each Local Authority area.

Following this, the Council heard from Councillor Parry who supported the recommendations in the report and spoke of the advantages of the new ways of working as a result of the new Boards that would be created.

Councillor Pottinger then spoke in support of a new and better way of working and welcomed the opportunity for increased scrutiny. Councillor Pottinger then moved that Councillors Montgomery and Muirhead sit on the Police and Fire Rescue Board as Labour representatives.

Councillor Russell seconded the proposal for Councillors Montgomery and Muirhead based on their experience.

Councillor Johnstone welcomed the involvement of the Labour Group and confirmed that the Administration would have the same representatives with the new arrangements as with the current arrangements.

Councillor Muirhead then moved that Councillors Pottinger and Russell sit on the Community Safety and Justice Partnership Board.

Councillor Montgomery seconded the nominations of Councillors Pottinger and Russell.

Decision

The Council agreed the nominations from the Labour Group in relation to representation on the new Boards and further agreed:

- a) To establish a “Community Safety and Justice Partnership Board” which will operate as the lead group for the Partnership for the revised remit.
- b) To establish a ‘Midlothian Police and Fire & Rescue Board’ to alter the remit and replace the statutory scrutiny requirements of the current Safer Communities and Shadow Reducing Reoffending Board.

Action

Joint Director, Health and Social Care

Sederunt – The Provost re-instated Council Standing Orders to consider the remaining business of the meeting.

Report No.	Report Title	Presented by:
17	Road Services Collaboration Proposal	Director, Resources

Outline of report and summary of discussion

The Council heard from the Director, Resources who presented the report which outlined the steps that have been taken to explore opportunities for collaboration with other local Roads Authorities (within the Edinburgh, Lothian, Borders and Fife (ELBF) area). This is in response to the National Roads Maintenance Review final report that concluded that roads authorities should explore sharing services across Scotland. The report concluded with the recommendation that an interim shadow Joint Committee be created.

The Council heard from Councillor Rosie who spoke of the benefit of a formal approach to collaboration to Midlothian and as such moved that the recommendations were accepted.

Decision

The Council agreed:

- a) the development of the Edinburgh, Lothian, Borders and Fife Councils Governance First Group, the methodical approach undertaken to determine the case for creating a new governance structure, and the recommended creation of a shadow Joint Committee.
- b) that the initial involvement of a minimum of 4 of the participating Councils will allow the new arrangements to proceed;
- c) provide delegated authority to the Director, Resources to make arrangements for the formation of the new governing body and to report back with a proposed operating model, agreed terms of reference and proposed Council representation.

Action
Director, Resources

Report No.	Report Title	Presented by:
18	Procurement Contract Delivery Plan 2016-2018	Head of Finance and Integrated Service Support

Outline of report and summary of discussion
<p>The Council heard from the Head of Finance and Integrated Service Support who spoke to the report which provided the Council with details of the Procurement Contract Delivery Plan 2016-18, together with an update on Living Wage Accreditation.</p> <p>The Council heard from Councillor Parry who welcomed the report and in particular the work that has been completed in relation to the Council gaining Living Wage Accreditation.</p> <p>Councillor Montgomery commented that the Council should explore opportunities, where possible, to give local companies a 'weighting' to enhanced their chances of gaining Council contracts.</p> <p>Councillor Baxter raised concerns in relation to the fact that the process would suggest that contract providers to the Council don't necessarily have to pay the Living Wage. The Head of Finance and Integrated Service support confirmed this was the situation, however there were processes within the procurement process to ensure that the Living Wage is paid by Council suppliers and as such the Council is working with the support of the Living Wage Foundation to ensure the Living Wage is paid throughout the Council's supplier base and across Midlothian.</p> <p>Councillor Bennett requested clarity in relation to the level of the Living Wage that was to be paid. The Head of Finance and Integrated Service Support provided clarity in relation to the UK and Scottish national Living Wage levels.</p> <p>Councillor Bennett sought clarity in relation to the age that the Living Wage become effective from and raised concerns that if it was from the age of 25 it would be a topic the Council would need to consider again. The Head of Finance and Integrated Service Support confirmed it was from the age of 25.</p> <p>Councillor Baxter sought further clarification that the Council would follow the Living Wage rather than the National Living Wage which the Head of Finance and Integrated Service Support confirmed.</p>

Decision
<p>Following the discussion the Council agreed to:</p> <ul style="list-style-type: none"> a) Note the Procurement Contract Delivery Plan 2016 -2018; and b) Note the progress to secure Living Wage Employer Accreditation by April 2016

Action
Head of Finance and Integrated Service Support

Sederunt – The Monitoring Officer re-iterated his remarks from the beginning of the meeting to the effect that Councillors did not have to declare an interest in items 19 and 20 unless the discussion became about specific organisations that they were involved in.

Report No.	Report Title	Presented by:
19	Midlothian Council Small Grants Allocation 2016/17	Joint Director, Health and Social Care

Outline of report and summary of discussion

The Joint Director, Health and Social Care presented the report to the Council which requested that Council approve the recommendations of the Small Grants Programme for the funding of Third Sector organisations in 2016/17.

The Joint Director, Health and Social Care, in presenting the report clarified the fourth recommendation would require a further report to Council and this would be submitted for consideration early next year confirming how the Council plans to strengthen its approach to targeted areas.

Councillor Constable moved that recommendations be moved with an amendment to the second recommendation which he suggested should read as, *'Notes that for small (below £3,000) grants the next round of bids will be invited in 2016 for 2017/18, and annually thereafter. Members to be given a full briefing prior to the recommendations being put to Council.'*

Councillor Milligan requested further information in relation to how the grants were allocated; the weighting and scoring for each application and the process that was employed to award the grants. The Director, Education, Community and Economies provided further clarification in relation to the process that had been Agreed in June 2014 and was an improvement from the previous grants allocations to a new streamlined process.

Councillor Milligan requested that this subject was continued and Councillors receive a seminar in relation to the process prior to the grants being awarded next April.

The Council then heard from Councillor Muirhead who expressed his concerns in relation to how the grants had been allocated and further that the target areas for the county weren't in receipt of sufficient resources to support their development.

Councillor Pottinger was then heard in amplification of Councillor Milligan's request for the matter to be referred for further consideration as there were questions that needed to be answered in relation to the award of grants.

The Director, Education, Communities and Economy responded to the Councillors concerns by confirming that there had been scrutiny in relation to the awarding of grants and we were 'following the public pound' policy. Following this the Director further clarified that the Council had previously approved the process for allocation of grants and there had been clear communication and support to organisations in completing the application process.

Councillor Milligan then moved for a continuation of the paper with a seminar for the Council to allow Elected Members to scrutinise the process.

Councillor Muirhead seconded Councillor Milligan's motion.

Councillor Constable then moved the Council accept recommendations with the amendments he had made earlier.

Councillor Johnstone seconded the motion from Councillor Johnstone.

Decision

The Council then took a vote in relation to the motions.

8 Councillors voted for Councillor Milligan's motion and 8 Councillors voted against. The Provost took the casting vote and voted against the motion.

8 Councillors voted for Councillor Constable's motion in favour of the recommendations in the report as amended and 8 Councillors voted against. The Provost took the casting vote and voted in favour of the motion which then became the decision of the Council.

Therefore the Council agreed to:

- a) Note the recommended grant awards as set out in Appendix 1 of this report (subject to meeting the appropriate conditions of grant);
- b) Note that for small (below £3,000) grants the next round of bids will be invited in 2016 for 2017/18, and annually thereafter. Members to be given a full briefing prior to the recommendations being put to Council ;
- c) Acknowledges the significant contribution the Third Sector makes to communities across Midlothian; and
- d) Notes that we will set out a system for weighting scoring to benefit the target areas of Mayfield, Gorebridge and Dalkeith in the 2017/18 and beyond grants round.

Action

Joint Director, Health and Social Care

Report No.	Report Title	Presented by:
20	Gala Days Funding 2016/17 and beyond	Director, Resources

Outline of report and summary of discussion

The Council heard from the Director, Resources who spoke to the report which updated the Council on the direct funding arrangements for gala days whilst seeking a decision in relation to the ongoing level of funding to these community events.

Councillor Rosie spoke in support of the report and moved that the recommendations be accepted.

Decision

The Council agreed:

- a) To continue to provide in-kind support to gala days;
- b) Gala day funding is identified as a separate funded stream from the small grants programme for 2016/17;
- c) Separate small grants (galas) application and monitoring forms be prepared which are more appropriate for gala funding bids; and
- d) Responsibility for the management of the Gala Day funding to rest with the Head of Commercial Operations.

Action

Director, Resources

Report No.	Report Title	Presented by:
21	Revised Guidance on the Councillors' Code of Conduct	Chief Executive

Outline of report and summary of discussion

The Chief Executive presented the report which requested that the Council note the work that is in progress by the Standards Commission in relation to reviewing the Guidance on the Councillor's Code of Conduct and further to note and endorse the response that has been submitted on behalf of Midlothian Council as a result of a meeting of the Council's Standards Committee.

Councillor Johnstone moved that the recommendations were accepted by the Council although wished to note that during the discussion of the Standards Committee Elected Members noted that the revised guidance appeared to place more restrictions on Councillors.

Decision

The Council agreed to:

- (a) note the work of the Standards Commission in reviewing the Guidance on the Councillors' Code of Conduct; and
- (b) note and endorse the submission drafted by Midlothian Council's Standards Committee to the Standards Commission confirming the feedback of the Midlothian Council Elected Members.

Action

Chief Executive

Report No.	Report Title	Presented by:
22	Webcasting Council and Committee Meetings	Director, Resources

Outline of report and summary of discussion

The Director, Resources presented the report which sought consideration and approval from the Council of the introduction of a webcasting solution within the Council chamber so as that all Council, Cabinet and selected Committee meetings could be webcast. Elected Members had received a briefing on 1 December 2015 in relation to webcasting. Further the Director noted that as part of the recommendations, it was suggested that the microphone system within the Chamber be replaced. The Director, Resources concluded by highlighting the benefits that webcasting could offer the Council.

Councillor Rosie spoke in favour of the recommendations within the report citing the improvement that could be realised in relation to the democratic process in Midlothian. Further it would improve accountability and moved that recommendations be approved subject to webcasting being introduced for Council and Cabinet meetings initially with consideration for other Committees at a later date.

Councillor Milligan spoke against the recommendations as he felt there would be no real benefit to the democratic process, citing the fact that meetings were already recorded via audio. Further Councillor Milligan suggested that webcasting would not offer value for money at a time when the money might be better used elsewhere. In conclusion Councillor Milligan moved that there was no action other than the investment in the new microphone system with the surplus from the recommendations being used for community groups.

Councillor Muirhead seconded Councillor Milligan's motion citing the need to spend the money in areas of deprivation rather than webcasting the chamber.

Councillor Baxter was then heard in support of the recommendations contained within the report, citing that this was an important step in improving democracy and in relation to the cost of introducing webcasting, this was a relatively small amount compared to the overarching budget of the Council. Councillor Baxter concluded by citing the interest that the public have with the democratic process and feared that if the Council did not accept this that it would not be seen favourably with citizens in Midlothian.

Councillor de Vink welcomed Councillor Baxter's comments and asked that Council accept the recommendations.

The Provost confirmed that Councillor Milligan had moved that the recommendations were rejected but allow for the upgrade of the microphone system.

Further the Provost confirmed that Councillor Rosie had moved that the recommendations were accepted introducing webcasting to Council and Cabinet meetings initially with consideration for other Committee meetings later.

Councillor Baxter seconded Councillor Rosie's motion.

Decision

The Council then took a vote.

10 Councillors voted in favour of the recommendations by Councillor Rosie and 6 voted against the recommendations. Therefore the decision of the Council was to:

- (a) approve the introduction of a webcasting solution to the Council Chamber;
- (b) agree that, initially, Council and Cabinet meetings would be webcast with consideration of other Council committees at a later date; and
- (c) approve the addition of £19,000 into the Capital Plan for 2015/16 and a supplementary estimate of £14,154 in 2015/16 and the additional of £14,899 to the Revenue budget for 2016/17 onwards.

Action

Director, Resources

Report No.	Report Title	Presented by:
23	Proposed Abandonment of Protected A701 Realignment in Adopted Midlothian Local Plan	Head of Communities and Economy

Outline of report and summary of discussion

The Council heard from the Head of Communities and Economy who spoke to the report recommending the Council agree to abandon the protected A701 realignment route as shown in the adopted Midlothian Local Plan 2008 and further recommending that Council approves the relevant change to the plan. The Head of Communities and Economy further highlighted that in taking the proposed action, this would assist a long established business to expand, thus providing potential employment opportunities for the area.

Councillor Rosie moved the recommendations were accepted and further Councillor Bryant was heard in amplification of the recommendations.

Councillor Baxter raised a question in relation to how the proposal would impact on a potential off road cycle route or walkway and thus could impact on the Council's transport strategy for the future. The Head of Communities and Economy suggested Councillor Baxter's point was taken into consideration by the Council's Estates team in the negotiation of the disposal of the site.

Decision

Following the brief discussion, the Council agreed to:

- a) abandon the protected route of the proposed A701 road realignment as shown and included in the adopted Midlothian Local Plan 2008; and

b) formally approve the decision of Cabinet.

Action

Head of Communities and Economy

Report No.	Report Title	Presented by:
24	European Commission: Call for Proposals for Social Policy Innovations Supporting Reforms in Social Services	Director, Education, Communities and Economy

Outline of report and summary of discussion

The Director, Education, Communities and Economy spoke to the report requesting that the Council confirm its support for the resubmission of a proposal under the European Commission: Call for Proposals for Social Policy Innovations Supporting Reforms in Social Services funding stream as a partner with the Improvement Service, Edinburgh University and the Midlothian Community Planning Partnership.

Councillor Constable was heard in amplification of the recommendations.

Councillor Muirhead requested clarification as why the previous bid had not been accepted to which the Director, Education, Communities and Economy confirmed that it had been oversubscribed and also the timeframe for implementation of the work needed to be amended.

Decision

The Council agreed to:

- a) endorse resubmission by the Council and its Partners of a bid in response to the European Commission's call for Proposals for Social Policy Innovations Supporting Reforms in Social Services as set out in the report.

Action

Director, Education, Communities and Economy

8. Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Council 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 6,8, 9 and 11 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- (a) Review of Local Government Pay and Grading - approved

- (b) Shawfair Learning Community - approved
- (c) Rosewell Community Hub – approved

- (d) Purchase 7 Eskdail Court, Dalkeith - approved

