

MINUTES of MEETING of the MIDLOTHIAN COUNCIL CABINET held in the Council Chamber, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 3 March 2015 at 11.00am.

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

Religious Representatives Present:- Mr V Bourne, and Mrs M Harkness.

Apologies for Absence:- Constable (Depute Convener) and Mr P Hayes

1 Declarations of Interest

No declarations of interest were intimated.

2 Minutes

The Minutes of the Meeting of the Cabinet of 13 January 2015 were submitted and approved as a correct record.

3 Minutes of Education Appointment Committee

The Cabinet noted and approved the Minutes of Meeting of the Education Appointment Committee of 4 February 2015, as shown at **Appendix I** hereto, thereby approving the following teaching appointment:-

School	Post	Appointee
Dalkeith High School	Head Teacher	A C Dobson

(Action: Director, Education, Communities and Economy)

4 Development Plan Scheme for Midlothian Number 7

There was submitted report dated 10 February 2015 by the Director, Education, Communities and Economy, seeking approval for the Development Plan Scheme for Midlothian No. 7 (DPSM 7) which was required to be published by 31 March 2015 to satisfy legislative requirements.

The proposed DPSM 7 was attached as an Appendix to the report. Compared to DPSM 6 (published 31 March 2014), the timetable included a delay in the publication of the Proposed Plan from Summer 2014 to Spring 2015. This delay was incurred in determining the required scope of the Midlothian Local Development Plan (MLDP) transport appraisal in conjunction with Transport Scotland, and in subsequently completing the appraisal. Publishing the Proposed Plan in Spring would enable the period for representations to be concluded in advance of the schools Summer holidays. It was expected that the MLDP would be adopted by mid 2016.

Having heard the Head of Communities and Economy in amplification of the report, the Cabinet agreed:-

Decision

- (a) To approve the Development Plan Scheme for Midlothian No.7 (DPSM 7) (as appended to the report); and
- (b) To agree to publish the DPSM 7 and submit it to Scottish Ministers on or before 31 March 2015.

(Action: Director, Education, Communities and Economy)

5 Regional Transport Strategy, Refresh

There was submitted report, dated 13 February 2015, by the Head of Commercial Operations, advising that SEStran's (the South East Scotland Transport Partnership) Regional Transport Strategy was approved by the Scottish Government in 2008.

SEStran considered that a refresh of the Regional Transport Strategy was now appropriate and required each constituent local authority to approve the Regional Transport Strategy.

The refreshed Regional Transport Strategy was divided into 10 Chapters closely corresponding to those in the Regional Transport Strategy 2008. Chapter 2 set out the overall context for the regional transport strategy; Chapters 3 and 4 set out the vision, objectives and policies of the Regional Transport Strategy and indicators and targets to monitor progress; Chapter 5 summarised the major connectivity requirements and issues for the SEStran area; Chapters 6, 7 and 8 provided detail of the topics, initiatives and interventions required within the SEStran area to achieve the Regional Transport Strategy objectives and Chapter 9 listed the detailed strategies and initiatives that have been developed following the 2008 Regional Transport Strategy. Chapter 10 discussed delivery and funding issues.

Decision

To approve the proposed Regional Transport Strategy for the SEStran area.

(Action: Head of Commercial Operations)

6 Proposed Business Improvement District – Penicuik Town Centre: Progress Report

There was submitted report, dated 3 February 2015, by the Head of Communities and Economy, providing an update on progress with the development of a proposal for the establishment of a Business Improvement District covering Penicuik Town Centre.

The report highlighted that at its meeting on 8 October 2013, Cabinet considered and approved the content of a report entitled “Proposed Business Improvement District – Penicuik Town Centre”. The report noted that with regard to Penicuik Town Centre, efforts were made in recent years by business representatives to establish a Business Improvement District. Unfortunately this did not progress beyond the establishment of an informal, private sector led, steering group which met on a fairly infrequent basis. However, the group was successful in securing a grant of £20,000 from the Scottish Government to assist with developmental operations such as marketing and website development. Only a small sum (£1,663) was expended, for marketing purposes. Council officers were involved, in late 2013, in discussions with the Director of Business Improvement Districts Scotland, Scottish Government officials and representatives from the informal Penicuik Town Centre Business Improvement District steering group in an attempt to regenerate interest in the concept and drive forward the initiative in the interests of Penicuik Town Centre.

The outcome of these discussions was the agreed transfer of the remaining £18,337 to Midlothian Council to kick-start the Penicuik Town Centre Business Improvement District initiative. A formal steering group, chaired by a private sector representative, was established in late 2013/early 2014 and since that time significant progress had been made.

The report advised that the Business Improvement Districts were developed, managed and paid for by the business sector through a compulsory Business Improvement District levy. A Business Improvement District could only be formed following a successful ballot of the businesses within the prospective Business Improvement District. The interests of both large and small businesses were protected through a voting system that required a majority in the numerical votes cast and the rateable value of votes cast.

The report highlighted that since Local Government reorganisation in 1996, the City of Edinburgh Council had collected non domestic rates on behalf of Midlothian Council. This arrangement had been covered through a Service Level Agreement. There were operational and practical reasons for requesting that the arrangements for collection of the Business Improvement District levy be undertaken by City of Edinburgh Council. This would require an extension to the current service level agreement between the two Councils, and would necessarily incur costs. These specific costs would amount to a total of £37,000 over the five year lifetime of the project. Whilst that level of charge was fairly common, the issue was how it would be funded. It was considered to be counter-productive and unreasonable to impose those costs on the businesses who were being asked to pay the levy itself. Accordingly, if the outcome of the ballot were to be positive, a further report to Council seeking additional funding of £37,000 would be required.

Decision

- (a) To note progress with the proposed development of a Business Improvement District in Penicuik Town Centre;
- (b) To agree that the Council continued to provide appropriate project governance support to assist with the development and operation of the proposed Penicuik Town Centre Business Improvement District;

- (c) To note that in the event of a successful outcome of the ballot a further report to Council seeking up to £37,000 would be required to meet the total projected levy collection costs; and
- (d) To agree that a further progress report be presented to Cabinet once the result of the proposed Penicuik Business Improvement District ballot was known.

(Action: Head of Communities and Economy)

7 Proposed Creation of a Scottish Local Authority Business Loan Fund

There was submitted report, dated 5 February 2015, by the Head of Communities and Economy, providing an update on progress, to date, with the proposed creation of a Scottish Local Authority Business Loan Fund and to set out a recommended course of action in terms of possible participation in the new Loan Fund.

The report recalled that at its meeting on 8 October 2013, the Cabinet had considered and approved the content of a report entitled 'East of Scotland Investment Fund: Progress Report'.

The East of Scotland Investment Fund (ESIF), which comprised nine Councils working together to provide loan finance to new and growing businesses within the East of Scotland, had the following objectives:

- address market failure in the provision of finance; and
- encourage increased levels of entrepreneurship and business formation in the East of Scotland operating area.

The proposed new Scotland wide Fund would build on the existing Loan Funds and see the creation of an innovative public-private partnership finance instrument which would help accelerate the growth of businesses in Scotland, complement other private and public sector forms of funding, create significant leverage effects and engineer valuable growth in small and medium sized enterprises. As well as standardising the product offering, it would greatly increase the scale and operational efficiency of delivering a Loan Fund to Scotland's small and medium sized enterprises.

Once fully established and operational, the Scottish Local Authority Business Loans Fund Limited would be a consortium of Scotland's 32 Local Authorities, incorporated as a company limited by guarantee and providing loan finance of up to £100,000 to new and growing small and medium sized enterprises across Scotland.

Decision

- (a) To note progress with the proposed establishment of a Scottish Local Authority Business Loan Fund;
- (b) To agree that the Council participates in the proposed establishment of the Scottish Local Authority Business Loan Fund;

- (c) To approve, at the appropriate time, transfer of existing balances in the East of Scotland Investment Fund account, and the Midlothian Business Loan account, to the new Scottish Local Authority Business Loan Fund; and
- (c) To require that further progress reports be submitted to Cabinet to advise on the establishment, development and operation of the proposed new Scottish Local Authority Business Loan Fund.

(Action: Head of Communities and Economy)

8 Audit of the Environmental Health Food Service: Environmental Health Food Enforcement Policy

There was submitted report dated 4 February 2015 by the Director, Education, Communities and Economy, informing Cabinet of the outcome of the audit of the Environmental Health Food Service by the Food Standards Agency (Scotland) and seeking approval of the revision of the Food Safety Enforcement Policy.

The report highlighted the audit aimed to establish that:-

- The organisation and management structure of the Local Authority was capable of delivering the requirements of the Food Law Code of Practice;
- Internal service monitoring arrangements and documented procedures were consistent, appropriate, effective and complied with internal policies and procedures and that corrective actions were implemented to ensure that interventions are carried out competently;
- Local Authority interventions and assessment of food safety management systems based on Hazard Analysis Critical Control Point principles at food business premises monitor, support and increase food law compliance and are timely, appropriate, risk-based and effectively managed; and
- Local Authority food business and enforcement records are sufficiently detailed, accurate, up to date and effectively managed.

The report confirmed that the auditors found that the Food Service was being well run in an effective manner and commented that the team work identified during the audit, including well documented regular team meetings and the joint working between officers, was evidence of good practice by the authority.

The auditors noted that the service was being managed on a Partnership basis with the service in East Lothian Council and expressed interest in the impact this might have on the Midlothian Service.

The auditors also made one minor recommendation with respect to the review of the Food Safety Enforcement policy. A reviewed copy was attached to the report for approval.

Decision

- (a) To note the findings of the Food Standards Agency Audit Report on Midlothian Council Food Service ;
- (b) To recognise the sustained efforts of the Food & Safety team to provide a fully effective and efficient front line statutory service particularly in terms of the findings of the Food Standards Agency Core Audit relating to the good practice identified;
- (c) To approve the revised Environmental Health Food Safety Enforcement Policy Issue 5 Rev1; and
- (d) To submit the report to the Performance Review and Scrutiny Committee for consideration;

(Action: Director, Education, Communities and Economy)

9 Welfare Reform Review 2015

There was submitted report dated 19 February 2015 by the Joint Director, Health and Social Care, providing an update on the key issues related to Welfare Reform implementation in Midlothian during 2015, particularly with the introduction of Universal Credit in April, 2015 as part of a tranche roll out. Midlothian Council was included in the first Tranche for roll out during February – May 2015, with an implementation date of 27 April 2015.

The report highlighted that Midlothian Council administered Housing Benefit at present on behalf of the Department for Work & Pensions (DWP) and had been responsible for implementing changes and charges locally. Universal Credit would be administered directly by DWP.

Universal Credit was a new single benefit that would apply to people of working age only. Only New Claimants would be affected who were:-

- Single persons with no dependants
- Unemployed and considered fit for work
- Not in temporary accommodation
- Not owner occupiers

It replaced a number of existing benefits including:

- Income Support
- Income-based Job Seekers Allowance
- Income-based Employment Support Allowance
- Housing Benefit
- Child Tax Credit and Working Tax Credit

Claimants were expected to apply online for this benefit and it would normally be paid as a single monthly payment, in arrears. This transition would require Midlothian Council staff to prepare for the associated changes and work with service users in order that the transition to Universal Credit was carried out smoothly. At a local level work was being undertaken to understand, prepare for and mitigate against these further effects of Welfare Reform, particularly to identify households impacted by the changes, to pro-actively offer advice and assistance.

Due to the increase in the level of arrears, this had placed significant pressure on the arrears recovery team and it was anticipated that with the expected national introduction of Universal Credit in 2014 that this would give scope to reallocate more staff to the arrears team, however as Universal Credit was now being rolled out in 2015 it was proposed to extend 1 FTE Arrears Officer fixed term for another year at Grade 5 at a cost £27,172 to help deal with this additional pressure as well as provide pro-active work in terms of communications and advice.

Decision

- (a) To note the update on the work done to date related to Welfare Reform;
- (b) To note the resource implications and risks outlined in the report;
- (c) To note the rents and service charge increase for 2015/16 would be applied, with the mitigation efforts proposed for temporary accommodation occupant;
- (d) To approve the extension of 1x FTE Fixed Term Arrears Officer and 1x FTE Fixed Term Revenues Officer for one more year at a cost to the General Fund of £27,172 and £24,911 respectively; and
- (e) To note that the Welfare Reform Working Group will continue to monitor and report to Council accordingly as more information becomes available regarding Universal Credit implementation and its outcomes.

(Action: Joint Director, Health and Social Care)

10 Midlothian Council Parking Standards

There was submitted report dated 13 February 2015 by the Joint Director, Health and Social Care, seeking Council approval of new Midlothian Council Parking Standards.

The report highlighted that it was necessary to provide parking standards, determining the number and design of parking spaces required for new residences, facilities or commercial development. The standards would be used primarily by private developers but would also affect new council buildings including schools, community facilities and council house builds.

The current parking standards had remained unchanged since Lothian Regional Council standards were automatically adopted by Midlothian Council following local government reorganisation in 1996.

A review of current parking standards was therefore carried out and this included a comparison with other available Scottish Council's standards, taking into account new government policy regarding street design (Designing Streets), current car ownership and government policy regarding congestion, air pollution and climate change.

Revised parking standards for Midlothian were therefore proposed and were appended to the report.

Decision

- (a) To approve the new Midlothian Council Parking Standards as detailed in the report; and
- (b) To hold a Seminar to which all elected Members be invited on this matter.

(Action: (a) Head of Commercial Operations and (b) Head of Commercial Operations in liaison with Democratic and Document Services Manager)

11 Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 6,8,9 and 11 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- (a) Minutes of Meeting of the Midlothian Joint Consultative Group of 9 December 2014 - Minutes approved and endorsed.
- (b) Minutes of Meeting of the Midlothian Negotiating Committee for Teachers of 10 December 2014 - Minutes approved and endorsed; and
- (c) New Bus Route Haddington-Musselburgh-Millerhill-ERI – Recommendations approved.

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

The meeting terminated at 12.12pm.

Appendix I

(relative to paragraph 3)

MINUTES of MEETING of the EDUCATION APPOINTMENT COMMITTEE held in the Committee Room, Midlothian House, Dalkeith on Wednesday 4 February 2015 at 9.45am.

Councillors Present:- Constable, Muirhead and Rosie.

Woodburn Primary School Parent Representatives Present:- Ms S Heasman, Mr B McQueen and Ms A Murray.

In Attendance:- Mr P McNaughton (Head of Education).

Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Appointment of Head Teacher, Dalkeith High School.

The meeting terminated at 1.30pm

