

Minute of Meeting



Midlothian Council

Date	Time	Venue
7 November 2017	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Provost Montgomery	Depute Provost Russell
Councillor Milligan – Council Leader	Councillor Muirhead – Depute Council Leader
Councillor Alexander	Councillor Baird
Councillor Cassidy	Councillor Curran
Councillor Hackett	Councillor Hardie
Councillor Imrie	Councillor Johnstone
Councillor Lay-Douglas	Councillor McCall
Councillor Munro	Councillor Parry
Councillor Smail	Councillor Winchester

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

Mr V. Bourne	

In attendance:

Note – Prior to the commencement of the meeting, the Provost welcomed Allister Short to the meeting in his new role as Joint Director, Health and Social Care .

1. Apologies

1.1 The Clerk confirmed that there were no apologies.

2. Order of Business

2.1 The order of business was confirmed by the Clerk as that which was outlined in the agenda that had been circulated with the following amendments:

Items 7.1 and 7.2 were withdrawn at the request of the movers and this was confirmed by the Conservative Group Leader.

3. Declarations of interest

3.1 The Provost requested that any Elected Member who had to declare an interest in a particular item to do so as the item arose.

4. Deputations

4.1 It was noted that no deputations had been received for consideration at this meeting.

5. Minutes of Previous Meetings

5.1 Prior to the minutes being approved, Councillor Parry raised a number of points, viz:

- A correction in relation to the motion presented in respect of the Workforce Strategy report discussed by Council on the 10 October 2017;
- To request an update in relation to the status of the proposals that had been presented by the Conservative Group in respect of the Financial Strategy report discussed by Council on 10 October 2017; and
- To request clarity in relation to the background of the reference to community facilities in Newtongrange and Mayfield that was discussed within the debate relating to the Financial Strategy report presented to Council on 10 October 2017.

The Chief Executive provided responses in relation to the second and third points raised by Councillor Parry. He confirmed that work was ongoing in respect of the Conservative Group proposals which would be reported in due course to the Business Transformation Steering Group. In relation to the point concerning the community facilities, the Chief Executive confirmed that he had requested that Officers draft a report outlining the timeline and key decisions in respect of these facilities which would be presented to the

Business Transformation Steering Group which would inform the Financial Strategy which would be presented to Council in December 2017.

The Provost requested that Councillor Parry provide the Clerk with the correct wording in relation to the minute. [This wording is included at appendix 2 to this minute.]

The Provost further confirmed that he had written to the local MP in relation to the retention of Glencorse Barracks which was discussed during the meeting of the Council in September 2017 and updated the Council to confirm he had met with the MP and she had agreed to support the retention of Glencorse Barracks.

Councillor Baird was then heard in relation to an amendment to the minute in relation to item 7.3 of the Council meeting of 26 September 2017 viz:

‘Midlothian Council commits to paperless Council and Committee meetings *by* the end of 2017.....A strict policy against *this* unnecessary expense would be of great benefit to Midlothian Council.’

5.2 Following this, minutes of the meeting of Midlothian Council which took place on 26 September 2017 as amended were submitted for approval. The Council approved the minute as a correct record so moved by Councillor Milligan and seconded by Councillor Hackett.

5.3 The minutes of the special meeting of Midlothian Council which took place on 10 October 2017 as amended were submitted for approval. The Council approved the minute as a correct record so moved by Councillor Milligan and seconded by Councillor Hackett.

5.4 The following minutes were previously circulated to Members and the following responses were noted:

Meeting	Date of Meeting	Council response
Cabinet	15 August 2017	Noted
Special Cabinet	21 August 2017	Noted
Planning Committee	22 August 2017	Noted
General Purposes Committee	22 August 2017	Noted
Local Review Body	29 August 2017	Noted
Audit Committee	20 June 2017	Noted
Midlothian Integration Joint Board	24 August 2017	Noted
Special Midlothian Integration Joint Board	14 September 2017	Noted

6. Questions to the Leader of the Council

6.1 The following questions were submitted for consideration by the Council Leader.

Question No.	Question Title	Question raised by:
6.1	Review of Governance	Councillor Winchester

Question

Midlothian Council 23 May 2017 – Determine Scheme of Administration

With reference to the above matter (item 3.7 on the agenda) which was considered by Council on 23 May this year, I would be most obliged if you would confirm what, if anything has been done in relation to the full review of governance. I would further be obliged to receive a note of the timescale for completion of the full review and anticipated date it will be reported back to Council.

Leader Response

The Leader provided a written response which was circulated to Members and is attached as Appendix 1 to this minute.

7. Notices of Motions

Motion No.	Motion Title	Proposed by:	Seconded by:
7.3	COSLA	Councillor Hardie	Councillor Munro

Motion:

Midlothian Council withdraws from membership of COSLA thereby making an annual saving of £64,945 and a saving of £325,000 over the term of the Council, which will go towards the budget deficit and thus protect vital services and jobs. The Council has to make cuts to budgets that will affect all of our residents. The withdrawal from COSLA and thereby saving £64,945 shall be implemented BEFORE any cuts to services and jobs are made.

Summary of discussion

The Council heard from Councillor Hardie who presented the motion which was duly seconded by Councillor Munro.

The Council then heard from the Council Leader who confirmed the cost of Midlothian Council withdrawing from COSLA and further confirmed the benefits of being a COSLA member and in doing so moved the direct negative which was seconded by Councillor Hackett.

Following a brief debate with contributions from Councillors Parry and Smail, the Council voted on the motion. Five Councillors voted in favour of the motion and thirteen Councillors voted in favour of the direct negative which thereby became the decision of the Council.

Decision

The Council agreed not to approve the motion as moved.

Motion No.	Motion Title	Proposed by:	Seconded by:
7.4	Elected Member – Maternity and Paternity Guidance	Councillor Parry	Councillor McCall

Motion:

Midlothian Council believes that the right to maternity and paternity leave for elected members is unclear under current legislation and guidance. Furthermore, believes that a lack of such clarity and relevant policy can be a barrier to people engaging in local government and standing for local elections and recognises the positive contributions that parents make as elected members.

Council will therefore instruct the Director of Resources to work with elected members and to lobby COSLA to put in place policy guidance which takes forward positive steps to address this.

Summary of discussion

The Council heard from Councillor Parry who moved the motion which was duly seconded by Councillor McCall.

Following further support from Councillors Hackett and Hardie the Council resolved to agree the motion.

Decision

The Council agreed to instruct the Director of Resources to work with Elected Members and to lobby COSLA to put in place policy guidance which takes forward positive steps to address the lack of guidance in relation to maternity and paternity leave for Elected Members.

Action
Director, Resources

8. Reports

Agenda No.	Report Title	Presented by:
8.1	2018 Boundary Commission Review for Midlothian Council – Revised Proposals	Chief Executive

Outline of report and summary of discussion

The Council heard from the Chief Executive who presented a report which sought the confirmation of the Council's response to the revised proposals in respect of the Parliamentary Constituencies which were published on the 17 October 2017 by the Boundary Commission for Scotland.

The Council heard from the Council Leader who moved that the Council's position should be that the Westminster Parliamentary Constituency should be co-terminus with Midlothian County which was seconded by Councillor Hackett.

Following a brief discussion the Council resolved that Councillor Milligan's motion represented the position of the Council.

Decision

The Council agreed to:

- (a) Respond to the Boundary Commission for Scotland's revised proposals in line with the position moved by the Council Leader.

Action

Legal Services Manager

Report No.	Report Title	Presented by:
8.2	The Edinburgh and South East Scotland City Region Deal	Chief Executive

Outline of report and summary of discussion

The Council heard from the Chief Executive who presented a report which provided a further update on the Edinburgh and South East Scotland City Region Deal, and specifically sought approval for the proposed governance arrangements.

The Council then heard from Councillor Imrie who moved the recommendations as outlined in the report and highlighted the economic benefits to Midlothian in light of the City Region Deal.

Councillor Muirhead seconded Councillor Imrie's motion.

Councillor Cassidy raised questions in relation to the next steps and the frequency of reports to Council outlining progress which the Chief Executive responded to.

Councillor Johnstone further requested that informal meetings were also scheduled to update Members in relation to progress which the Chief Executive confirmed Officers would be happy to support at the request of Members.

Decision

The Council agreed to:

- a) Establish a Joint Committee under Section 57 of the Local Government (Scotland) Act 1973 with City of Edinburgh, East Lothian, Fife, West Lothian and Scottish Borders Council, representatives from the higher and further education sector, and business to oversee the governance arrangements for the Edinburgh and South East Scotland City Region Deal;
- b) The Leader of the Council be appointed to represent the Council on the Joint Committee;
- c) Delegate authority to the Chief Executive, in consultation with the Leader of the Council, to negotiate and agree the minute of agreement establishing the Joint Committee, with reference to the principles set out in Appendix B of the report;
- d) Note the costs of project business case preparation, and the financial contribution that will be required towards the project management office, and to delegate the Chief Executive to finalise the necessary arrangements; and
- e) Require further and regular update reports on the progress of the City Deal.

Action

Chief Executive

Report No.	Report Title	Presented by:
8.3	EY Final Audit Report	Chief Executive

Outline of report and summary of discussion

The Council heard from the Chief Executive who presented a report which sought to bring to Council's attention the Annual Audit report to Members and the Controller of Audit for the Financial Year ended 31 March 2017, prepared by External Auditors, EY.

The Council Leader confirmed that the report highlighted the importance of budget challenges and the importance of monitoring the savings targets that are agreed.

Following this, the Council agreed to approve the report.

Decision

The Council agreed to:

- a) Note the terms of the report.

Report No.	Report Title	Presented by:
8.4	Financial Statements for the year ended 31 March 2017	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Head of Finance and Integrated Service Support presented a report which confirmed the Council's audited Financial Statements for 2016/17 and further provided the Council a brief overview of the changes made during the audit process.

Decision

The Council agreed to:

- a) Endorse the contents of the report that was presented.

Report No.	Report Title	Presented by:
8.5	Financial Monitoring 2017-18 – General Fund Revenue	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided Council with information on performance against revenue budget in 2017/18 and details of the material differences.

In endorsing the recommendations contained within the report, the Council Leader welcomed the report and the positive work completed thus far in relation to the budget position.

Decision

The Council agreed to:

- a) Note the contents of the report.

- b) Note that along with the Chief Executive assurance is being sought from Heads of Service that remedial action is being taken to address the projected overspend set out in appendix 2 of the report; and
- c) Consider the financial position in the context of the next Financial Strategy report scheduled to be presented to Council on 19th December 2017.

Report No.	Report Title	Presented by:
8.6	General Services Capital Plan 2017-18 Quarter 2	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided the Council with:

- An update of the General Services Capital Plan to incorporate new projects approved since the previous report to Council on 29 August 2017 and recommend further additions to the Capital Plan for approval;
- Information on rephasing of project expenditure & funding in 2017/18; and
- Information on the projected performance against budget for 2017/18.

Further, the Head of Finance and Integrated Service Support also confirmed that the project in relation to the Leisure Management System should have also been brought to Council in June 2017 but had been omitted.

The Council Leader expressed concern in relation to the governance pertaining to some of the projects specifically the Leisure Management System and the specification of the system. Councillor Milligan requested that further information was made available to Elected Members in relation to the Leisure Management System specification including the rationale for the proposed specification.

The Director, Resources confirmed that further reports in relation to the Leisure Management System would be forthcoming and further provided assurance that all Capital Plan projects would require approval from the Capital Planning and Asset Management Board prior to being brought forward to Council.

Decision

The Council agreed to:

- a) Approve the projects as outlined in Section 2.2 of the report to be added to the General Services Capital Plan: i.e. (a) Legend Leisure Management System; (b) Westerhaugh Bridge; (c) Track to Train and (d) Gorebridge Connected; and

- b) Note the General Services Capital Plan Quarter 2 monitoring position for 2017/18;

Action

Head of Finance and Integrated Service Support

Director, Resources

Report No.	Report Title	Presented by:
8.7	Housing Revenue Account – Revenue Budget and Capital Plan 2017-18	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided Council with a summary of expenditure and income to 29 September 2017 for the Capital Plan and a projected outturn for both the Housing Revenue Account and Capital Plan for 2017/18.

Following a number of questions relating to Universal Credit and rent arrears from Councillors McCall, Parry, Johnstone and Baird which were answered by the Head of Customer and Housing Services who further confirmed that a report would be brought forward to Council in December 2017.

Decision

The Council agreed to:

- a) Note the content of the report

Report No.	Report Title	Presented by:
8.8	Treasury Management Mid Year Review Report 2017/18	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Council heard from the Head of Finance and Integrated Service Support who presented a report which sought to inform Members of the Treasury Management activity undertaken during the first half of 2017/18, the forecast activity for the second half of 2017/18, and update the Prudential Indicators for 2017/18.

Councillor Smaill requested further information in relation to cash on deposit specifically the frictional costs and also whether the Audit Committee could be in receipt of the list of Council deposits which the Head of Finance and Integrated Service Support responded to confirming that all deposits were managed in line with Treasury Management Policy.

The Council then heard from Councillor Milligan who highlighted that Midlothian was the best performing Council in relation to Treasury Management.

Following this the Council resolved to agree the recommendations as set out in the report.

Decision

The Council agreed to:

- a) Note the report and the treasury activity undertaken in the period to 11 October 2017, as outlined in Section 4 of the report;
- b) Note the forecast activity during the second-half of the year as outlined in Section 5 of the report; and
- c) Approve the revisions to the Prudential Indicators in Section 6 of the report.

Report No.	Report Title	Presented by:
8.9	Midlothian Local Development Plan Resolution to Adopt	Head of Communities and Economy

Outline of report and summary of discussion

The Council heard from the Head of Communities and Economy who presented a report which confirmed the Direction issued by Scottish Ministers on 26 October 2017 in respect of the Midlothian Local Development Plan and further sought the approval of the Council to adopt the plan.

The Council heard from Councillor Imrie who in moving the recommendations contained within the report be approved, also highlighted that in achieving the aspirations of the plan, Midlothian would need support from other agencies as the Council would not be in a position to achieve them without such assistance.

The Council then heard from Councillors Cassidy and Parry following which the Council resolved to approve the recommendations as set out in the report.

Decision

The Council agreed to:

- a) Adopt by resolution the Midlothian Local Development Plan (2017);
- b) Require the Head of Communities and Economy to make the necessary arrangements to:
 - i. publish the adopted plan, including electronically;
 - ii. place copies of the adopted plan in all public libraries and online;

- iii. advertise its adoption, publication and availability in a local newspaper; and
 - iv. notify people who made representations on the Proposed Plan or modified plan of its publication and its availability in public libraries
- c) Require the submission of a further report to Council with an updated Action Programme for adoption; and
- d) Require the submission of the following documents to Scottish Ministers in accordance with statutory requirements:
- i. two copies of the adopted plan; and
 - ii. the adopted Action Programme (within 3 months of adopting the plan).

Action

Head of Communities and Economy

Report No.	Report Title	Presented by:
8.10	Strategic Housing Investment Plan 2018-19 to 2022-23	Head of Customer and Housing Services

Outline of report and summary of discussion

The Council heard from the Head of Customer and Housing Services who presented a report which summarised the key points set out in Midlothian's Strategic Housing Investment Plan 2018-19 -2022-23 and further detailed the priorities for the investment of new affordable housing in Midlothian.

Councillor Johnstone raised a question in relation to whether rather than reducing the rent for older properties, the rent could be frozen until it was in line with the average rent. The Head of Customer and Housing Services agreed this could be an option and also confirmed the financial impact of this proposal.

The Council then heard from the Council Leader who spoke in favour of Councillor Johnstone's suggestion and further recommended that it was included as part of the consultation process. The Leader further questioned whether Officers could be given greater freedom, where it is financially prudent, in relation to increasing the planned 80 open market purchases which he felt would benefit those on the housing waiting lists and the demand this puts on other Council services. Making reference to the current level of people on the housing waiting list, the Leader emphasised the importance of the Council house building programme being progressed.

Councillor Muirhead was then heard expressing concern in relation to Equality Impact Assessments being delivered to Councillors timeously to which the Chief Executive confirmed that work was being progressed in this area.

Following further contributions from Councillors Hardie, Johnstone and Parry, the Council resolved to agree the recommendations as set out in the report and incorporating the suggestion for an additional element to the convergence

consultation and the Leader's proposal for open market purchases in excess of the 80 within the plan where it was financially prudent.

Decision

The Council agreed to:

- a) Approve the submission of the Strategic Housing Investment Plan 2018/19 – 2022/23 to the Scottish Government;
- b) Approve the plans for consultation with tenants and housing list applicants during 2018 in order to agree a rent strategy for 2019-20 and beyond which could enable a 4th phase of new development for 1,000 additional new council homes;
- c) Approve the proposal to consult on an amendment to the rent convergence policy as outlined in Section 3 of the report incorporating the option for older properties rent to be frozen until it meets the average rent; and
- d) A programme of 80 open market purchases of properties for use as council housing which could be exceeded if Officers felt it was financially prudent to make additional purchases.

Action

Head of Customer and Housing Services

Report No.	Report Title	Presented by:
8.11	Period Poverty Proposal	Directors, Resources and Education, Communities and Economy

Outline of report and summary of discussion

The Council heard from the Director, Resources who presented a report which provided a costed proposal for the Council to implement the provision of free sanitary products for school pupils across Midlothian.

The Council then heard from Councillor Hackett who moved that Council agree all the recommendations contained within the report subject to the funding being fully provided by the Scottish Government and further Councillor Hackett moved a number of alterations to the Council's response to the Scottish Government consultation on the matter. Further Councillor Hackett that the current practice of offering free sanitary products on demand to pupils should continue.

The Council then heard from Councillor Johnstone who confirmed her belief that period products should be treated the same as any other hygiene item and gave the examples of toilet paper, soap and hand drying facilities. Councillor Johnstone further highlighted some of the community projects that were in place to combat period poverty. Further Councillor Johnstone suggested further alterations to the Council's response to the Scottish Government consultation

on period poverty. In conclusion Councillor Johnstone moved the recommendation (d) within the report was removed.

The Depute Provost was then heard in support of Councillor Hackett's motion and formally seconded his amendment.

Following further debate, Councillor Parry moved the recommendations as set out in the report should be agreed by the Council subject to removing recommendation (d) in favour of a cross party working group being set up.

Following further debate within the Chamber, Councillor Hackett suggested that recommendation (d) within the report should be altered to reflect a cross party working group being set up to agree the response and so moved this in addition to his previously moved amendment.

The Clerk provided clarity in relation to the respective motions, following which the Council voted. Six Councillors voted in favour of Councillor Parry's motion and twelve Councillors voted in favour of Councillor Hackett's motion which thereby became the decision of the Council.

Following the vote Councillor Parry raised a point of order in respect of the vote which was clarified by the Monitoring Officer.

Decision

The Council agreed to:

- a) Continue the current practice of providing free sanitary products on demand for pupils within Midlothian schools;
- b) Note the additional recurring revenue cost of £7,500 per annum for the provision of sanitary protection;
- c) Note the maximum recurring revenue cost of £5,000 per annum for the provision of dispensing machines across the school estate;
- d) Note the planned timescale for introduction of free sanitary products;
- e) Set up a cross party working group to agree the response to the Scottish Government;
- f) Instruct the Director, Resources to write to Scottish Government via COSLA to seek additional funding;
- g) Instruct the Director, Resources to monitor the cost of the provision of free sanitary products; and
- h) The recommendations being approved subject to full funding from the Scottish Government.

Action

Director, Resources

9. 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 Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

9.1 – Renewal of Retail Banking Services – report by Head of Finance and Integrated Service Support - Approved

9.2 – Scottish Child Abuse Inquiry Update – October 2017 – report by Head of Children's Services - Approved

9.3 – 2020 Vision for Early Years – report by Head of Education - Approved