

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL CABINET** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 14 January 2014 at 11.50am.

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

**Religious Representatives Present:-** Mr V Bourne and Mr PHayes.

**Apologies for Absence:-** Councillor Constable and Mrs M Harkness.

**1 Audio Recording**

Before the commencement of the business the Convener reminded members that the proceedings were being audio recorded.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Cabinet Membership and Portfolios**

There was submitted a report dated 24 December 2013, advising that arising from the decisions of the Council on 19 November and 17 December 2013, the five elected members on the Cabinet were now:-

Councillor Thompson (Convener)  
Councillor Constable (Depute Convener)  
Councillor Bryant  
Councillor Johnstone  
Councillor Rosie

When dealing with Education matters, the Cabinet's membership was supplemented by the three statutory religious representatives required under Section 124 of the Local Government (Scotland) Act 1973. They remained unchanged as follows:-

- (i) Church of Scotland – Mr Paul Hayes, 127 Deanburn, Penicuik, Midlothian EH26 0JA;
- (ii) Roman Catholic Church - Mr Victor H Bourne, 55 Newbattle Abbey Crescent, Dalkeith, Midlothian EH22 3LN; and
- (iii) "Third Religious Representative" – Mrs Margaret Harkness, 2 Fowler Crescent, Loanhead, EH20 9RX

In accordance with the Scheme of Administration, the five Cabinet elected members would each have a portfolio as determined by the Cabinet.

At the meeting of the Council on 17 December 2013, arising from the changes in Cabinet membership referred to above, the intention was noted for the Cabinet portfolios to be amended as follows:-

Councillor Thompson	Finance and Integrated Service Support with Customer and Housing
Councillor Constable	Education
Councillor Bryant	Communities & Economy
Councillor Johnstone	Children's Services with Adult and Social Care
Councillor Rosie	Commercial Services with Property and Facilities Management

The intention was for the portfolios, in the main, to align with the Head of Service roles agreed at the Special Meeting of the Council on 3 December 2013, although there will be some exceptions to this principle.

### **Decision**

The Cabinet noted its revised membership and confirmed the portfolios referred to above.

## **4 Minutes**

(a) The Minutes of the Special Meeting of 19 November 2013, were submitted and approved as a correct record subject to the following revised decision (l) being included within paragraph 4 with regard to 2013/14 Performance Reports- Quarter 2.

“To note that six Primary children were in residential care and two young people in secure accommodation”

(b) The Minutes of Meetings of 19 November and Special Meeting of 17 December were approved as correct records.

## **4 Inspection of Cuiken Primary School Nursery Class**

There was submitted report, dated 13 December 2013, by the Director, Education, Communities and Economy, outlining the outcome of an unannounced inspection carried out at Cuiken Primary School Nursery by the Care Inspectorate in November 2013.

The evaluations were as follows:-

Quality of Care and Support -	Very Good (Grade 5)
Quality of Environment -	Very Good (Grade 5)
Quality of Staffing -	Very Good (Grade 5)
Quality of Management and Leadership -	Very Good (Grade 5)

The Care Inspectorate had concluded that the Nursery offered children very good care and support and that parents consulted during the course of the inspection were happy with the service.

### **Decision**

- (a) To note the content of the inspection report;
- (b) To congratulate the management and staff connected with Cuiken Primary School Nursery on the very good work being carried out at the nursery;
- (c) To note that, whilst acknowledging the very good work being carried out at the Nursery the Council would continue to challenge, support and monitor service in relation to achieving excellence through further improving performance; and
- (d) To pass this report to the Performance, Review and Scrutiny Committee for consideration.

(Action: Director, Education, Communities and Economy)

## **5 Inspection of Mount Esk Nursery School**

There was submitted report, dated 12 December 2013, by the Director, Education, Communities and Economy, outlining the outcome of a joint inspection carried out at Mount Esk Nursery School by the Care Inspectorate and Education Scotland in October 2013.

Education Scotland had awarded the following grades, viz:-

Improvements in Performance	Very good
Children's Experience	Very good
Meeting Learning Needs	Very good
The Curriculum	Very good
Improvement through Self Evaluation	Very good

The Care Inspectorate had awarded the following grades, viz:-

Quality of care and support	Very good (Grade 5)
Quality of environment	Very good (Grade 5)
Quality of Staffing	Very good (Grade 5)
Quality of management and Leadership.	Very good (Grade 5)

The inspection teams had indicated that they were satisfied with the overall quality of provision and were confident that the nursery's self- evaluation processes were leading to improvements. As a result they would make no further visits in connection with these inspections.

### **Decision**

- (a) To note the content of the inspection report;
- (b) To congratulate the pupils, parents and staff connected with Mount Esk Nursery School on the key strengths highlighted in the report;
- (c) To note that, whilst acknowledging the progress reflected in these reports, the Council would continue to challenge, support and monitor the service in relation to achieving excellence through further improving performance; and
- (d) To pass this report to the Performance, Review and Scrutiny Committee for its consideration.

(Action: Director, Education, Communities and Economy).

## **6 Inspection of Midlothian Council Adoption Service/ Inspection of Midlothian Council Fostering Service**

In view of the fact that the subject matter of the reports referred to above, were inextricably linked, the Cabinet agreed to consider both reports simultaneously.

There were submitted reports, dated 29 November 2013 and 3 January 2014, by the Director, Education, Communities and Economy, outlining the outcome of inspections carried out by the Care Inspectorate in May 2013, in respect of the Adoption and Fostering Services provided by the Council.

In respect of the Adoption Service, the Care Inspectorate had awarded the following grades;-

Quality of Care and Support	Grade 2 - Weak
Quality of Staffing	Grade 4 – Good
Quality of Management and Leadership	Grade 3 - Adequate

The report advised that the Care Inspectorate concluded that there was a commitment to improve and develop the adoption service within Midlothian Council for Midlothian children and explained that the Adoption Service had only been recently formed after recognising that, despite commissioning external agencies to provide adoptive families, many children continued to 'drift' into care. The report further advised that since the inspection report a number of actions to improve the service had been undertaken.

In respect of the Fostering Service the Care Inspectorate had awarded the following grades:-

Quality of Care and Support	Grade 5 – Very good
Quality of Staffing	Grade 5 – Very Good
Quality of Management and Leadership	Grade 4 - Good

The Care Inspectorate had concluded that the Midlothian Council Fostering Service was committed to improving and developing on an ongoing basis.

In amplification of both reports, the Director drew the Committee's attention to the fact that the inspections had been carried out simultaneously, albeit by different inspectors, and involved the same group of staff for both services. The variance in the gradings had not been satisfactorily explained.

### **Decision**

- (a) To note the successful recruitment of Adoption Panels in the past year;
- (b) To note that further representations had been made to the Care Inspectorate in respect of the inconsistency of the gradings awarded to the two services;
- (c) To acknowledge the positive and ongoing work by management and staff connected with the Midlothian Council Adoption and Fostering Services;
- (d) To note that the Council would continue to challenge, support and monitor the services in relation to achieving excellence through further improving performance; and
- (d) To pass the reports to the Performance, Review and Scrutiny Committee for its consideration

(Action: Director, Education, Communities and Economy).

## **7 Joint Inspection of Services for Children and Young People in Midlothian**

There was submitted report, dated 13 January 2014, by the Director, Education, Communities and Economy, advising of the outcome of a Joint Inspection of Services for Children and Young People in Midlothian, Undertaken jointly by the Care Inspectorate, Education Scotland and Healthcare Improvement Scotland. The joint report was incorporated into the Director's report. The joint report had recommended a number of areas for improvement and an action plan to respond to these recommendations was in development, aligned with the Single Midlothian Plan.

The Director however, drew attention to the mismatch between the positive narrative of the report and the gradings awarded which ranged from “Very Good” to “Adequate”. The Care Inspectorate had therefore been challenged on these gradings and this remained a matter of dispute.

### **Decision**

- (a) To note the representations made to the Care Inspectorate; and
- (b) To pass the report to the Performance, Review and Scrutiny Committee for its consideration.

(Action: Director, Education, Communities and Economy).

## **8 Single Midlothian Plan – Six Month Performance Report.**

There was submitted report, dated 21 November 2013, by the Chief Executive, updating the Cabinet on the current status of the Single Midlothian Plan. The report advised that of 173 specific actions within the Plan, 103 had either been achieved or were on target; 38 still required work to define baselines and measurements; and 32 were off target at the six month point. The report highlighted the steps being taken in the second half of the year, in some cases, to redress the situation.

### **Decision**

- (a) To note the report; and
- (b) To pass the report to the Performance, Review and Scrutiny Committee for its interest.

(Action: Director, Education, Communities and Economy).

## **9 Update Report on Midfest 2013**

There was submitted a report dated 11 December 2013, by the Director, Education, Communities and Economy advising that on 27 August 2013 Cabinet noted the progress made for the planning of Midfest, a county-wide festival of arts, culture and music to be held during 21-28 September 2013.

In line with recommendations approved by Cabinet at that meeting, this report provided a summary of the outcomes from Midfest 2013.

Midfest ran from 21-29 September 2013, showcasing the wealth of artistic talent across the creative spectrum within Midlothian and from further afield. What started as a Council initiative became a cross-community endeavour in which local people helped shape and participate the programme of events.

Over 60 events were hosted under the Midfest programme, including music, art workshops and exhibitions, drama, comedy and storytelling.

The programme avoided prescriptive rules on event types or themes, aiming to be as inclusive as possible and promote the involvement of local organisations and in some cases afforded communities the opportunity to host events that they would not normally have booked. The events covered a wide range of interests and skills and included:

- 38 musical performances including jazz, folk, blues, choral, soul and drumming
- 8 craft workshops which include arts, printmaking, feltmaking and weaving
- 10 talks/storytelling events including literature and cultural discussions and interactive sessions in schools and libraries with children, and a ghost tour of Dalkeith
- 11 art exhibitions with a range of exhibitors including sculptors, painters, weavers, glass makers
- 1 film night
- 1 comedy night

Over 20 of the events were undertaken on a voluntary basis from a range of community participants including local churches, village halls, folk groups, bands, artists and authors.

Over 35 venues were involved, including schools, libraries, village halls, care homes, Melville Castle and the National Mining Museum. 77% of events were provided by project partners and local organisations from within Midlothian.

Stakeholder engagement from across Midlothian communities remained strong throughout, including Dalkeith Country Park, Penicuik Arts Association, Rosslyn Chapel and the Pathhead Music Collective.

The full Evaluation Report was attached as an Appendix to the report.

It was agreed at Cabinet on 27 August 2013, that consideration would be made to hosting Midfest 2014 and to support an application to Creative Scotland. The Council had now met with Creative Scotland who recommended an appropriate funding stream to apply to and a work placement student from Queen Margaret University had volunteered to help support this activity.

On the basis of the feedback outlined in the Appendix it was recommended that, subject to appropriate funding being sourced, the Cabinet endorse Midfest 2014 and continue to work with local communities to develop a varied programme. The Midlothian Tourism Forum, Dalkeith Country Park, Melville Castle and Rosslyn Chapel had all confirmed their desire to be involved in future art festivals

## **Decision**

- (a) To note the evaluation of Midfest 2013 including the financial summary;
- (b) To support Midfest 2014, subject to funding being secured; and

(c) To provide an update to Cabinet on progress made by May 2014.

(Action: Director, Education, Communities and Economy).

## **10 Funding Bid Project for Arts in Midlothian**

There was submitted a report dated 11 June 2013, by the Director, Education, Communities and Economy, setting out the opportunities to bid for funding for a capital investment in Arts performance space in the Newtongrange area. A number of external capital funds were available to bid for. The report detailed the developments undertaken so far, the timescale requirement for submission within the deadlines of the first funder and seeking retrospective approval for the submission of the initial bid to Creative Scotland as agreed by the council leader and deputy leader during the summer cabinet meeting recess period.

### **Decision**

To confirm support for the steps taken so far and to authorise appropriate staff to continue to seek funding and develop the business case for a Midlothian arts facility with the National Mining Museum Scotland Trust , the arts community and external funders.

(Action: Director, Education, Communities and Economy).

## **11 Strategic Development Plan for Edinburgh and South East Scotland (SESplan) Update**

There was submitted a report dated 16 December 2013, by the Director, Education, Communities and Economy, presenting the Minutes of the Meeting of 18 November 2013 of the Strategic Development Planning Authority for Edinburgh and South East Scotland (SESplan) Joint Committee and matters arising, and seeking ratification of the proposed SESplan 2014/15 operating budget, including Member Council contributions. The Minutes were appended to the report.

### **Decision**

- (a) To note the Minutes of 18 November 2013 of the SESplan Joint Committee and matters arising; and
- (b) To ratify the 2014/15 operating budget of £339,488, including Member Council contributions for 2014/15 of £49,000 per Authority, together with a target of achieving a 5% cost reduction from 2014/15 onwards.

(Action: Director, Education, Communities and Economy).



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

There was submitted a report dated 16 December 2013, by the Director, Education, Communities and Economy, informing of the outcome of the Stage 2 bid to the Scottish Government for grant aid to continue the Dalkeith High Street improvements.

The report highlighted that the Stage 1 bid, submitted in June 2013, had been successful and, at its meeting on 8 October 2013, Cabinet agreed to submit a Stage 2 bid. The grant requested was a sum of £1,245,977 towards a total cost of £1,399,977. At its meeting on 8 October, Cabinet approved a Council contribution of £20,000 towards the High Street Phase 2 improvements for inclusion in the Stage 2 bid. Other contributions sought to support the bid included:

	£
Buccleuch Estates	
(improvements to entrance to Country Park)	50,000
Historic Scotland	
(contribution to the restoration of Burns monument)	5,000
Local business contribution (to interpretative panels)	5,000
Devine Electrics	
(to restore derelict building at rear of Tolbooth)	54,000
Dalkeith Business Renewal	<u>20,000</u>
TOTAL	134,000

Unfortunately, the Stage 2 bid had been unsuccessful. The reason for this appeared to reflect a change in the focus for the funding which was now directed towards the redevelopment of derelict buildings with clear regeneration outcomes. The public realm aspects were considered to be ineligible, despite meeting the criteria for the scheme. The scheme was oversubscribed, with just under 50% of schemes unsuccessful. The fund would be open again in 2015/16 and unsuccessful applicants in 2014/15 were encouraged to consider re-applying with either new projects or further iterations of projects previously submitted, taking the above comments into account.

The report advised that Buccleuch Estates, Dalkeith Business Renewal and Melville Housing Association were keen to see if some elements of the public realm improvements could still be delivered, in particular the area outside the former Cross Keys and the Tolbooth. They had offered to retain their contributions, if the Council's contribution remained in place; Buccleuch Estates would upgrade the public realm outside the Palace Gates entrance and Melville Housing Association would improve the public realm outside the Corn Exchange. Dalkeith Business Renewal would retain their commitment of £20,000 and may be willing to increase this, if so required. Other sources of funding would also be explored with the partners.

**Decision**

- (a) To note that the Regeneration Capital Grant Fund Stage 2 bid for the Dalkeith High Street Phase 2 improvements was unsuccessful; and
- (b) That a further report be submitted to Cabinet in advance of a resubmission for appropriate funding

(Action: Director, Education, Communities and Economy).

**13 Lothians Joint Mental Health and Wellbeing Strategy 2011-2016 - “A Sense of Belonging”**

There was submitted a report dated 17 December 2013, by the Joint Director, Health and Social Care, advising of progress made in implementing the Lothians Mental Health and Wellbeing Strategy 2011 – 2016.

**Decision**

- (a) To note the report; and
- (b) To pass the report to the Performance, Review and Scrutiny Committee for its interest.

(Action: Joint Director, Health and Social Care)

**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 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 of Children’s Services – Recommendations approved.

The meeting terminated at 12.44pm





