

MINUTES of MEETING of the MIDLOTHIAN COUNCIL held in the Council

Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 11 August

2015 at 2.00pm.

Present:- Provost Wallace, Depute Provost Coventry, Councillors Baxter, Beattie, Bennett, Bryant, Constable, de Vink, Imrie, Johnstone, Milligan, Muirhead, Pottinger, Rosie, Russell and Young.

Religious Representatives Present (Non Voting Observers for Education Business):- Mr V Bourne and Mrs M Harkness.

In Attendance:- Mr P Smaill, Independent Chair of the Audit Committee

Apologies for Absence:- Councillor Montgomery.

1 Tributes

Before moving on to the formal Agenda business, the Provost invited the Council to observe a period of silent reflection in tribute to Midlothian Advertiser journalist, Craig Finlay and also the former Mayor of Jarnac, Maurice Voiron, both of whom had died recently.

2 Minutes of Council

The Minutes of Meeting of Midlothian Council of 23 June 2015 were submitted and approved as a correct record.

3 Questions to Leader of the Council

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

4 Notices of Motions -

(a) Lauder Road - Installation of CCTV

There was submitted a Notice of Motion by Councillor Young, countersigned by Councillor Russell, as follows:-

“In light of recent serious crime in the area, Council requests officers to bring forward a report to the next Full Council meeting, outlining whether and how the installation of CCTV camera(s) could improve safety, crime prevention and crime detection in the Lauder Road area.”

The Council thereafter heard from Councillors Young and Russell who in moving and seconding the motion respectively, both acknowledged that following the incident welcome improvements had been made in the area however, there was a feeling that further step would be beneficial in the interest of public safety.

The Council then heard from Councillor Constable who tabled and moved the following amendment to the motion:-

“Council requests officers to bring forward a report to a future Council meeting concerning the implications of installing CCTV cameras at Lauder Road, to consider the possible identification of other suitable sites and also that any resource implications be considered as part of the Council Budget setting for 2016/17 and for subsequent years”

Councillor Johnstone seconded the amendment.

During the course of ensuing debate, concerns were raised that by broadening out the scope of the report, there was a danger that the impetus gained in the wake of the Lauder Road incident would be lost. In response to this Councillor Constable, with the consent of his seconder, added the words *“in 2015”* after *“... to a future Council meeting.”*

Thereafter a vote was taken on the matter when 7 members voted for the motion and 9 for the amendment which accordingly became the decision of the Council.

(Action: Director, Resources)

(b) Free Holiday Swimming Sessions

There was submitted a Notice of Motion by Councillor Milligan, countersigned by Councillor Russell, as follows:-

“Council agrees to offer free swimming sessions for children up to the age of 18 years during Midlothian School holidays, and requests that officers bring forward a report setting out the details of the dates, times and eligibility criteria that would apply.

Council further agrees that the report should also look at how we can enhance and encourage more and better use of our leisure facilities during Midlothian school holiday periods.”

The Council thereafter heard from Councillors Milligan and Russell who moved and seconded the motion respectively.

The Council then heard from Councillor Rosie who tabled and moved the following amendment to the motion:-

“Council requests that officers bring forward a report to look at how we can enhance and encourage more and better use of all our leisure facilities during Midlothian school holiday periods.

This report will:

- *Set out the policies of other Scottish Councils regarding children's leisure activities during school holidays; and*
- *Provide details of the activities available at Council leisure facilities during school holidays.*
- *Consideration to be included in 2016/17 Revenue Budget process”*

Councillor de Vink seconded the amendment.

Thereafter a vote was taken on the matter when 7 members voted for the motion and 9 for the amendment which accordingly became the decision of the Council.

(Action: Director, Education, Communities and Economy)

(c) Carbon Energy

There was submitted a Notice of Motion by Councillor Muirhead, countersigned by Councillor Young, as follows:-

“This Council:

- 1. Thanks officers and external representatives for their contributions at the Energy briefing, held in the Council Chamber on the 30th June.*
- 2. Believes that Midlothian must play our part in reducing Scotland and the UK's carbon footprint.*
- 3. Notes the requirement to maximise new sources of revenue in the face of austerity, in order to provide a high level of service to Midlothian's communities.*
- 4. Congratulates those Local Authorities who are already generating income through renewable energy projects.*
- 5. Believes there is no time to waste. The crises of falling budgets and tackling climate change are real and immediate. We must be bold in our response to these challenges.*
- 6. Therefore, requests that Officers bring a report to Council, outlining how Midlothian could:*
 - A) Set up an Energy Services Company (ESCO), wholly owned by the Council.*
 - B) Establish a coherent long-term strategy with the twin aims of generating zero-carbon energy and generating income for the Council through an ESCO.*
 - C) As part of this, how Midlothian could locate, design, build and operate renewable energy facilities to meet these aims.*
 - D) Explore the opportunities for solar PV, river hydro, heat-exchange and any other scheme with a reasonable level of potential as part of this strategy.*
 - E) Make best use of sites currently in development – including: Shawfair, Millerhill Recycling & Energy Recovery Centre; Newbattle High School; Paradykes Primary School and Roslin Primary School – to generate zero-carbon energy as part of an ESCO.”*

The Council thereafter heard from Councillors Muirhead and Young who moved and seconded the motion respectively.

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

(Action: Director, Resources)

5 Appointment of the Church of Scotland Representative in Education Matters

With reference to paragraph 8 of the Minutes of Meeting of 22 May 2012, there was submitted report, dated 17 July 2015, by the Director, Resources advising the Council of the resignation of the current Church of Scotland representative, Mr Paul Hayes, and seeking the Council endorsement of the nomination from the Church of Scotland of their replacement representative, Rev Ruth Halley, Minister at Penicuik North Kirk.

Decision

- (a) note the resignation of Mr Paul Hayes as the Church of Scotland Religious Representative;
- (b) accept the nomination of Rev Ruth Halley as the Church of Scotland's representative;
- (c) formally recognise the contribution of Mr Hayes and agree that the Provost and Chief Executive write to Mr Hayes to express their gratitude for his contribution; and
- (d) note that the matter would also be reported formally to the Cabinet on 25 August 2015.

(Action: Chief Executive, Provost and Director, Resources)

6 Audit Committee Chair's Annual Report

With reference to paragraph 13 of the Minutes of Meeting of the Audit Committee of 16 June 2015, there was submitted report, dated 16 July 2015, by the Director, Resources bringing to the Council's attention the Annual report of the Independent Chair Audit Committee, in respect of the Committee's activities during 2014/15, a copy of which was appended to the Director's report.

The Council thereafter heard from the Director, Resources who introduced Mr P Smaill, Independent Chair of the Audit Committee to the meeting.

Decision

To note the report.

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Mr P Smaill left the meeting on conclusion of the foregoing item of business.

7 Developing Midlothian's Young Workforce and Positive Destinations

There was submitted report, dated 2 July 2015, by the Director, Education, Communities and Economy, providing an update on the progress that the Council and its partners had made in relation to the recommendations contained within Developing Scotland's Young Workforce (previously known as the Wood Commission), and presenting a summary of the main areas of planned action to support young people to achieve a positive destination. Appended to the report was a list of the Key Areas for Development in relation to the recommendations made by the Commission for Developing Scotland's Young Workforce (DSYW) in June 2014

The Council, having heard from the Director, Education, Communities and Economy, discussed possible reasons for young people withdrawing from further education and training courses, and what action could be taken to address this, and support young people to sustain attendance at college/training courses in the future.

Decision

- (a) To note the focus areas for attention prioritised by the Developing Midlothian's Young Workforce Board (DSYWB) and the progress made to date;
- (b) To note the year on year progress made on supporting young people to achieve a positive destination and support the renew efforts required to increase those achieve a positive destination; and
- (c) To endorse the actions contained in the Appendix to the report in respect of the key areas for development in relation to the recommendations which emanated from the Commission for Developing Scotland's Young Workforce in June 2014.

(Action: Director, Education, Communities and Economy)

8 Education (Scotland) Bill

There was submitted report, dated 29 May 2015, by the Head of Education, providing an overview of the Scottish Government's rationale for including new legislative provisions in the Education (Scotland) Bill which would require local authorities and Scottish Ministers to design and deliver education services in a way which reduced inequalities of educational outcome experiences as a result of socio-economic disadvantage.

The report also provided a summary of other provisions contained in the Bill, together with the action being taken, or proposed, to address them.

Decision

- (a) To note that a new Education (Scotland) Bill had been introduced to the Scottish Parliament on 23 March 2015;

- (b) To note the Council's initial response to the Bill as outlined in the report; and
- (c) To note that the Council would continue to engage with the consultation process through direct response to the Scottish Government, ADES and COSLA.

(Action: Director, Education, Communities and Economy)

9 Implementation of the Children and Young People (Scotland) Act 2014

There was submitted report, dated 11 August 2015, by the Director, Education, Communities and Economy, providing Council with an update on the implementation of the Children and Young People (Scotland) Act 2014.

The report explained that the Children and Young People (Scotland) Act 2014 was a significant Act that had a widespread effect on outcomes for children and young people in Midlothian, and changed the way that the Council and its partners work. To date, services had been put in place or amended in line with the requirements of the Act and work was continuing as the further provisions come into force.

Having heard from the Director, Education, Communities and Economy, the Council welcomed the good progress that was being made.

Decision

- (a) To note the successful implementation of Free School Meals for Primary 1, 2 and 3 pupils and the Early Learning and Childcare provisions;
- (b) To note the continued work of the Council and its partners to implement the remaining provisions of the Act; and
- (c) To request a further report prior to the end of 2015/16 giving updates on implementation, in particular highlighting any resource issues or emerging risks.

(Action: Director, Education, Communities and Economy)

10 Shawfair Learning Community

With reference to paragraph 12 of the Minutes of 12 December 2014, there was submitted report, dated 24 July 2015, by the Director, Education, Communities and Economy, seeking approval to establish a 0-18 Learning Community at the heart of the Shawfair development, providing Early/Family Learning, Nursery, Broad General Education and Senior Phase education, based upon the concept of all-through schooling and also meeting new legislative requirements and responsibilities associated with early learning and childcare.

The report explained that the proposed learning community at Shawfair would take the form of adjoining or separate buildings within the same location comprising:

- Family learning centre
- Nursery
- 2 primary schools (or 1 larger primary school)
- Secondary school for 1,200 pupils.

The Council, having heard from the Director, Education, Communities and Economy who responded to Members questions, welcomed the proposals.

Decision

- (a) To approve the establishment of a 0-18 years learning community at Shawfair;
- (b) To request that officers bring forward a further report detailing the options, costs and budgetary implications of delivery of education infrastructure for Danderhall and the wider Shawfair area; and
- (c) To agree that prior to the report coming forward to Council, a Briefing be held for Elected Members

(Action: Director, Education, Communities and Economy)

11 National Inquiry into Historical Child Abuse

There was submitted report, dated 20 July 2015, by the Head of Children's Services, providing an update on, and raising awareness of, the National Historical Child Abuse Inquiry which was due to commence in October 2015. The overall aim and purpose of the Inquiry was to raise public awareness of the historical abuse of children and young people in care and make recommendations to Scottish Government.

The report advised that given the uncertainty around the potential number of requests, if indeed any, that may come to Midlothian, the resources likely to be required to respond could not be quantified at this time, however Members need to be aware that potentially a considerable amount of staff time could be spent compiling the necessary information, if a request were to be received. There was also the potential for negative press coverage and reputational damage to the Council if anyone did come forward.

The Council, having heard from the Head of Children's Services, acknowledged the importance of fully supporting the Inquiry.

Decision

To note the report and be aware of the potential impact that it could have upon the Council should there be reports of abuse from former looked after people within Midlothian.

(Action: Head of Children's Services)

12 Request for Funding for Collection of Penicuik Business Improvement District Levy

With reference to paragraph 6 of the Minutes of the Cabinet of 3 March 2015, there was submitted report, dated 21 July 2015, by the Director, Education, Communities and Economy, requesting Council to allocate up to £37,000 to cover the costs of collecting the levy from local businesses which comprise the Penicuik Business Improvement District (BID).

The report highlighted that since Local Government reorganisation in 1996, the City of Edinburgh Council had collected non domestic rates on the Council's behalf. 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 specific costs which 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, following the positive outcome of the ballot additional funding of £37,000 was now being sought.

Having heard from the Director, Education, Communities and Economy, the Council whilst supportive of the Penicuik BID, were concerned regarding the level of the charge being proposed for collection of the levy by the City of Edinburgh Council, and suggested that this should be explored further by Officers.

Decision

- (a) To approve a budget allocation of up to a total of £37,000 over a period of five years specifically to fund the collection of the Penicuik Business Improvement District levy, of which £20,000 be identified as a supplementary estimate for this financial year; and
- (b) To request that the Chief Executive write to the City of Edinburgh Council regarding the collection costs of the Penicuik Business Improvement District levy.

(Action: Chief Executive/Director, Education, Communities and Economy)

13 Parking in Midlothian

With reference to paragraph 26 of the Minutes of Meeting of 23 June 2015, there was submitted report, dated 3 August 2015, by the Head of Commercial Operations, providing details of the options available to Council in regards to the future enforcement of road traffic regulations.

The report advised that the annual running costs of a decriminalised parking scheme were estimated at between £150,000 and £200,000 per annum; however income from parking fines levied and charging regimes would reduce this cost. This was based on preliminary discussions with and assumed a partnership arrangement was successfully negotiated with the City of Edinburgh Council to provide the service. It was intended to produce a further report to provide more detail and formally request the required funding based on the finalised financial assessment of the business case. In the interim continuing the existing Traffic Warden Service could cost the Council £12,000 per annum.

The Council, having heard from the Head of Commercial Operations, expressed support for the proposals.

Decision

- (a) To agree to continue the existing Traffic Warden Service in the interim period to 31 March 2016, and approve a supplementary estimate of £12,000 in 2015/16;
- (b) To agree, that decriminalised parking offered the most effective parking enforcement regime in the long term;
- (c) To instruct the Director, Resources to write to Police Scotland seeking a continuation of the Traffic Warden Service until decriminalised parking was introduced. If this was agreed by Police Scotland it was noted that a further £12,000 per annum may be required;
- (d) To agree, that an audit of Traffic Regulation Orders, feasibility study and preparation of an outline business case be progressed and to approve a supplementary estimate of £50,000 in 2015/16 and the addition of £100,000 to the 2016/17 budget; and
- (e) To request the Director, Resources to provide a further report to Council when the outcome of the feasibility study and outline business case were available.

(Action: Director, Resources/Head of Commercial Operations)

14 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 items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 12 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Newbyres Crescent – Report of Seminar held on 11 August 2015 – Note and agree the recommendations.

The meeting terminated at 3.38pm.

