

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL CABINET** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 27 August 2013 at 11.00am.

**Present:-** Councillors Constable (Convener), Beattie, Bryant and Johnstone.

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

**Apologies for Absence:-** Councillor Thompson.

**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 Minutes**

The Minutes of Meeting of 28 May 2013, were submitted and approved as a correct record.

**4 Minutes of Meetings of Education Appointment Committee**

The Cabinet noted and approved the Minutes of Meetings of the Education Appointment Committees of 23 and 27 May 2013, as shown in **Appendix I** hereto, thereby approving the appointments of J Fair and P Marr as Depute Head Teacher at Newbattle High School and Head Teacher at St Margaret's RC Primary School respectively.

(Action: Director, Education Communities and Economy)

**5 Education Convener Advisory Group**

There was submitted report dated 23 July 2013 by the Director, Education, Communities and Economy providing an update on the proposed Education Convener Advisory Group. The report advised that this proposed forum would be used informally as a platform for the Education Convener to help inform and explore developments in relevant policy.

The report provided a short summary on progress made and planned for the formation of this group.

The report advised that the proposed Convener had met with the Director, Education, Communities and Economy and the Head of Education to undertake further scoping work. It was agreed that each meeting of the group should have an agenda and a theme, e.g. positive behaviour, positive destinations. The membership was defined to be:-

- 5 young people
- 2 parents
- 2 school staff
- 1 religious rep (this can be one of the three current reps, dependent on interest/availability)
- 2 invitees at the discretion of the Convenor

The report also advised that further progress would be made following the summer recess. Contact would be made with the schools immediately on their return and ensure that all nominations from parents and school staff had been recorded.

Once all nominations were received, the Convenor and Head of Education would consider an appropriate procedure for selection of the membership. It was anticipated that this would either be at random or by ensuring as many schools and communities as possible were represented. In case of the latter, this would be done transparently.

Once these decisions were made there would then be an agreed membership for the Group and all interested parties would be informed accordingly. Those not selected would be invited to form the reserve list.

The inaugural group meeting would then take place in accordance with the above.

## **Decision**

- (a) To note the progress made on the formation of the Education Convener Advisory Group;
- (b) To endorse the plans set out in the report; and
- (c) To seek an update on further progress made by no later than January 2014.

(Action: Director, Education Communities and Economy)

## **6 Midfest**

There was submitted report dated 19 August 2013 by the Director, Education, Communities and Economy advising on progress made with regard to Midfest, including:-

- 45 individual events had been agreed to take place across the week commencing 21 September. These spanned an array of art and music including comedy, storytelling, literature, song, craft, film, drama and dance.

- International performers had been secured for events at Dalkeith and Pathhead respectively.
- Venues across the county would act as hosts for the programmed events, including those in Dalkeith, Pathhead, Penicuik, Lasswade, Roslin, Middleton and Temple.
- Collaboration with key groups for elements of the programme had been positive, including Dalkeith Country Estate, Penicuik Arts Association, Rosslyn Chapel and the Pathhead Music Collective.
- All events had been developed in conjunction with communities and a strong level of engagement and participation had been secured.

In addition to ticketed events, the working group had ensured that there were events hosted for specific groups across Midlothian including:

- Arts workshops with care home residents
- Drama events for groups supported through Kinship Care
- Crafting opportunities for pupils of Saltersgate School
- Storytelling opportunities for four primary schools – Strathesk, Mauricewood, Woodburn and St Mary's RC

There had been local support for businesses offered by way of catering opportunities.

Opening the festival would be a day of activities and events at Dalkeith Country Park, afforded to Midfest without cost by Buccleuch Estates. The Council would facilitate stalls for crafters and had applied for the necessary licensing. Interest had been received from 25 stallholders covering a range of crafts including photography, jewellery making, ceramics, painting and glassware. In addition, 10 community music groups including the Rough and Ready Choir, the Community Concert Band and Loanhead Brass Roots had agreed to play in a rolling programme of music.

Additional activities secured included percussion workshops, art workshops for young people from Leith School of Art, face painting and a barbecue. The necessary arrangements had been agreed with the Park in relation to parking provisions and first aid arrangements.

Volunteer stewards had also been secured to inform and advise members of the public.

The report also advised that the application for £10,000 to Homecoming Scotland to cover the cash elements of this (publicity, artist costs, equipment hire) had not been successful and in line with the previous Cabinet decision this would be funded from Councillor's Ward Environment Revenue funds.

## **Decision**

- (a) To note the progress made for Midfest 2013;

- (b) To note that the funding application submitted to Homecoming Scotland had been unsuccessful;
- (b) To acknowledge the option to consider Midfest 2014 and support the submission of an application to Creative Scotland in October 2013; and
- (c) To note the intention of the Director to report at a future meeting on the outcomes from Midfest 2013.

(Action: Director, Education Communities and Economy)

## **7 Mavisbank House and Grounds: Progress Report**

There was submitted a report dated 30 July 2013, by Director, Corporate Resources, providing an update on progress being made towards the restoration of Mavisbank House and Grounds: and outlining the enhanced support implications sought by the Trust from the Council to achieve this restoration.

The report highlighted that on 10 January 2012, Cabinet noted that renewed interest from Historic Scotland for some action, together with a restatement by the Mavisbank Trust of its restoration intentions, had initiated further activity. This culminated in May 2012 with the signing of a concordat entitled 'Mavisbank House and Policies – A Vision for the Future', by Historic Scotland, the Mavisbank Trust, Midlothian Council, and the Edinburgh and Lothians Greenspace Trust. In this concordat each party agreed to undertake certain actions: for Midlothian Council these were to:-

- Support the work of the Mavisbank Trust to restore the House and Policies, to develop the community value of the Policies and improve access.
- Take forward CPO procedures for the House once a viable funding package was in place and confirmed.

Since the signing of the concordat, the Mavisbank Trust had taken the lead in working up restoration proposals and, most crucially, in seeking to raise funding. A central part of the latter was a bid to the Heritage Lottery Fund for £3.5m. This was considered by The Fund in May 2013 and rejected.

However The Fund recognised the merits of the scheme and recommended that the Trust resubmit the bid likely to be in early 2014.

In doing so it highlighted a number of matters including greater support and commitment from the Council, and greater certainty over the long term viability/sustainability of the maintenance of the Grounds. This was the subject of discussion between the Trust, the Council Leader and Chief Executive on 21 June 2012.

## Decision

To note the content of the report and to provide financial support which would require to be referred to Council in accordance with Standing Orders, in the event that the Heritage Lottery Fund bid was successful.

(Action: Director, Corporate Resources)

## 8 Green Network Concordat with Central Scotland Green Network

There was submitted a report dated 6 August 2013, by Director, Resources, seeking approval for a concordat between the Council and the Central Scotland Green Network Partnership Board, providing a public statement of support by both the Council and Central Scotland Green Network to the delivery in Midlothian of Green Networks. A draft concordat was attached as an appendix to the report.

There were no resource implications arising directly from the report. The concordat itself did not commit the Council to expenditure. Scottish Natural Heritage had informed the Council that the Central Scotland Green Network Support Unit had a budget for producing the signed concordat, assisting with public relations of a formal signing ceremony and producing leaflets on the Green Network for the Council's use.

## Decision

To agree to sign the concordat between the Council and the Central Scotland Green Network Partnership Board on the development of Green Networks in Midlothian in the terms set out in the Appendix to the report.

(Action: Director, Resources)

## 9 Midlothian Public Conveniences

There was submitted a report dated 31 July 2013, by Director, Resources, advising Cabinet of the recommendations from the Performance Review and Scrutiny Committee in relation to public conveniences in Midlothian arising from the Cabinet's decisions on 28 May 2013.

On 28 May 2013, the Cabinet considered a report by the Head of Property and Facilities Management on a review of Public Convenience provision. The Cabinet agreed:-

*"To agree that option (b)\* as detailed above be approved and that a report be submitted to a future meeting of the Council with regard to the resulting budget shortfall.*

*\*(b) Reduced Specification*

*Continuing the service but with two cleaning operatives and one vehicle.*

The cost implications of this option were as follows:-

	Approved Budget 2013/14	Required Budget 2013/14	Additional Budget Required	Approved Budget 2014/15	Required Budget 2014/15	Additional Budget Required 2014/15
Employee Costs	£45,000	£66,000	£21,000	£0	£44,000	£44,000
Premises	£16,000	£53,000	£37,000	£29,000	£53,000	£24,000
Transport	£0	£6,000	£6,000	£0	£4,000	£4,000
Supplies	£0	£1,000	£1,000	£0	£1,000	£1,000
Total Cost	£61,000	£126,000	£65,000	£29,000	£102,000	£73,000

This option would leave the Council with a forecast overspend of £65,000 in 2013/14 and £73,000 in 2014/15. This assumed a start date of 1 October 2013.”

The Cabinet’s decision was subsequently called in by the Performance Review and Scrutiny Committee on the following grounds:-

*“The undersigned wish to call in the whole decision of Cabinet Meeting on Tuesday 28 May in relation to Item 19: Midlothian Public Toilets. The reason is that we have concerns that the proposal to reduce the cleaning specification has not been adequately risk assessed.”*

The effect of a call-in was to freeze the Cabinet’s decision until the Performance Review and Scrutiny Committee’s consideration of the issue and the consideration of any recommendations made by the Committee to the Cabinet. The call-in was considered by the Performance Review and Scrutiny Committee on 4 June 2013 when the Committee agreed, as follows:-

*“To recommend to the Cabinet:-*

- (a) That a full risk assessment of implementing the Cabinet’s decision of 28 May 2013 be undertaken;*
- (b) That a full explanation be provided on how the reduction in staffing levels approved by the Cabinet, including the revised cleaning rota, can equate to no reduction in service;*
- (c) That it explain how the difference between the budget saving of £85,000 approved by the Council on 18 December 2012 and the budget saving of £20,000 approved by the Cabinet on 28 May 2013 would be achieved; and*
- (d) That it agrees to call for a report, encompassing the issues referred to in (a) – (c) be presented to the Council at the earliest opportunity.”*

## Decision

That as this matter had already been subject to a fully informed and robust review prior to the decision taken by Cabinet on 28 May 2013, to reject the recommendations of the Performance, Review and Scrutiny Committee, and thereby refer the matter to Council for determination.

(Action, Director, Resources)

## 10 Houses for Heroes

There was submitted a report dated 6 August 2013, by Director, Resources, advising of an approach from, and discussions with, the Houses for Heroes charitable organisation and seeking Cabinet's view on future engagement and a way forward to provide housing in Midlothian for military personnel who had been wounded/injured in service.

The report highlighted that initial approaches were made to Midlothian Council by Houses for Heroes in 2012 to ascertain if a site in Penicuik could be secured. Although opportunities elsewhere in Midlothian would be considered, Houses for Heroes had focused on Penicuik given its proximity to the existing Garrison as a supportive community: and sites with ready access to facilities and regular public transport were preferred. Having reviewed potential sites in the ownership of Midlothian Council, one particular site regarded by Houses for Heroes as having potential was the 'Pentland House' site just to the west of the A701 opposite the Tesco store. This site was identified as prospective site 101 in the Council's Phase II Social Housing Programme.

The proposal from Houses for Heroes would be that the Council gifts, or assigns a long lease at a peppercorn rent, an area of land within the site for a group of about eight houses for Houses for Heroes, that the Council builds them to the Houses for Heroes specification as part of the overall build contract for the site, and then sells those to Houses for Heroes at a discounted price. Any discount could not be funded through the Housing Revenue Account due to the statutory operating restrictions for that account, and would therefore need to be from an alternative source, most likely the general fund. It was also relevant to note that, on account of their particular specification, the unit costs of the Houses for Heroes houses were significantly higher than for mainstream social housing units.

## Decision

- (a) To agree in principle to support Houses for Heroes in bringing forward land for development to accommodate housing for ex-military personnel wounded or injured in service;
- (b) To instruct that officers engage further with Houses for Heroes to establish the detailed financial terms of a prospective agreement;

- (c) To further explore the suitability of the Pentland House site at Penicuik for such development, including any impact on the Council's Phase II social housing programme; and
- (d) To receive a further full report detailing the financial and development matters, to enable an informed decision to be made.

(Action, Director, Resources)

## **11 Strategic Housing Investment Plan 2013/14 – 2017/18**

There was submitted a report by Joint Director, Health and Social Care outlining the key points set out in Midlothian's Strategic Housing Investment Plan 2013/14 – 2017/18 which detailed the priorities for the investment in new affordable housing in Midlothian.

The Scottish Government required that all local authorities prepare an annual Strategic Housing Investment Plan (SHIP) which identified the main investment priorities for affordable housing. The SHIP sets out the Council's approach to promoting affordable housing investment in Midlothian and to meeting housing supply targets identified in the Local Housing Strategy (LHS).

The SHIP acknowledged that there had been significant investment in affordable housing within Midlothian. The Council began developing new council housing in 2006 and a total of 1,251 new affordable homes had been developed in Midlothian, significantly boosting the supply of affordable housing

The report highlighted that the Scottish Government announced an additional £643,000 to fund investment in affordable housing. This sum was in addition to £3.7 Million already allocated to affordable housing projects undertaken during 2013/14 and 2014/15 by Midlothian Council, Melville Housing Association, Dunedin Canmore Housing Association and Castle Rock Edinvar Housing Association. It was recommended that on this occasion that the majority of this additional funding (£553,000) was allocated to sites being developed as part of Midlothian Council's New Build Housing Programme to ensure that all new council homes received some grant funding. This would be subject to the agreement of the Scottish Government's Housing Investment Division. Between 2015/16 and 2017/18 the Scottish Government had confirmed that a minimum of £3.918 Million would be allocated to affordable housing projects in Midlothian.

### **Decision**

- (a) To note the content of the Report;
- (b) To agree that the Strategic Housing Investment Plan 2013/14 – 2017/18 was submitted to the Scottish Government; and



- (c) To agree to the allocation of £553,000 of Scottish Government Affordable Housing Supply Programme Funding allocated to the Council's New Build Phase 2 Housing Programme, with the remaining £90,000 allocated to a RSL project (subject to the approval of the Scottish Government's Housing Investment Division).

(Action: Joint Director, Health and Social Care)

## 12 Council House Building Programme Phase 2

There was submitted a report dated 31 July 2013, by Director, Resources advising Cabinet of the recommendations from the Performance Review and Scrutiny Committee in relation to the Council House Building Programme, Phase 2, arising from the Cabinet's decisions on 28 May 2013.

On 28 May 2013, the Cabinet considered a report by the Head of Property and Facilities Management providing an overview of the progress for the Phase 2 of the Council's New Build Housing Programme and also updating the Cabinet on the Phase 1 build. The Cabinet agreed:-

- “(a) To note the progress on Phase 1 and 2;*
- (b) To note the progress on Sites 2 (Woodburn Road) and 37(Eastfield Drive);*
- (c) To note the progress on Sites 9 (Craigiebeld Crescent), 18 (Eastfield Drive) and 42 (Jackson Street) including House/Flat Types and planning submissions; and*
- (d) To note progress on procurement for the Phase 2 Sites and agree the revised milestone dates with the overall programme.”*

The Cabinet's decision was subsequently called in by the Performance Review and Scrutiny Committee on the following grounds:-

*“We the undersigned wish to call in the whole decision of the Cabinet Meeting of Tuesday 28th May 2013 in relation to item 13 "Council House Building Programme Phase 2 - progress report" for the following reasons:*

- 1. We believe that the mix of house types contained in the proposed sites do not meet or take account of the recent introduction of the bedroom tax, which will have an impact on present and future tenants.*
- 2. That the procurement methodology being used for Phase 2 follows that which was used for phase 1 and does not take into account the current economic climate, where the house builders are looking for contracts to keep their company going. It is questionable therefore that the Council is getting best value in the procurement route being followed as reported in the Cabinet Paper.”*

The effect of a call-in, was to freeze the Cabinet's decision until the Performance Review and Scrutiny Committee's consideration of the issue and the consideration of any recommendations made by the Committee to the Cabinet. The call-in was considered by the Performance Review and Scrutiny Committee on 4 June 2013 when the Committee agreed, as follows:-

*"To recommend to the Cabinet, that as soon as was practicable, that it review the housing mix approved at its meeting on 28 May 2013, in the light of the review of housing demand/need currently being undertaken by the Head of Housing and Community Safety."*

Several Members were heard expressing their grave concerns over the recent introduction of the "Bedroom Tax", which was already impacting on the residents of Midlothian.

### **Decision**

To accept the recommendation of the Performance, Review and Scrutiny Committee.

(Action: Head of Housing and Community Safety)

## **13 House Letting Policy**

There was submitted a report dated 31 July 2013, by Director, Resources advising Cabinet of the recommendations from the Performance Review and Scrutiny Committee in relation to the House Letting Policy.

The report highlighted that on 8 January 2013, the Council approved a Housing Allocation Policy based on a Group and Points model.

On 5 June 2013, the Performance Review and Scrutiny Committee gave consideration to the performance report in respect of Housing and Community Safety for 2012/13. The Committee elicited that under the revised policy, an applicant for housing who was not the primary carer of children was not able to apply for housing in a two bedroom property and that any applicant in this position was automatically deemed to be eligible to apply for a one bedroom property only.

The Committee were of the view that such applicants were, in effect, prevented access to their children by virtue of the fact that the children could not reside with them as they were restricted to living in a one bedroom property. Accordingly, the Committee agreed to recommend to Cabinet, as follows:-

*"That the element of the current House Letting Policy, which prevents a single parent from applying for a two bedroom property unless the applicant was the "primary carer" of children, be reviewed with a view to allowing such applications."*

## Decision

To accept the recommendation of the Performance, Review and Scrutiny Committee

(Action: Head of Housing and Community Safety)

### 14 Introduction of 20mph Zones Strategy

There was submitted a report dated 2 August 2013, by Director, Resources, advising that the Midlothian Council Petitions Committee at its meeting of 25 June 2013 were advised of a petition containing 254 signatures from Janet Jerome, 2a Elm Row, Lasswade, in the following terms, viz:-

*"Plea*

*This petition seeks to create an enhanced and safe road environment for the residents of Midlothian's Conservation Village of Lasswade by, creating a "20's Plenty" speed limit on the A768 High Street and its adjacent feeder roads as outlined on the appended map.*

The decision of the meeting was to agree that *"After discussion, Councillor Russell, seconded by Councillor Baxter, moved that the petition be referred to the Director, Corporate Resources with the recommendation that a 20mph speed limit be introduced in Lasswade Village".*

The report sought to clarify the options to be considered for Lasswade and in the wider context detail a proposed strategy for the implementation of 20mph zones across the Midlothian Council area.

The report also highlighted a strategy would involve establishing 20mph limits and zones in a sequence that would make sense to drivers. For example if a through-road was made 20mph prior to residential side streets, not only were drivers likely to rat run through side streets but 30mph signs would face drivers leaving a main route into a residential cul-de-sac or street, encouraging them to speed up. If 20mph limits were introduced in a strategic order it would be more acceptable to drivers and compliance would rise with the introduction of more schemes in time.

Since the programme of 20mph around schools had already been implemented in Midlothian, the report suggested that it would seem sensible to start with nursery schools, then residential areas (not covered by schools or through routes), then shopping streets (high streets etc), and move on to through routes, villages etc at a later date when experience had been gained of compliance and further guidance had been issued.

Any strategy was likely to consider whether to include traffic calming. Even if the signs only option was taken forward there would be requests for traffic calming in any street where there is non-compliance.

A strategy agreed by Council would reduce the adhoc requests for 20mph speed limits and also provide a clear explanation to, if and when, one may be implemented on any one street.

Whether this strategy involved traffic calming or not, there would be budget implications and a further report would be required detailing the actual costs involved depending on the measures introduced.

**Decision**

- (a) To agree that Lasswade Village and Polton Road were not subject to a 20mph speed limit until a strategic implementation process had been Agreed; and
- (b) To request that the Director, Resources bring forward a report detailing a comprehensive strategy for the introduction of 20mph zones across Midlothian.

(Action, Director, Resources)

The meeting terminated at 11.48am.

**APPENDIX I**  
**(relative to paragraph 5)**

**MINUTES of MEETING of the EDUCATION APPOINTMENT COMMITTEE** held in the Committee Room, Midlothian House, Buccleuch Street, Dalkeith on Thursday 23 May 2013 at 1.45pm.

**Councillors Present:-** Beattie and Muirhead.

**Newbattle Community High School Parent Representatives Present:-**  
Mrs B Storrie and Mr K Mackie.

**Head Teacher:-** Mr C Taylor (Chair)

**In Attendance:-** Ms S Dawe (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 Depute Head Teacher, Newbattle Community High School.

The meeting terminated at 4.50pm.

**MINUTES of MEETING of the EDUCATION APPOINTMENT COMMITTEE** held in the Committee Room, Midlothian House, Buccleuch Street, Dalkeith on Monday 27 May 2013.

**Councillors Present:-** Beattie, Imrie and Johnstone.

**St Margaret's RC Primary School Parent Representatives Present:-** Ms L Doig, Ms L Wood and Ms A Streleckiene.

**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, St Margaret's RC Primary School.

The meeting terminated at 4.30pm.

