

# Minute of Meeting

Midlothian Council  
Tuesday 10 October 2023  
Item No: 5.1

## Midlothian Council



Date	Time	Venue
27 June 2023	11.00 am	Council Chambers, Midlothian House

### Present:

Provost McCall (Chair)	Depute Provost Bowen
Councillor Parry – Council Leader	Councillor Cassidy – Depute Council Leader
Councillor Alexander	Councillor Curran
Councillor Drummond	Councillor Imrie
Councillor McEwan	Councillor McKenzie
Councillor McManus	Councillor Milligan
Councillor Pottinger	Councillor Russell
Councillor Scott	Councillor Smail
Councillor Virgo	Councillor Winchester

### In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Morag Barrow, Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB	Fiona Robertson, Executive Director Children, Young People & Partnerships
Alan Turpie, Monitoring Officer, Legal and Governance Manger	David Gladwin, Acting Chief Financial Officer (Section 95 Officer)
Saty Kaur, (Acting) Chief Officer Corporate Solutions	Derek Oliver, Chief Officer Place
Fiona Clandillon, Head of Development	

### Religious Representatives:

Mrs Elizabeth Morton	
Janet Ritchie, Democratic Services Officer	
Heidi Waugh, Members Support	

## 1. Welcome and Apology for Absence

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The Provost welcomed everyone to the meeting, advising that this meeting was a public meeting and would be webcast live to the internet. Apologies were received on behalf of Mrs Lawrie

## 2. Order of Business

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As per the agenda previously circulated

## 3. Declarations of interest

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Councillor Scott declared in interest in 8.6 Newbyres Community Trust

## 4. Deputations

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None.

## 5. Minutes of Previous Meetings

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Item No.	Report Title	Submitted by:
5.1	Minute of Council 9 May 2023 submitted for approval	Executive Director Place
<b>Outline and Summary of Discussion</b>		
The Minute of the meeting of Council on 27 June 2023 was submitted and approved as a correct record with the following amendment:  Councillor Scott declared an interest in 8.21 but the notification on her leaving the meeting and returning was noted at 9.1 – the minute would be updated with this amendment.  Moved by Councillor Parry, Seconded by McManus		
<b>Decision</b>		
The Minute having been approved, once amended the provost was authorised to sign as a true record of the meeting		
<b>Action</b>		
Provost/Democratic Services		

The provost reminded those present that she was very happy to congratulate Midlothian residents who have done something special or extraordinary. The provost highlighted that she was asked to note that there are Midlothian constituents who are part of the Boghall and Bathgate Caledonian Pipe band who are now the new World Champions and expressed her congratulations on behalf of the Council.

Item No.	Report Title	Submitted by:
5.2	Minute Volume Index Midlothian Council 27 June 2023	Executive Director Place
<b>Outline and Summary of Discussion</b>		
<p>The following minutes were previously circulated to Members and subsequently noted and/or the recommendations contained therein approved.</p> <ul style="list-style-type: none"> <li>• Business Transformation Steering Group 24 April 2023</li> <li>• Local Review Body 22 May 2023</li> <li>• Performance Review and Scrutiny of 14 March 2023</li> <li>• Midlothian Integration Joint Board, Audit &amp; Risk 1 December 2022</li> </ul> <p>Moved by Councillor Parry, Seconded by Councillor McManus</p>		
<b>Decision</b>		
All to note.		

Item No.	Report Title	Submitted by:
5.3	Action Log	Executive Director Place
<b>Outline and Summary of Discussion</b>		
<p>Councillor Drummond expressed her disappointment that the Cost of the School Day Briefing did not take place prior to the Summer recess as discussed and agreed at Council on 9 May 2023, and a date was not yet scheduled for September and the impact this delay has had.</p> <p>In response the Executive Director, Fiona Robertson advised that a date had been arranged pre summer break but due to Elected Members low attendance it was rearranged until after the Summer break, but expressed her assurances that they still had due consideration of the impact of the cost of living crisis for families, particularly in relation to school uniform costs, and at the briefing Head Teachers will share some of the actions they have taken to reduce the cost of the school day.</p> <p>Ms Robertson outlined an example of work undertaken at Dalkeith High School regarding school uniform costs and reassured the Council that the work and focus would continue to reduce the cost of the school day. Ms Robertson also apologised and advised in future they will try to meet agreed deadlines.</p> <p>The provost highlighted that a lot of the actions were now closed, and it was agreed these would be closed off and removed from the Action Log.</p>		
<b>Decision</b>		
Action log updates were all noted, and it was agreed all completed actions would be removed.		
<b>Action</b>		
Democratic Services		

## 6. Questions to the Leader of the Council

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No items.

## 7. Motions

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Councillor Current highlighted his urgent Motion was refused under Standing Orders 8.9 and that an explanation should be given to the Mover and Seconder.

Mr Turpie advised that this was not refused under 8.9 but under 7.8 quoting that less than three working days before the meeting, the Chair will have the final determination as to whether the matter will be accepted as urgent business.

Councillor Curran advised that with regards to the Motion under 8.9 it states that If it is the opinion of the Chair of the meeting that a motion will not be presented for consideration, then they must provide a full explanation to the mover and seconder in respect of their decision.

The Provost apologised for this and advised that she will ensure this is rectified.

## 8. Reports

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Report No.	Report Title	Submitted by:
8.1	Financial Monitoring 2023/23 – General Fund Revenue	Acting Chief Financial Officer (S95 Officer)
<b>Outline and Summary of Discussion</b>		
<p>The purpose of this report was to provide Council with information on projections of performance against service revenue budgets in 2023/24 and to provide commentary on areas of material variance against budget. The budget performance figures as shown in appendix 1 result in a projected net overspend of £0.928 million which represents 0.3% of the revised budget.</p> <p>Projected overspends mainly relate to recurring areas of financial pressure or slower than planned delivery of savings measures. The Corporate Management Team have discussed these in depth and put in place recovery actions.</p> <p>The projection of the General Fund balance at 31<sup>st</sup> March 2024 is £13.797 million, of which £3.069 million is earmarked for specific use and a further £6.839 million relates to VAT claims leaving a non-earmarked General Fund balance of £3.889 million.</p> <p>Acting Chief Financial Officer, David Gladwin presented this report highlighting some of the financial pressures and the challenging financial position. This report was for information and noting.</p> <p>Councillor Parry expressed her disappointment on the slippage with Hillend and expressed her concerns with the complications with Scottish Water and Scottish</p>		

Power and what can be done to get the project back on track. Councillor Parry also raised concerns with other developments within Midlothian with infrastructure problems and if it would be helpful if Councillors met with Scottish Power and Scottish Water to assist in moving forward with the problems.

Ms Clandillon advised on the unforeseen delays due to the discovery of mains water pipes at the proposed junction and that discussions were ongoing to see what options could be progressed. Ms Clandillon provided an explanation on the key actions to minimise the overall impact on the programme and the delays in the construction of the Alpine coaster and confirmed that there were challenges in the wider delays across the local authority, but they had a good working relationship with key agencies and anything that could be done to support this would be welcomed.

Councillor Smail proposed internal audit look at this in terms of viability highlighting the unforeseen civil engineering issues, the deferred income and interest rates from this project and the projected income revenue and for all these reasons he proposed that internal audit team look at this project to bring the council up to date on the total picture.

Councillor Milligan raised his concerns with regards to the overspends outlined in the report and in particular Sport and Leisure income projections, the cost pressures on the Council's fleet and the loss of income with trade waste. He further stated that action is required.

Councillor Imrie also raised issues with the Council run cafes running at a loss and highlighted private run cafes always seem to be busy, and also highlighted that in previous years we always did well on trade waste and that we need actions in place to address all these issues.

#### Decision

The Council noted the contents of the report

Report No.	Report Title	Submitted by:
8.2	Housing Revenue Account Revenue and Capital Final Outturn 2022/23 and Capital Plan 2023/24 - 2025/26	Acting Chief Financial Officer (S95) Officer
Outline and Summary of Discussion		
<p>The purpose of this report was to provide Council with a summary of expenditure and income to 7<sup>th</sup> July 2023 for the Capital Plan and a projected outturn for both the Housing Revenue Account (HRA) and Capital Plan for 2023/24.</p> <p>The summarised financial performance for 2023/24 is:</p> <ul style="list-style-type: none"> <li>• Capital Investment in the year totalling £61.622 million.</li> <li>• A projected net overspend of £0.166 million on the Revenue Account.</li> </ul>		

- A projected HRA general reserve at 31<sup>st</sup> March 2022 of £34.619 million.

Acting Chief Financial Officer, David Gladwin presented this report highlighting the main sections of this report and apologised that there was a typo in 3.2 of the report which should read overspend not underspend which is reflected in the recommendations as an overspend.

In responding to a question raised by Councillor Smaill, Mr Gladwin confirmed that the £34.6m did not include the Dalkeith Town Centre proposal.

Councillor McKenzie, seconded by Councillor Scott moved the paper.

#### Decision

The Council noted the contents of the report.

Report No.	Report Title	Submitted by:
8.3	General Services Capital Plan Outturn 2022/23	Acting Chief Financial Officer (S95 Officer)

#### Outline and Summary of Discussion

The purpose of this report was to provide Council with:

- An update of the GSCP incorporating information on further additions to the Plan for approval and adjustments to existing project budgets (Section 3);
- Information on the projected performance against budget for 2023/24 (Section 4);
- Update on the Capital Fund (Section 5).

Acting Chief Financial Officer, David Gladwin presented this report highlighting the main sections of this report.

Councillor Parry moved the additional recommendation for the play park improvements and commented on the revenue budget challenge and the planned capital prioritisation projects.

Councillor Milligan commented on the slippage on the capital plan advising that we have committed just under £2m and would expect this to be well underway.

Mr Gladwin in responding advised that £2m was the expenditure as at the end of quarter 1 which was less than expected and planned for and explained about the lag time on invoices coming in from providers which may be part of part of the issue but there is still a significant shortfall where we expected to be. He further explained that Officers are monitoring and will take remedial action where they can to keep these projects on track.

Mr Anderson in responding to a comment from Councillor Curran with regards to Millerhill circular path project and the unnecessary delays confirmed that approval has been given for this to be fully funded from developers' contributions and this has now gone out to tender and a report can be brought back to Council with regards to the timescale for this programme. Mr Anderson also confirmed that any interest accrued will also be committed to the project.

Councillor Parry, seconded by Councillor Cassidy moved the report.

**Decision**

Council:

- Noted the inclusion of the projects listed in Section 3.1 in the General Services Capital Plan (GSCP);
- Noted/approved the adjustments to the project expenditure budgets in the GSCP as set out in Section 3.2;
- Approved the inclusion of the project in Section 3.3 in the GSCP;
- Noted the forecast outturn for expenditure, funding and borrowing, as outlined in Section 4.

**Action**

Acting Chief Financial Officer

Report No.	Report Title	Submitted by:
8.4	Standing Order 19.2 Decision – lease Burnbrae Road, Bonnyrigg	Chief Executive

**Outline and Summary of Discussion**

The Chief Executive, Grace Vickers presented this report advising that the purpose of this report was to advise the Council of the decision taken by the Chief Executive in consultation with the Leader of the Council in terms of Standing Order 19.2 during the Summer recess highlighting that the main details are outlined in section 3.2 of the report.

Councillor Milligan advised that he had not problem with the decision but raised a question with regards to the money committed to this retail unit at Burnbrae Road and the assurances that had been given that there was a client for this retail unit. He asked that an internal audit investigation takes place as to why we are now in this position trying to get a tenant for this unit and there being no legal deal already in place.

Mr Anderson in responding advised that from the outset there was a preferred provider but not signed and sealed but towards the end of the construction this was no longer viable. He further confirmed that there has been active market interest and they are in a position to sign and seal a deal within the next couple of weeks.

Councillor Milligan still advised that he could not understand why the retail outlet was built without a guarantee of a tenant at the end of it and still felt that the internal auditors need to investigate that we are not at undue risk.

Councillor Smaill endorsed this recommendation and asked that Councillors are also given an update in private on the retail unit currently being constructed adjacent to this building in Buccleuch Street.

#### Decision

The Council agreed:

- That Internal Auditors investigate the position of the retail unit at Burnbrae Road and that the Council are at no undue risk.
- That an update is provided in private on the retail unit currently being constructed adjacent to this building in Buccleuch Street.
- To otherwise note the report.

#### Action

Executive Director Place/Democratic Services

Report No.	Report Title	Submitted by:
8.5	Outside Bodies and Appointments	Executive Director Place

#### Outline and Summary of Discussion

The Executive Director Place, Mr Anderson advised that the Council is required to nominate representatives to the three outside bodies, Edinburgh Airport Consultative Committee, South East of Scotland Transport Partnership (SESTran) and Midlothian Twinning Association

The Council's representatives for Midlothian Twinning Association are Councillors McCall, Russell, Smaill and McManus. Councillor McManus now wishes to resign from this role. Council are therefore asked to appoint an alternative nomination to replace Councillor McManus.

Currently, the representatives for South East of Scotland Transport (SESTran) are Councillor Imrie and Councillor Alexander. Councillor Alexander now wishes to resign from this role. It is proposed that an alternative nomination be sought to replace Councillor Alexander.

For the Edinburgh Airport Consultative Committee, the Council's representative is currently Councillor Alexander. Again, Councillor Alexander wishes to resign from this role. Council is asked to consider an alternative nomination for this position.

Councillor Parry, seconded by Councillor McKenzie moved Councillor Bowen for Midlothian Twinning Association and Councillor Cassidy for SESTran and Edinburgh Airport Consultative Committee.

There being no other nominations the above nominations were agreed.



**Decision**

The Council agreed the following nominations:

- Councillor Bowen nominated for Midlothian Twinning Association
- Councillor Cassidy nominated for SESTran.
- Councillor Cassidy nominated for Edinburgh Airport Consultative Committee.

**Action**

Executive Director Place/Democratic Services

**Cllr Scott left the meeting prior to the next item being discussed at 11.35 am**

Report No.	Report Title	Submitted by:
8.6	Newbyres Community Trust – request for appointment	Executive Director Place
<b>Outline and Summary of Discussion</b>		
<p>Executive Director Place, Mr Anderson in presenting this report advised that Council is requested to consider the appointment of an Elected Member as a new nominee to the Newbyres Community Trust as contained in the written request from the trust's chair. In accordance with Standing Order 14, consideration requires to be given by Council to the appointment.</p> <p>Councillor Parry, seconded by Councillor Cassidy nominated Councillor Scott for this post.</p> <p>Councillor Milligan asked for clarity on a Councillor declaring an interest then being nominated as a representative. In responding Mr Turpie advised on the reason for Councillor Scott declaring an interest in that she was involved in helping set up the Trust and while there could be circumstances where they could not be nominated, in this case it was acceptable.</p> <p>There being no other nominations Councillor Scott was nominated.</p>		
<b>Decision</b>		
The Council agreed to Councillor Scott being nominated to the Newbyres Community Trust		
<b>Action</b>		
Executive Director Place/Democratic Services		

**Cllr Scott returned to the meeting 11.38 am**

**Cllr Alexander joined the meeting 11.38 am**

Report No.	Report Title	Submitted by:
8.7	Scottish Welfare Fund and Cost of Living – funding request	Executive Director Place

#### Outline and Summary of Discussion

The purpose of this report was to update Council on the current spend of Scottish Welfare Fund as at July 2023 and to invite Council to consider the use of COVID recovery funding to supplement the existing fund, fund a pilot approach to delivering Scottish Welfare Funding and fund a programme of cost of living support measures to be overseen by the Cost of Living Crisis Task Force

The Chief Officer (Acting) Corporate Solutions, Saty Kaur in presenting this report advising on the request for money for a range of activities and provided a brief breakdown of the money requested as detailed within the report.

Councillor Parry welcomed the paper and commented that the Cost-of-Living Task Force would be looking at winter preparedness and requested that an additional recommendation be added for a winter preparedness briefing for Councillors. Councillor Parry also highlighted the importance of supporting the local residents who are in crisis and that this is across all Councils.

Councillor Milligan highlighted that it would be wrong to take £195,000 out of this fund for training purposes and that there were additional covid recovery funds which could cover training costs. Councillor Milligan also asked why the £140,000 had to go to sub-group and why Council could not just approve now.

In response Mr Gladwin advised that the intention was to fund all this from covid recovery money which was carried over and use some of that for all of this. The remaining covid money set aside may be subject to further asks when going through winter period.

Ms Kaur then provided further clarity on the items within 3.22 and the reasons why this was delegated to the Cost of Living Task force and also highlighted that perhaps the recommendation was not clear and confirmed also that all monies will come from the covid recovery funding and advised that the £195,000 was not being removed from the Scottish Welfare fund to apply to the pilot programme. Ms Kaur also advised that the pilot programme was not necessarily for training but to put additional staffing in to support Scottish Welfare Fund specifically and advised on the work to assist with this in the longer term.

Councillor Milligan thanked officers for the explanation but would like to move an amendment that the £395,000 be put into the Scottish Welfare fund, the pilot programme for training to taken from the uncommitted covid reserves and £140,000 as per the recommendation.

At this point Councillor Russell announced that under the 3.22 Additional Cost of Living Supports as it physically mentions Woodburn Pantry and as she is on the Board declared an interest and left the meeting.

Councillor Imrie advised that from visiting some of the preferred partners they had different methodology for distributing the money and that this should be standardised and as an example advised on a voucher scheme which had been

used during covid which seemed a right way to do this. He further advised that as a Council in order that we have followed the public pound we should be ensuring it is standardised and not different criteria for different preferred partners.

Councillor Scott advised that we should be proud on how we have helped our communities during this time and the trusted partners may have different ways of distributing money but do it respectfully and highlighted that while she can see the merits in using vouchers it identifies the person as being vulnerable so can also see the disadvantages. Councillor Scott also highlighted that in winter there will be other challenges that we need to face with lot of families needing help but also the older people.

Councillor Parry also highlighted that they have discussed some of these issues in the task force and these can be addressed again. Councillor Parry then asked if Councillor Milligan's amendment was approved would there be any impact on the money getting to where it is needed. Ms Kaur confirmed that the debate was in the way in which it is to be funded and that it is not to be funded and the pilot programme will still be delivered.

Further comments were made with regards the trusted partners and that they were doing a good job but everyone should have equal opportunity to access those funds and that Councillors Imrie's comments were not about not being proud of trusted partners and volunteers but about scrutiny and equity.

#### Decision

The Council approved the application of COVID recovery funds to the value of £535k, for the following activity:

- £395k to the Scottish Welfare Fund;
- £140k to fund activity for September 2023 – March 2024 to support communities facing a Cost of Living Crisis, with the allocation of the funding delegated to the Cost Of Living Task Force to determine.

Also to use uncommitted COVID money for the following:

- £195k to fund a pilot programme for SWF allocation.

#### Action

Executive Director Place

During the discussion of the above item Councillor Russell announced that under the 3.22 Additional Cost of Living Supports it mentions Woodburn Pantry and as she is on the Board declared an interest and left the meeting at 11.49 am.

**Cllr Russell joined the meeting 11.56 am**

Report No.	Report Title	Submitted by:
8.8	Children's Rights Report 2020-2023,	Executive Director Children, Young People & Partnerships

#### Outline and Summary of Discussion

The Children and Young People (Scotland) Act 2014 places a duty on a range of public authorities to report, 'as soon as practicable' after the end of each three-year period, the steps they have taken to secure better or further effect the requirements of the United Nations Convention on the Rights of the Child (UNCRC). This report highlights the actions taken during the 2020-2023 reporting period to support children and young people in Midlothian to realise their rights. The report also sets out our next steps in supporting children and young people to realise their rights.

The Executive Director Children, Young People & Partnerships, Fiona Robertson presented this report highlighting the background, actions and the next steps and advised that the Midlothian Children's Rights Report has been submitted to the Members Library.

Councillor Scott thanked Ms Robertson and all the officers for their commitment in working towards the children's rights and the comprehensive local measure taken to listen to and act on the opinions of the young people in Midlothian. Councillor Scott further highlighted the importance of the children's rights and them having their say and influence decisions affecting their lives and communities.

Councillor Drummond also commented positively on this report and expressed her congratulations and appreciation for the work done over the last few years and raised a question if there a reason why Elected Members were not part of the Children's Rights group.

In response Ms Robertson advised that Elected Members were not excluded and that different options were being explored and highlighted that other local authorities did have groups which included Elected Members and that discussions would be taking place with the young people, and this would be brought back to the cross party following these discussions.

Councillor Scott, seconded by Councillor Drummond moved the paper.

Councillor Pottinger asked for clarification on 4.1 regarding A Children's Rights and Information Officer could be appointed and that there were no resource figures attached to this and would kinship carers be included in this committee.

In response Ms Robertson advised that it was important to ensure there was representation from different individuals and groups including carers but also to ensure there is no duplication and they will be reaching out to various groups.

Ms Robertson in response to the question with regards to the Children's Rights and Information Officer provided an explanation advising that this would need to be explored and consideration given to the cost of this resource.

Councillor Virgo also expressed his congratulations and appreciation for all the work and asked while it is right that children know their rights, it is equally important that they know their responsibilities and Ms Robertson confirmed that this paper also refers to their responsibilities.

**Decision**

The Council approved the Midlothian Children’s Rights Report 2020-2023 and noted the steps taken to give further or better effect to children’s rights.

**Action**

Executive Director Children, Young People & Partnerships

Report No.	Report Title	Submitted by:
8.9	Rapid Rehousing Transition Plan 2023/24 – 2024/25	Executive Director Place

**Outline and Summary of Discussion**

This report presented the annual review of Midlothian Council’s Rapid Rehousing Transition Plan which is to be submitted to the Scottish Government in August, 2023.

Mr Oliver presented this report highlighting that this was to be submitted to the Scottish Government this month. Mr Oliver advised on the progress of homelessness and provided an update on the activities taken place during 2022/23/

Councillor McKenzie thanked Mr Oliver and his team for all the hard work and raised a question with regards to ongoing sustainability tenancies and Mr Oliver in responding confirmed that they prided themselves in getting it right first time and the good standard of tenancy and highlighted the things in place to prevent re-entering homelessness and the multi-agency work in place with third partners to support the tenant.

Councillor Winchester asked if there was a reduction on people securing private residential tenancy and Mr Oliver advised that this did add a strain on what the Council could offer but there is a reduction in the private tenancy but with the numbers declining in homelessness this is being managed effectively.

Councillor Curran expressed his thanks to Mr Oliver and the team and highlighted table 4 in the report which outlines the technical reasons for homelessness which dispels some of the myths on homelessness, Councillor Curran then asked if housing through education was still being delivered and Mr Oliver confirmed it was and he would provide further details following this meeting.

**Decision**

Council is recommended to note the updated Rapid Rehousing Transition Plan, which was to be submitted to the Scottish Government for August 2023.

Report No.	Report Title	Submitted by:
8.10	Midlothian House and Dalkeith Town Centre	Executive Director Place
<b>Outline and Summary of Discussion</b>		
<p>In December 2021 Midlothian Council supported the commissioning of a new vision for Dalkeith that would reflect Midlothian Council's commitment to be Net Zero by 2030; incorporate revised strategies around Council assets and learning estate; and reflect different ways of working and living in a post-pandemic landscape.</p> <p>In addition, following recent reports to Council the refurbishment of Midlothian House is now incorporated into this regeneration masterplan as urgent action is required to progress a fabric first retrofit of the building to address its deteriorated façade, thereby significantly extend the lifespan of the building, and improve the building's energy performance.</p> <p>By incorporating Midlothian House into the first phase of the town centre regeneration programme this creates the opportunity to create a one stop shop Hub within the town centre, expanding the building's role as an anchor for accessible public sector and third sector services, not limited solely to Midlothian Council use, enabling building rationalisation and implementing hub &amp; spoke service delivery.</p> <p>Executive Director Place, Kevin Anderson presented this report providing a brief background of the report and the action plan for Midlothian House, Mr Anderson then passed over Ms Clandillon who provided further information on the proposed work incorporating Midlothian House into the first phase of the town centre regeneration programme.</p> <p>Councillor Parry in moving the recommendations advised that, with the cost of living crisis this becoming a one stop shop for local people and third sector would be beneficial to have all those people under one roof and progress further stages of the regeneration plans in the future. Councillor Cassidy in agreeing with Councillor Parry seconded the recommendations commenting that this would be beneficial to Dalkeith and its residents.</p> <p>Councillor Russell commented on this and highlighted previous plans in 2007 when Dalkeith regeneration this was discussed and outlined some of those proposed plans and advised that she was positive at the beginning, but we are here again, and things have now changed with Midlothian House the major part of this document and what it represents. Councillor Russell commented that as this is office space can revenues money be used to do the building up and raised concerns of the third sector coming into what was a Council building but did comment positively on the benefit of the one stop shop for the community.</p> <p>Councillor Russell further highlighted there were still a lot of questions that needed answered and a lot of information in this document and also why Buccleuch House was now put aside and Midlothian House was now being considered and therefore proposed that the Council consider this being deferred to a Seminar.</p>		

Councillor Cassidy noted that Councillor Russell commented on the delays in the past and could not understand proposing a further delay and advised that there are three choices and the importance of this project going forward as soon as possible.

Councillor Milligan seconded Councillor Russell's recommendation for a Seminar advising that it is about getting this right and commented on the information contained within the document highlighting the talks of joint ventures, bringing in more consultants and that he wasn't sure everyone understood what was contained within the document. He further commented on the main recommendations and highlighted recommendation (a) clearly states retrofit and refurbishment of Midlothian House and this development is to be housing led, which means this building will be getting turned into houses not offices. He further advised Councillors need to understand what is being proposed and that the decision has been taken to effectively move everyone over to Fairfield House, but it needs to be clear to members what is being proposed.

Mr Anderson in responding advised that he would try to provide some clarity and advised that previously it was recommended that this building be vacated but this was not approved. Mr Anderson further advised that this paper was split in that today the ask was for approval to progress with the works at Midlothian House, that are required to retain the building and remove the scaffolding pre-winter and that it is the other aspects which need to be housing led and using the HRA for that purpose. Mr Anderson commented that a Seminar might be more helpful in terms of the capital plan and the wider scope of Dalkeith.

There followed further discussion where Councillors highlighted the importance of getting this moving as quickly as possible but did acknowledge the information contained in the document did require further clarity. It was noted that the works to Midlothian House should go ahead, and the building is secured but with regards to the bigger plan this requires more detail. During this discussion Councillors also raised the cost and there not being enough detail on the additional costs for this project and can costs be included.

Councillor Parry in providing some clarity moved A, part of B with regards to Midlothian House and D. Mr Anderson highlighted that C was also required and this was agreed. Councillor Milligan agreed with the recommendations moved.

This was agreed by Members.

#### Decision

The Council approved:

- Recommendations A, part of B with regards to Midlothian House to make the building safe and secure, C and D as set out in the report.
- To hold a Briefing/Seminar to further discuss the wider plan for Dalkeith.

#### Action

Executive Director Place/Democratic Services

Report No.	Report Title	Submitted by:
8.11	Reinforced Autoclaved Aerated Concrete surveys	Executive Director Place
<b>Outline and Summary of Discussion</b>		
<p>This report advises members of the survey work carried out to understand the process of assessing, investigating and managing any presence of Reinforced Autoclaved Aerated Concrete (RAAC) panels in floors, walls, eaves and roofs (pitched and flat), of council buildings which followed an alert by the UK Government's Department for Education drawing attention to their advice.</p> <p>Chief Officer, Derek Oliver presented this report highlighting the main sections contained within the report. In respond to a question raised with regards to support and funding from the Government for the Education Estate, Mr Oliver confirmed there was no indication of additional funding but that may be different if they had discovered any Reinforced Autoclaved Aerated Concrete (RAAC).</p>		
<b>Decision</b>		
<p>The Council is recommended to note the management process and actions undertaken to date, based on the approach recommended by UK Government for Reinforced Autoclaved Aerated Concrete (RAAC) in public buildings.</p>		

Report No.	Report Title	Submitted by:
8.12	Fireworks Control Zones	Executive Director Place
<b>Outline and Summary of Discussion</b>		
<p>This report advised members that councils can designate Firework Control Zones that would make it a criminal offence to ignite a firework, or knowingly throw a lit firework in a zone, which can include private properties or gardens.</p> <p><a href="https://www.legislation.gov.uk/asp/2022/9/contents/enacted">https://www.legislation.gov.uk/asp/2022/9/contents/enacted</a></p> <p>Separate Guidance for Local Authorities references that the Firework Control Zones have not been designed as a measure to cover a whole local authority area and must be evidence based and proportionate.</p> <p>Chief Officer, Derek Oliver presented this report advising that this report provides information on the new powers for local authorities with regards fireworks and provided a brief overview of the main points contained within the report.</p> <p>In responding to a question raised by Councillor Virgo, Mr Oliver confirmed that if these recommendations are approved discussions will take place with the Police colleagues regarding the impact on the resources and that this will be a multi-agency report.</p> <p>Councillor Curran welcomed this paper and commented on the reduction of firework displays and the difficulties in organising these now and also commented on the Police, Fire and Rescue Board meetings every year falls just after bonfire night and if this can be arranged later so more feedback can be received with regards to this.</p>		



Councillor Curran also highlighted that it would be beneficial if in the recommendations included a public consultation and that a Briefing is arranged for members.

Mr Oliver in responding to a question raised by Councillor Curran with regards to waste amnesty confirmed that this remains unchanged for the areas previously collected from.

Councillor Milligan advised that for the public consultation is there a requirement for this and what can be included as there are clear guidance from the Scottish Government. He further advised that a Seminar would be helpful to get clarity on the proposals and what actions can be taken.

Mr Oliver confirmed that this would be multi-agency approach.

Councillor McKenzie confirmed the date of the next meeting of the Police Fire and Rescue Board and advised that he would discuss with Democratic Services rescheduling this date.

#### Decision

The Council:

- Noted that from 22 June, 2023 local authorities have new powers to reduce the negative impact of fireworks from implementation of the Fireworks and Pyrotechnics Articles (Scotland) Act 2022,
- Considered any further action or a further report as to whether to designate any Firework Control Zones in Midlothian.
- Agreed to hold a Briefing/Seminar for Elected Members
- Agreed to reschedule the Police, Fire and Rescue Board meeting in November to a later date.

#### Action

Chief Officer Place/Democratic Services

Report No.	Report Title	Submitted by:
8.13	The New Deal – Verity House agreement	Executive Director
Outline and Summary of Discussion		
<p>This report advised members that the First Minister, Humza Yousaf, has signed a deal between the Scottish Government and Scotland's local authorities, named as the Verity House Agreement after the headquarters building of CoSLA (Convention of Scottish Local Authorities) which represents all of Scotland's councils.</p> <p><a href="https://www.gov.scot/publications/new-deal-local-government-partnership-agreement/">https://www.gov.scot/publications/new-deal-local-government-partnership-agreement/</a></p> <p>Executive Director Place, Kevin Anderson presented this report highlighting the main sections and apologised for any typos contained within the report.</p>		

Councillor Parry in noting the report commented on the signing of this agreement and that it was important that Midlothian finds the right balance in the shadow of this agreement.

#### Decision

The Council are invited to note the new deal signed between the Scottish Government and local authorities on 30 June, 2023.

Report No.	Report Title	Submitted by:
8.14	Joint Working Group on Sources of Local Government Funding and Council Tax Reform (Council Tax Bands update)	Executive Director Place

#### Outline and Summary of Discussion

Scottish Government launched a consultation in July 2023 on Council Tax. This report provides Council with the information on the consultation.

Chief Officer (Acting) Corporate Solutions, Saty Kaur presented this report advising that this report was for noting and provided a brief outline of the main sections of the report and highlighting the consultation which is appended to the report.

Councillor Smail advised on his public objection to this and commented that he felt that this was not a valid consultation and outlined some of his reasons for this, he further advised that the working group did not have members from other parties therefore was no political debate on it and looks like it is just a tick box exercise.

Councillor Parry advised that this was an important consultation and this consultation was supported by all council leaders from SNP, Labour and Conservative. Councillor Parry also advised that any changes would need to go through the Scottish Parliament and to reassure people watching that there was no decision being made on this today, this was a joint consultation between Scottish Government and COSLA.

The Provost confirmed the importance of people knowing that this was a consultation and that it was not our consultation and gave reassurances that the council tax would not be increased due to any decision made here today, reconfirming it is all about consultation.

Cllr Milligan also confirmed that it was a Scottish Government consultation in conjunction with the council leaders and was confused why group leaders agreed to this and provided an example of a similar situation and the outcome of that did not benefit the Council. He further advised that this does not just affect the big houses but houses in the council tax band E and higher and highlighted the disparity in streets for council tax bands and the unfairness of this. He further advised if councillors were asked if they supported this the answer would have to be no and especially during a cost of living crisis.

Mr Anderson in responding to a question raised by the Provost with regards to properties in council tax band E advised that they do not collect those numbers.

Councillor Imrie advised for clarity advised that this was (CoSLA) presidential team who were in negotiation/consultation with the Scottish Government about doing something about Council Tax. They came back with a report, then got leaders to sign off to go out for public consultation and did that on behalf of the 32 local authorities. He further advised there was no recommendations in this paper and it was only for noting but this could change substantially the amount of money people in band E and upwards would have to pay over and above any council tax rise that may be implemented next year. Councillor Imrie further advised on the revaluation of houses, the cost-of-living crisis and the council tax freeze for 10 years and this was not the right time to do this and rejected any changes to council tax and that the council tax should be looked at by all political parties as this needs to be replaced.

There followed further discussion on the re-valuing of houses and extensions to buildings which is not reflected in the banding and that there has been no revaluation since 1991. Councillor Parry suggested that an appropriate officer put together a response from the council covering all the points raised today.

Councillor McKenzie also commented on this being a consultation exercise and advised on council tax bands with single occupancy and also highlighted that there are supports in place regarding council tax.

Councillor Virgo agreed that the council should put in a response collectively as well as individually and moved to propose this if there was enough time.

Ms Kaur reminded members that this consultation was launched over the Summer term and that the information was sent out to members on how they could respond. Ms Kaur advised if the decision in the Chambers today was to work with members to come up with a council response, officers will do that but highlighted that the consultation closes on the 20 September so would look at completing this quickly and presenting to Council for signing off.

After further discussion Councillor Virgo proposed that the council submit a response involving officers pulling the information together and holding a special council prior to the submission date of 20 September 2023 for this being ratified.

Councillor Milligan seconded Councillor Virgo's motion.

On a vote being taken 10 votes for the Motion and 7 against, the motion then became the decision of the Council.

#### Decision

The Council agreed that officers would work with Elected Members pulling together a council response to be submitted prior to 20 September 2023 and that a Special Council meeting will be held to sign off this response.

#### Action

Executive Director Place/Elected Members /Democratic Services

Public meeting terminated at 13.07 pm

## **9. Private Reports**

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The meeting then moved to private consideration of the following reports:

- 9.1 Rullion Road, Penicuik – Land Acquisition – Report by Executive Director Place
- 9.2 Amendment to the Permanent Staffing Establishment – Report by Chief Executive.

## **10. Date of Next Meeting**

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The next meeting will be held on Tuesday 10 October 2023

The meeting concluded at 13.32 pm