

Minute of Meeting

Midlothian Council
Tuesday 27 August 2024
Item No 5.1



Midlothian Council

Date	Time	Venue
Tuesday 25 June 2024	11:00 am	Council Chamber, Midlothian House/Hybrid

Present:

Provost McCall (Chair)	Depute Provost Bowen
Councillor Parry (Council Leader)	Councillor Cassidy (Depute Council Leader)
Councillor Alexander	Councillor Curran
Councillor Drummond (joined at 11.39am)	Councillor Imrie
Councillor McEwan	Councillor McKenzie
Councillor McManus	Councillor Milligan
Councillor Pottinger (attended virtually)	Councillor Russell
Councillor Scott	Councillor Smail
Councillor Virgo	Councillor Winchester

Religious Representatives:

Anne-Theresa Lawrie	
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In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Fiona Robertson, Executive Director Children, Young People and Partnerships	Morag Barrow, Director of Health & Social Care: Midlothian HSCP / Chief Officer to Midlothian IJB
Alan Turpie, Legal and Governance Manager / Monitoring Officer	David Gladwin, Chief Financial Officer (Section 95 Officer)
Janet Ritchie, Democratic Services Officer	Hannah Forbes, Assistant Democratic Services Officer

1. Welcome, Introductions and Apologies

The Provost welcomed everyone to this meeting of the Midlothian Council and advised that the meeting was open to the public and would be webcast live.

The Provost welcomed the guests from the twin town of Jarnac and wished them a very safe journey home with best wishes, repeating this introduction to them in French.

The Provost took the opportunity to congratulate Willie Reid, Waste Services 50 years' service at Midlothian Council.

The Provost congratulated Chief Superintendent Catriona Paton for promotion to Assistant Chief Constable and receiving the King's Policing medal. The Provost expressed their best wishes on their promotion.

The Provost also recognised in the King's Birthday Honours List Dr Jasmin Paris. The ultra runner received an MBE. The Provost also recognised Alastair Davis, Social Investment Scotland, who received an OBE and Professor Donald Campbell from Edinburgh University who was awarded an OBE for services to music and expressed congratulations to all recipients.

2. Order of Business

The order of business was as per the agenda previously circulated.

3. Declarations of interest

None.

4. Deputations

A late deputation was received from the Midlothian Federation of Community Councils. The Provost asked Council whether it wished to hear the deputation. The Council unanimously agreed, and the Provost invited the representative from the Midlothian Federation of Community Councils to speak advising that they had 10 minutes to present.

[The Document MLDP2 Midlothian new Housing Target 2026-2036 was distributed.](#)

Stephen Liddell thanked the Council for hearing the deputation. Mr Liddell explained that they were representing the Midlothian Federation of Community Councils to raise its concerns relating to the recent housing allocation decision which forms part of the MLDP2. The representative stated that in November last year, following widespread public consultation with fifteen community councils the Federation wrote to the Planning Service and all Councillors expressing serious concerns regarding the further allocation of new housing sites being allocated in MLDP2.

The view of the Federation was that, while it shares concerns over the impact of additional housing on local infrastructure, it believed there was still a need for properly affordable housing, particularly for young people starting out on the housing ladder. It also requested a dialogue with Planning Officers on the types of housing that are approved and whether they are appropriate for their community.

The representative stated that the decision made by the Planning Service regarding the housing numbers was misleading and that the Federation request this be raised today, and further information was contained within the document which was distributed in the Council Chamber prior to the deputation. ('MLDP2 Midlothian New Housing Target 2026-2036', appended to the minute).

The representative further explained the table of numbers in the handout stating that the numbers were from the evidence report, the 2023 housing land audit and the 2023 Scottish Government's vacant and derelict land survey and the Scottish Government's target was for 8,850 houses. The representative stated that several categories of new housing were not included in these numbers which was windfall sites, constrained sites, impact of densification of sites and brownfield sites. The representative continued on to say that the decision made by the Planning Service to completely exclude all these sources of new housing from the forecast summary is misleading, stating that if the brownfield sites were disregarded, the total is 10,900, then with an extra 2000 houses added which was agreed by the Planning Committee, the total becomes 12,900. The representative stated that this is a 4,000 surplus over the target, which equates to 45% more new houses than the Scottish Government request.

The Provost thanked Mr Liddell and opened it up to Members for questions.

Councillors asked whether officers could respond to some of the points raised, with regards to the implication that Planning Officers moved policy due to pressures by developers. The Legal and Governance Manager advised that the Deputations Process did not state a position on this and suggested that questions were taken at this time and that the relevant officers who were in the Council Chambers were given the opportunity to respond to these points and also stated that this would, if required and appropriate, allow the Federation to further respond. The Provost reminded Members that there was 10 minutes allocated for questions and answers. In responding to a further question from Members about the appropriateness of this discussion the Legal and Governance Manager confirmed that this was a policy strategy matter, therefore the quasi-judicial rules do not apply.

The Chief Officer, Place and the Planning, Sustainable Growth and Investment Senior Manager responded to each of the points. The Chief Officer Place started by highlighting the good relationship and engagement that the Council had with Community Councils and the Federation throughout the consultation and engagement process of the local development plan and that the term misleading was disappointing and unjustified.

The Planning, Sustainable Growth and Investment Senior Manager responded to the all the points raised by the Federation of Community Councils stating that the figures presented to members in October 2023, November 2023 and June 2024 were correct and provided an explanation on the variation and why the figures presented by the Federation in the handout are incorrect.

The Planning and Sustainable Growth and Investment Senior Manager explained why windfall sites and constrained sites are excluded and provided clarification on densification. They went on to respond to the other points including the additional burden because of development, housing numbers and surpluses, the allocation of new sites and how this is considered in relation to existing sites in the plan and the final point about smaller sites or smaller allocations. The Planning and Sustainable Growth and Investment Senior Manager confirmed that Planning Officers are working closely with Homes in Scotland and explained that there is a requirement in MPF4 under regulations that the Council negotiate and engage with all relevant parties, whether they are key agencies or communities, and the Council have been doing this. It was explained that there had been disagreements between the Planning Authority and Homes in Scotland, which is the umbrella group that represents the housebuilding industry, and this is set out in the Evidence Report.

The Provost asked if there were any further questions.

The representative was asked if the explanation by the Planning Sustainable Growth and Investment Senior Manager gives a better understanding of the dispute with regards to the figures. The representative commented on the individual numbers put together and the total figure. The representative further highlighted although windfall sites are unpredictable, they still occur and stated that alongside brownfield sites and constrained sites these should all be included in the summary and that all numbers are in the report, and this should be looked at in more detail and see what can be produced.

11.31am – The Representative from the Federation of Community Councils and the guests from the twin town of Jarnac left the Council Chamber.

5. Minutes of Previous Meetings

Item No.	Report Title	Submitted by:
5.1	Minute of Midlothian Council of 7 May 2024	Executive Director Place
Outline and Summary of Discussion		
<p>Councillor Pottinger intimated his apologies for the last meeting of Council when he mistakenly had his camera on whilst eating and drinking. Councillor Pottinger advised that this was not intentional and did not mean to cause upset and hoped that the council would accept his apologies.</p> <p>The Provost thanked Councillor Pottinger and was happy to accept their apologies on behalf of the Council.</p>		

The Minute of the Special Meeting of Midlothian Council held on the 7 May 2024 was submitted for approval, moved by Councillor Parry and seconded by Councillor McManus.

Decision

The Minute of the Meeting of Midlothian Council held on 7 May 2024 was approved.

Action

Democratic Services

Item No.	Report Title	Submitted by:
5.2	Minute Volume Index	Executive Director Place
Outline and Summary of Discussion		
<p>The following minutes were previously circulated to Elected Members and subsequently noted and/or the recommendations contained therein approved:</p> <ul style="list-style-type: none">• Minute of Police Fire and Rescue Board Meeting of 29 January 2024• Minute of Cabinet Meeting of 5 March 2024• Minute of Planning Committee Meeting of 12 March 2024• Minute of General Purposes Committee Meeting of 19 March 2024• Minute of Performance, Review and Scrutiny Committee Meeting of 19 March 2024• Minute of Local Review Body Meeting of 25 March 2024• Minute of General Purposes Committee Meeting of 30 April 2024• Minute of Planning Committee Meeting of 30 April 2024• Minute of the Special Planning Committee Meeting of 21 May 2024• Minute of MIJB Audit and Risk Committee Meeting of 7 March 2024 <p>Moved by Councillor Parry and seconded by Councillor McManus.</p>		
Decision		
Minute Volume Index was noted.		
Action		
Democratic Services		

Item No.	Report Title	Submitted by:
5.3	Action Log	Executive Director Place
Outline and Summary of Discussion		
<p>In responding to a question raised with regards to Item 5 Tenancy Agreement, The Executive Director Place confirmed that a briefing will be held post recess and will combine Tenancy Agreement and Anti-Social Behaviour.</p> <p>Capital Plan Prioritisation (item 1) was also raised, and several Councillors expressed their frustration that they still did not have a completion date and that they required assurances on an exact date so decisions could be made. The Executive Director Place advised that this would be post recess and advised that officers were aiming to present this to August Council, but this may be September, and outlined the work in progress and the elements which are contributing to the delay. Further comments were made with regards to the budget gap and the Capital Plan was required to be presented to Councillors to allow them to understand the Council's affordability. The Executive Director Place in responding provided an outline of the ongoing work to date, confirmed that business cases were progressing and as soon as the final Plan was ready it would be presented in a meaningful and factual format to allow Councillors to make those informed decisions.</p> <p>A further question was raised with regards to the interlinking nature of the Capital Plan Prioritisation and the Medium-Term Financial Strategy. The Chief Financial Officer, in responding, advised that in terms of the budget gap there are a number of levers which can be used by the Council for financial sustainability and one of these was to reduce capital expenditure. It was also highlighted that Audit Scotland would continue to comment on the Council not being financially sustainable whilst there is a budget gap and that officers need to come forward with viable options to allow Councillors to make decisions.</p>		
Decision		
The Action Log was noted.		
Action		
Democratic Services		

During the above discussion Councillor Drummond joined the meeting at 11.39 am

6. Questions to the Leader of the Council

None received.

7. Motions

Report No.	Report Title	Submitted by:
7.1	School Uniforms	Councillor Drummond and Councillor Curran
Outline and Summary of Discussion		
<p>The Notice of Motion was proposed by Councillor Drummond and seconded by Councillor Curran.</p> <p>Councillor Drummond and Councillor Curran spoke in support of this motion explaining that in the past, Midlothian Council agreed to introduce school uniforms to schools and the reasons for this as contained within the Motion. The motion outlines that embroidered items were much more expensive to purchase and examples the expense of this and the issues this cause families.</p> <p>Discussion took place with regards to the costs of the embroidered uniforms, and it was noted that some parents would already have purchased their uniforms. It was also noted that some families will not be able to afford these embroidered uniforms.</p> <p>Comments were expressed in support of this motion but also with regard to further work being carried out to ensure the voices of the schools, families and young people are heard. It was suggested that a report was taken to the Cost of Living Task Force for further discussion and update on actions. It was noted that a consultation was in progress with parents, young people and schools and that discussions were ongoing at COSLA and Scottish Government, but Members stated that this ongoing national work should not hold up the Council adopting non-embroidered clothing.</p> <p>Further discussion took place around the holistic approach and the barriers in accepting this motion today. It was also noted that there was no procurement for school uniforms at present by the Council. Further comments were expressed in support of this motion.</p>		
Decision		
The Notice of the Motion was moved.		
Action		
Executive Director Children, Young People and Partnerships to notify schools to ensure this position is adopted for the school term following summer recess.		

Report No.	Report Title	Submitted by:
7.2	Midlothian Indoor Bowling Club	Councillor Curran and Councillor Russell
Outline and Summary of Discussion		
<p>The Notice of Motion was proposed by Councillor Curran and seconded by Councillor Russell.</p> <p>Councillor Curran and Councillor Russell spoke in support of this motion praising Midlothian Men's Indoor Bowling Team's successive Scottish Premier League and Scottish Cup wins. It was also noted that the level of competition and the number of elite bowlers in Scotland (including Midlothian) was a fantastic achievement.</p> <p>Council agreed to write to the team to congratulate them on their incredible success.</p>		
Decision		
<p>The Notice of the Motion was moved and agreed that Council will write to the team to congratulate them on their incredible success.</p>		
Action		
Chief Executive/Leader of the Council		

Report No.	Report Title	Submitted by:
7.3	Gala Days	Councillor Parry and Councillor Scott
Outline and Summary of Discussion		
<p>The Notice of Motion was proposed by Councillor Parry and seconded by Councillor Scott.</p> <p>Councillor Parry and Councillor Scott spoke in support of this motion highlighting the dedication and hard work of volunteers and the community to organise gala days and children's days across Midlothian, commenting that the gala days this year were excellent. The Motion recognises that these events are an important part of the culture of Midlothian and congratulates the event organisers on their outstanding success.</p> <p>Also highlighted in the Motion was the hard work undertaken by young people, parents, carers, schools, local businesses and Midlothian Council staff to make these events happen.</p> <p>Councillors spoke in support of this motion highlighting all the work done by the volunteers across Midlothian and the importance of gala days in bringing the community together.</p> <p>Several Councillors declared transparency with working with gala day committees and other local community committees and spoke in favour of this motion. It was highlighted that gala days are mainly run by volunteers and the question was raised on sustainability, in particular if the main volunteers running these events moved on what would then happen to the future of the gala days and queried if there was something which could be done by the Council to support these</p>		

volunteers. It was also noted the good work done by council employees in supporting the community with these events.

Decision

The Notice of the Motion was moved.

Action

Report No.	Report Title	Submitted by:
7.4	Volunteer Week	Councillor McCall and Councillor McManus
Outline and Summary of Discussion		
<p>The Notice of Motion was proposed by Councillor McCall and seconded by Councillor McManus.</p> <p>As the motion was moved by the Provost, the Depute Provost assumed the position of Chair for this item.</p> <p>Councillor McCall in speaking in support of this motion, commented positively on Volunteer Week. As Midlothian's Volunteer Champion, the Provost explained how they enjoyed assisting in the award ceremony where many adults and young people received awards and gave recognition to the number of people from many organisations who supported this event. Councillor McCall also expressed their congratulations to Lorna Greig, a volunteer from girl guiding who won the dedicated service to volunteering. Lorna has volunteered for 57 years. The Provost commented on the number of volunteers who have done this for many years and congratulated all volunteers. Councillor McManus formally seconded this motion and added their congratulations to all volunteers who received an award and commented positively on the number of young people involved in volunteering.</p> <p>Councillor Parry paid tribute to a volunteer, Shiela Broadfoot who recently passed away and did a lot of voluntary work in the Woodburn area and was a huge support to many people especially during the Miner's strike.</p>		
Decision		
The Notice of the Motion was moved.		
Action		

8. Reports

Report No.	Report Title	Submitted by:
8.1	Financial Monitoring 2023/24 – General Fund Revenue	Chief Financial Officer/ Section 95 Officer
Outline and Summary of Discussion		
<p>The Chief Financial Officer/Section 95 Officer presented the report. The purpose of this report was to provide Council with information on 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 net underspend of £0.134 million which is an improvement of £0.006 million from projections at quarter 3. The underspend represents 0.05% of the revised budget. The Chief Financial Officer advised on a typo at the top of p42 of the report at the end of item 3.3. which referred to planning fees exceeding budget by £0.181 million but explained that this was the Q3 figure and should not have been included in this report.</p> <p>Council is recommended to note the contents of the report.</p> <p>The Provost thanked the Chief Financial Officer for the report and opened it up for questions and comments.</p> <p>In responding to a comment from Councillor Parry with regards to a paper being brought back in August, the Chief Financial Officer confirmed that the paper regarding Dalkeith Office Campus was still scheduled to be reported to Council in August.</p> <p>Members highlighted concerns around the overspends in fleet due to the hiring of vehicles and the importance of the Capital Plan coming to Council for decision and the review of transport requires to be progressed, however it was also acknowledged that there were some positive messages in the report.</p> <p>In responding to a question regarding housing revenue benefit overpayment, the Chief Officer Financial explained there is a complex rule to determine what is included in the calculation and at the end of every financial year there is a slight variance between what was budgeted for.</p> <p>There followed a discussion regarding Hillend and the Alpine Coaster and the Chief Financial Officer advised that there was no income received in the last financial year hence the variance and advised on some of the issues that caused the delay of the opening of the Alpine Coaster. It was further advised that the Hillend Project was on pause and that this was imposed while the business cases were being looked at and that the Hillend Project was getting redesigned to something which was affordable, it was also noted that there was no income for 23/24 due to delays in the programme but some of the loss of income may be recompensed.</p> <p>Following a further question with regards to the total overspend and underspend the Chief Financial Officer advised that the in - year the overspend was £2.937 million offset by loan charges and some minor variances and Scottish Government grant. Members queried why variances explained in the main text of the report do</p>		

not add up to the total overspend. The Chief Financial Officer explained that these were only the material variances against budget and the full variance, at service level, is shown at Appendix 1. In responding to a comment on Loan Charges, the Chief Financial Officer explained the positive variance for Loan Charges was for a couple of main reasons - the value of surplus cash and the high interest rate environment and a delay in capital expenditure.

Decision

The Council noted the contents of this report.

Action

Chief Financial Officer/Section 95 Officer

Report No.	Report Title	Submitted by:
8.2	Housing Revenue Account	Chief Financial Officer/Section 95 Officer

Outline and Summary of Discussion

The Chief Financial Officer/Section 95 Officer presented the report. The report provides Council with:

- The final outturn position for 2023/24 for both the Housing Revenue Account (HRA) Capital Plan and the Revenue Account.
- A revised capital plan for 2024/25 to 2026/27 reflecting the cross-year budget movements and the latest capital plan delivery programmes.

The summarised financial performance for 2023/24 is:

- Capital investment in the year totalling £50.412 million.
- A net overspend of £1.479 million on the Revenue Account;
- An HRA reserve at 31st March 2024 of £33.181 million, the majority of which is committed to finance investment in the new build programme.

Council is recommended to note the contents of the report.

The Provost thanked the Chief Financial Officer/Section 95 Officer for the report and opened it up for questions and comments.

In responding to a question raised with regards how Midlothian is affected by the £196 million cut in the housing programme and the additional housing programmes, the Chief Financial Officer advised that the Scottish Government will no longer fully fund the affordable housing supply programme.

Decision

The Council noted the contents of this report.

Action

Chief Financial Officer/Section 95 Officer

Report No.	Report Title	Submitted by:
8.3	General Services Capital Plan 2023/24 Final Outturn.	Chief Financial Officer/Section 95 Officer
Outline and Summary of Discussion		
<p>The Chief Financial Officer/Section 95 Officer presented the report. The purpose of this report was to provide Council with:</p> <ul style="list-style-type: none"> Information on the final outturn performance against budget for 2023/24 (Section 3.1-3.5); An update on the capital fund balance at 31 March 2024 (Section 4). <p>Council is recommended to note the General Services Capital Plan outturn position for 2023/24 as set out in Section 4.</p> <p>The Provost thanked the Chief Financial Officer/Section 95 Officer for the report and opened it up for questions and comments.</p> <p>There being no questions raised the recommendations were noted.</p>		
Decision		
The Council noted the contents of this report.		
Action		
Chief Financial Officer/Section 95 Officer		

Report No.	Report Title	Submitted by:
8.4	Annual Treasury Management Report 2023/24	Chief Financial Officer/Section 95 Officer
Outline and Summary of Discussion		
<p>The Chief Financial Officer/Section 95 Officer presented the report. The purpose of this report was to inform members of the Council of the Treasury Management activity undertaken in 2023/24 and the year-end position.</p> <p>It was noted that the Audit Committee scrutinised the report on 24 June 2024.</p> <p>Council is recommended to note the Annual Treasury Management Report 2023/24.</p> <p>The Provost thanked the Chief Financial Officer/Section 95 Officer for the report and opened it up for questions and comments.</p> <p>Councillor Virgo commented on the positive report and passed their thanks and congratulations on the loan charges being significantly less than the Scottish average and states that this is a testament to the work that had taken place.</p>		
Decision		
The Council noted the contents of this report.		

Action

Chief Financial Officer/Section 95 Officer

Report No.	Report Title	Submitted by:
8.5	Internal Audit Shared Service Arrangement Continuation	Chief Executive

Outline and Summary of Discussion

The Chief Executive presented this report advising that this had been presented to Audit Committee on 24 June 2024. The purpose of the report was to provide Council with the appraisal of the first 18 months of the Shared Service arrangement for the Chief Internal Auditor between Midlothian and East Lothian Council. Significant budget savings have been delivered within the Internal Audit and Counter Fraud team over the 18-month period whilst continuing to deliver a service that meets the requirements of the Public Sector Internal Audit Standards (PSIAS).

Council is recommended to:

- a) Note the agreement of Midlothian Council Audit Committee on 24 June 2024, following the 18-month initial period, to the continuation of the Chief Internal Auditor Shared Service on an ongoing basis.
- b) Approve the continuation of the Chief Internal Auditor Shared Service between Midlothian and East Lothian Council on an ongoing basis.
- c) Note that flexibility will be considered as part of the ongoing Internal Audit annual planning process to widen the agreement to the sharing of Internal Audit and Counter Fraud resource staffing, when the potential allows.

The Provost thanked the Chief Executive for the report and opened it up for questions and comments.

Moved by Councillor Parry, seconded by Councillor Smail.

Decision

The Council approved the recommendations as stated in the report.

Action

Chief Executive

Report No.	Report Title	Submitted by:
8.6	Cost of Living Update	Chief Officer Corporate Solutions

Outline and Summary of Discussion

The Chief Officer Corporate Solutions presented this report. The purpose of this report was to provide Council with options for future poverty reduction interventions and associated costs.

Council is asked to:

- Note the research and analysis of findings related to poverty as set out at 3.3-3.7.
- Recognise the significant work undertaken around employability support as set out at 3.8-3.11.
- Agree to fund £462,500 to support Cost of Living interventions detailed in 3.22-3.24, from COVID recovery funds.
- Agree to delegate authority of allocation of funding to the Cost of Living Task Force.

The Provost thanked the Chief Officer Corporate Solutions for the report and opened it up for questions and comments.

Councillors commented positively on the report and the collaborative work in the cross-party Cost of Living Task Force and also noted the income maximisation figures and the money this has brought in for the people in Midlothian.

Moved by Councillor Parry, seconded by Councillor Virgo.

Decision

The Council approved the recommendations as stated in the report.

Action

Chief Officer Corporate Solutions

Report No.	Report Title	Submitted by:
8.7	Replacement Beeslack Consultation	Executive Director, Children, Young People and Partnerships

Outline and Summary of Discussion

The Executive Director, Children, Young People and Partnerships presented the report. This report advised on the outcome of the statutory consultation on the proposal to relocate Beeslack Community High School and realign the associated primary catchment areas as well as the secondary catchment areas of Penicuik and Lasswade High Schools and seeks approval for the recommendations.

Council is recommended to approve the following:

- Beeslack Community High School will be relocated from its current site to land adjacent to Easter Bush from August 2026 or as soon as possible thereafter;
- A new additional support needs (ASN) stage will be established at Beeslack Community High School when the school opens in August 2026 or as soon as possible thereafter;
- The catchment area of Beeslack Community High School will be realigned to include the catchment areas of Loanhead and Paradykes Primary Schools;

- iv. The catchment area of the closed Glencorse Primary School will be realigned to the Mauricewood Primary School catchment area;
- v. The catchment area of Penicuik High School will be realigned to include the catchment areas of Mauricewood and the closed Glencorse Primary Schools;
- vi. A new ASN stage will be established at Penicuik High School.

The Provost thanked the Executive Director, Children, Young People and Partnerships for the report and opened it up for questions and comments.

Councillor Scott in moving the paper, commented positively on the new school and raised a question with regards to safe routes to the schools and the ASN facility as well as the transition to these schools. The Executive Director, Children, Young People and Partnerships confirmed that safer routes and traffic management will be established and provided an update on the work ongoing with Midlothian Travel Team and Lothian Buses and confirmed that they will continue to engage with key stakeholders to share updates on the safer routes to school.

With regards to the provision for complex and medical needs the Executive Director, Children, Young People and Partnerships advised on the specialist architect who is part of the project team to ensure that these needs are considered in terms of the design of the facility.

Members commented that while a new school would be welcome without having all the available information it is difficult for the Council to decide on the recommendations proposed and it was suggested that this item is deferred for decision at a later date. It was further highlighted that school estate condition surveys were still outstanding, and it was also noted the last time the Learning Estate Strategy was discussed there has been changes to the school estate with the removal of schools. It was also noted that this is one of the biggest spends the Council will make in 25 years and Members require all the information to make this decision.

Councillor Parry in seconding the recommendations, commented in support of this being progressed and that a debate had taken place last year when the new school was approved.

In responding to a question raised the Executive Director Children, Young People and Partnerships confirmed that the recommendation was to approve the new Beeslack High School being relocated to Easter Bush and to change the catchment areas which would require a new build. The Executive Director Children, Young People and Partnerships explained that the legislation states as there are changes in the Learning Estate the Education Authority must carry out a new consultation in relocating that school even although the new school build was previously approved by the Council. The Executive Director Place advised that the Council's capital funding would be £75.64 million, expected developer's contributions to the Council of £23.07 million and the Scottish Learning Estate Investment Programme funding of £17.1 million, totalling the £115.8 million for the project.

There followed a debate on the new school and whether the Council has contractually committed to already to building a new Beeslack School and if not is

there an alternative option for Members to consider. The Executive Director Place advised on the two-stage procurement process - the first stage being pre-construction services and is a low value and does not breach the position that the Council took for the £6 million spend limit and confirmed once the Council proceeded on to the main contract work stage this would exceed £6 million, and this would be brought back to Council and confirmed there would be no contractual penalty at this time. The Executive Director Place further advised in terms of abortive costs those are estimated at approximately £3 million. The Executive Director Place also advised on the building condition surveys for the schools and advised the High School surveys are complete, but the Primary School surveys are still in progress, and they would come forward as part of the Capital Plan. In terms of Beeslack the estimated total over the next 3 years would amount to 5.1 million in terms of suitability and condition work that would be required at the existing school.

The Executive Director Place confirmed that in contractual terms the Council is not committed beyond what is agreed today and the tender report would be brought back to Council and with regards to the terminology of recommendations 1 and 2 they advised this would need to be deferred to the Monitoring Officer in terms of what commitments they may lead to.

Further comments were raised with regards to the school not being developed and the reputational damage to the Council as well as the impact this will have on the community.

The Executive Director Children, Young People and Partnerships with regards to the question raised on the Edge Analytics pupil product validation provided an explanation on the work undertaken to date. It is estimated to take 4-6 weeks and confirmed that they had benchmarked against other Local Authorities in terms of methodology to check the current figures.

The Provost moved to a vote advising that the recommendations were moved by Councillor Scott, seconded by Councillor Parry.

On a vote being taken 10 voted for the recommendations and 7 against the recommendations with 1 abstention.

Decision

The Council approved the recommendations as stated in the report.

Action

Executive Director, Children, Young People and Partnerships

The Meeting adjourned for lunch at 1.05pm and reconvened at 1.25 pm. The Provost welcomed the Head Teachers, Ms Walker and Ms McGuire from St Mary's Primary School and St Luke's Primary School.

Report No.	Report Title	Submitted by:
8.8	Mayfield Early Learning Centre Consultation	Executive Director, Children, Young People and Partnerships
Outline and Summary of Discussion		

The Executive Director, Children, Young People and Partnerships presented the report. This report advised on the outcome of the statutory consultation on the proposal to close Mayfield Nursery School and re-designation to Mayfield Early Learning Centre and seeks approval for the recommendations.

Council is recommended to approve the following:

- The closure of Mayfield Nursery School from August 2025 or as soon as possible thereafter;
- Mayfield Early Learning Centre will be established from August 2025 or as soon as possible thereafter;
- Mayfield Nursery School will be closed and re-designated to Mayfield Early Learning Centre within the Mayfield Learning Community Campus;
- The Speech and Language Communication provision hosted within Mayfield Nursery School will close with effect from August 2024 or as soon as possible thereafter;
- The re-designation of Mayfield Nursery School to Mayfield Early Learning Centre will take effect from August 2025 or as soon as possible thereafter;
- The new Mayfield Early Learning Centre will be under the leadership of the Head Teacher of St Luke's RC Primary School

The Provost thanked the Executive Director, Children, Young People and Partnerships for the report and opened it up for questions and comments.

In moving the report Councillor Scott commented positively on the indoor and outdoor facilities and highlighted that the Speech and Language Service would be offered as an outreach service. In responding to a question with regards to the Nursery arrangements the Executive Director Children, Young People and Partnership advised that they have been proactive in meeting with the families concerned and that the same staff team will work with the children to support the transition and that they will continue to liaise with families at an individual level to ensure they are supported during this period of transition.

Councillor McKenzie in seconding the motion spoke positively with regards to this change and added that this is supported by the community.

The Executive Director Children, Young People and Partnerships in responding to a further question provided clarity on the balance of the range of provisions that Head Teachers lead and manage within each establishment. They explained that the proposed new Mayfield Primary School will have a new Additional Support Needs provision and there will be non-denominational early learning childcare at St. Luke's, and this ensures that both schools provide an educational service out with mainstream education. The Executive Director Children, Young People and Partnerships further advised that collaboration is encouraged as a campus, and this does not impact on the identity of each school in terms of learning and teaching and is seen as good practice. They further explained the benefits for the children in providing an outreach Speech and Language Service and also that this will build the capacity of staff within mainstream schools who support children that require speech and language communication support.

In responding to a follow up question with regards to setting dates, the Executive Director Children, Young People and Partnerships provided an explanation advising that in terms of statutory consultation when it relates to a new build it is good practice to identify a date as soon as possible thereafter and that this is something that is done nationally and allows for any delays.

Ms Smith, the Quality and Improvement Officer for the Speech and Language Service joined the meeting and provided clarity that the level of support the children receive will continue and in providing assurances advised on discussions that are taking place with NHS speech and language therapy support and the Mayfield speech, language and communication team and that each child will have a package of care with targets and outcomes and that will continue when they transfer to this new model. The Executive Director Children, Young People and Partnerships in responding to a further comment confirmed that the Speech and Language Service is a Midlothian wide service and there is no catchment area.

Moved by Councillor Scott, seconded by Councillor McKenzie

Decision

The Council approved the recommendations as stated in the report.

Action

Executive Director, Children, Young People and Partnerships

Report No.	Report Title	Submitted by:
8.9	Mayfield Additional Support Needs Consultation	Executive Director, Children, Young People and Partnerships

Outline and Summary of Discussion

The Executive Director, Children, Young People and Partnerships presented the report. This report advised on the outcome of the statutory consultation on the proposal to establish a new Additional Support Needs (ASN) stage at Mayfield Primary School on the new Mayfield Learning Community Campus and close the Speech and Language Communication provision within Mayfield Primary School and seeks approval for the recommendations.

Council is recommended to approve the following:

- i. A new Additional Support Needs (ASN) stage will be established on the Mayfield Learning Community Campus;
- ii. The ASN stage will be under the leadership of the Head Teacher of Mayfield Primary School;
- iii. The Speech and Language Communication provision hosted within Mayfield Primary School will close with effect from August 2024 or as soon as possible thereafter;

- iv. The Speech and Language Communication provision hosted within Mayfield Nursery School will close with effect from August 2024 or as soon as possible thereafter;
- v. The Speech and Language Communication provision will move to an outreach service from August 2024 or as soon as possible thereafter.

The Provost thanked the Executive Director, Children, Young People and Partnerships for the report and opened it up for questions and comments.

Councillor Scott in moving the report commented positively on the specialist provision and that the existing buildings will be replaced with a new state of the art campus and community facilities in the heart of Mayfield. It was also noted that communication with stakeholders was very important, and Members requested that the staff undertake training from the outreach service.

Councillor McKenzie formally seconded the report.

Councillor Virgo also commented on the incorrect terminology ‘Her Majesty’s Inspectors of Education’.

Councillor Scott moved the report, seconded by Councillor McKenzie.

Decision

The Council approved the recommendations as stated in the report.

Action

Executive Director, Children, Young People and Partnerships

It was noted that Mr Campbell Hornell, Head Teacher, Lasswade High School Centre was available on MS Teams for any questions.

Report No.	Report Title	Submitted by:
8.10	Lasswade High School Childcare Service - Consultation	Executive Director, Children, Young People and Partnerships

Outline and Summary of Discussion

The Executive Director, Children, Young People and Partnerships presented the report. Under the Schools (Consultation) (Scotland) Act 2010 any proposal to permanently discontinue all nursery classes in a school require a statutory consultation. The purpose of this report was to seek approval for the recommendation outlined above, that Council approve the undertaking of statutory consultation on the closure of Lasswade High School Childcare Service.

Council is recommended to Authorise the Executive Director Children, Young People and Partnerships to undertake statutory consultation on the proposal to close Lasswade High School Childcare Service, which is treated as a closure under the Schools (Consultation) (Scotland) Act 2010.

The Provost thanked the Executive Director, Children, Young People and Partnerships for the report and opened it up for questions and comments.

Cllr Scott in moving the report noted the number of children in the setting was low and asked what transition arrangements would be in place to move young children to another early years childcare setting if the Lasswade setting closed. The Executive Director Children, Young People and Partnerships explained that the school has found it extremely difficult to achieve the income target and that if this was taken out of the school and managed by the Local Authority or partner provider it would become more viable in terms of the hours it could operate. It was also explained that with regards arrangements for Parent/Carers there would be close contact with them ensuring that the correct communication is provided around the longer term and that they would be fully involved in the consultation process.

Councillor Virgo in seconding the report asked what would happen to this space and the Executive Director Children, Young People and Partnerships advised that they would look to retain the space as an early learning and childcare space and once the outcome of the consultation was known all options will be considered before a decision is made on utilising the space.

A further question was raised with regards to who uses this provision, and it was confirmed that this was used by a mix of members of the public and Midlothian staff.

Councillor Scott moved the report, seconded by Councillor Virgo.

Decision

The Council approved the recommendations as stated in the report.

Action

Executive Director, Children, Young People and Partnerships

Also in attendance during this report were High School Head Teachers – Mr Hornell, Mr MacDonald, Mr Biddick and Mr Nicol.

Report No.	Report Title	Submitted by:
8.11	Attainment Update for Secondary School leavers in Midlothian	Education Chief Operating Officer

Outline and Summary of Discussion

The Executive Director, Children, Young People and Partnerships presented this report and advised that the Secondary Head Teachers were also present online to answer any questions.

The purpose of this report was to present the annual update on leavers attainment for Midlothian, from the Senior Insight Update. This provides the achievement for our young people at the point of leaving school in 2023/23, highlighting the successes and challenges, along with plans for the future to improve the outcomes of our young people.

Council is recommended to note the data for school leavers (2022/23) and agree the proposed next steps to further improve outcomes for young people.

The Provost thanked the Executive Director Children, Young People and Partnerships for the report and opened it up for questions and comments.

Councillor Scott in moving the report commented positively on the number of leavers from Midlothian schools with an initial destination which was the third highest ever recorded in Midlothian and expressed her thanks to everyone for the hard work ensuring that Midlothian young people get off to a good start.

Councillors commented positively on the report and raised a question with regards to the closure of the Esk Valley College, Edinburgh College. The Executive Director Children, Young People and Partnerships confirmed that there have been no discussions with regards to Edinburgh College and that the school/college partnership has expanded.

There followed a brief discussion on Edinburgh College and the comment that it was closing, and it was confirmed that there had been no formal discussion in any meeting regarding this.

Thereafter Head Teachers commented on questions raised by Councillors with regards to final destinations and Edinburgh College. The Head Teachers advised that there are better links with Edinburgh College and that more courses are being transferred to the Midlothian Campus which is positive, and Edinburgh College are now working in the 6 Secondary Schools which allows all leavers to see a visible link to College. They also advised on the attainment in Level 6 in literacy and numeracy being lower and that this was a national issue and provided an explanation on the work which was underway to improve the quality of passes at Level 5 and to ensure the right students are studying the right courses to give them the practical skills they require to achieve Level 6. It was also noted that last year Lasswade Level 6 was above the virtual comparative, and this is due to the school being one of the pathfinder schools for the higher applications and that once the right pathways are in place there should be an improvement in Level 6 passes.

Members raised that previously courses were removed from Edinburgh College and the Midlothian students did not have access to all courses and it was expressed to the Director of Children, Young People and Partnerships and Head Teachers to continue to use this college as much as possible.

The Council Leader expressed their thanks to all the Head Teachers and specialists in attendance today as well as the staff and support staff that work across the school estate who do an exceptional job which is displayed in this report and the importance of pathways for all students.

The Provost took the opportunity to thank the Head Teachers for joining the meeting today and wished them a peaceful and restful holiday period.

Decision

The Council approved the recommendations as stated in the report.

Action

Executive Director, Children, Young People and Partnerships

Report No.	Report Title	Submitted by:
8.12	Single Midlothian Plan H2 Performance Report (Half year October 2023 to March 2024)	Chief Executive
Outline and Summary of Discussion		
<p>The Chief Executive presented this report. The purpose of this report is to draw to elected members attention to the Single Midlothian Plan 2023/27 and the H2 performance report of Midlothian Community Planning Partnership. It is a statutory duty for the partnership to publish performance reports.</p> <p>The Community Planning Partnership Board would like Council to note the excellent partnership working which has produced the Single Midlothian Plan 2023/27, enabling local communities to be well supported. In addition, the community planning partnership would like you to note the H2 Performance Report (October 2023 to March 2024), which highlights progress on indicators and actions in H2.</p> <p>The Chief Executive thanked members and partners for their hard work over the course of the year.</p> <p>The Provost thanked the Chief Executive for the report and opened it up for questions and comments.</p>		
Decision		
The Council noted the recommendations as stated in the report.		
Action		
Executive Director, Children, Young People and Partnerships		

Report No.	Report Title	Submitted by:
8.13	Midlothian Local Development Plan 2 – Submission of Evidence Report to Scottish Ministers for “Gate Check”	Chief Officer Place
Outline and Summary of Discussion		
<p>The Chief Officer Place presented this report. This report asks Council to approve the MLDP2 Evidence Report and associated documents (which includes the set LHLR), MLDP2 Participation Report and MLDP2 Children and Young Person’s Participation Report for submission to Scottish Ministers for Gate Check.</p> <p>The report provides details of a “Call for Ideas” to be undertaken during July-October 2024 for MLDP2. Council is asked to note the “Call for Ideas” exercise.</p> <p>Council is recommended to:</p> <ol style="list-style-type: none"> i. Endorse and approve the Midlothian Local Development Plan 2 (MLDP2) Evidence Report and all the associated documents referred to in it, for submission to Scottish Ministers for Gate Check – noting that the indicative Local Housing Land Requirement (LHLR) agreed by Planning Committee at its meeting of 4 June 2024 will be included in the Evidence Report submitted for Gate Check; 		

- ii. Endorse and approve for submission to Scottish Ministers for Gate Check the MLDP2 Participation Report and MLDP2 Children and Young Person’s Participation Report;
- iii. Instruct the Planning, Sustainability and Investment Service Manager to submit the approved MLDP2 Evidence Report and associated documents to Scottish Ministers for Gate Check: and
- iv. Note that a “Call for Ideas” for MLDP2 will be undertaken during July-October 2024.

The Provost thanked the Chief Officer Place for the report and opened it up for questions and comments.

The Council Leader thanked officers for the time taken in the members briefings and thanked the Community Councils and Federation for their engagement. It was also commented on that when Councillors make decisions some people do not like the decision, but they do so for a variety of different reasons and highlighted that Members acknowledge the increasing demand on Midlothian’s infrastructure.

Councillor Parry moved the recommendations with the possibility of giving further consideration to the smaller numbers of housing.

Councillor Milligan advised they would second the motion if it was for the minimum number of houses, this was agreed by Councillor Parry.

There followed a discussion with regards to the criteria and it was confirmed that that as the sites come forward there is a criteria in place and if the criteria was not met then the sites would not be considered. Members raised further queries regarding the constrained and windfall sites and social housing sites and infrastructure requirements and that this does not follow the growth of Midlothian. Officers confirmed that the Federation of Community Council’s earlier deputation on the agenda was in response to the Planning Committee report and that the Planning Service had engaged with all Community Councils prior to the report being finalised.

Councillor Parry moved the report for 8,850 houses plus 1, seconded by Councillor Milligan.

Decision

To approve the recommendations set out in the report with the amendment to approve only 8,850 houses plus 1.

Action

Chief Officer Place

Report No.	Report Title	Submitted by:
8.14	Whitecraig Traveller Site	Executive Director Place
Outline and Summary of Discussion		
The Executive Director Place presented the report. The purpose of this report was to evaluate Gypsy/Traveller accommodation options which meet need and demand		

based on current guidance and stakeholder data. The report will include recommendations on future housing provision(s) for Gypsy/Travellers in Midlothian.

Council is recommended to:

- a. Authorise the Executive Director – Place, or nominee, to seek an early termination of the Whitecraig Traveller Site lease with Buccleuch Property Estate Office.
- b. Midlothian Council to agree a formal unauthorised encampment process between colleagues from housing, education, health, social work and Police Scotland.
- c. Midlothian Council to develop a code of conduct for those living on unauthorised sites to be highlighted and implemented as part of initial site visits.
- d. Commence discussions between Midlothian Council, University of Edinburgh and Police Scotland to ensure future unauthorised sites are managed following Scottish Government guidance.
- e. Any future Gypsy/Traveller site requirement and search can be undertaken through the development of the Local Development (LDP2) Proposed Plan which will allow a decision to be taken on whether a site is needed through LDP2 preparation.
- f. If demand exists, any future Gypsy/Traveller housing provision should have five or more pitches for both short and longer term use.
- g. If evidence suggests that a site is required, touring caravan facilities may be considered.

The Provost thanked the Executive Director Place for the report and opened it up for questions and comments.

Councillor Cassidy moved this report.

Councillor Curran proposed an amendment to recommendation a) to add in ‘that will be undertaken in conjunction with East Lothian Council and a full cost report to come back to Council for final approval to include early termination cost and reinstatement cost unless the cost is nil’. Councillor Cassidy confirmed he agreed with the amendment to the recommendation a).

Councillor Cassidy moved the report, seconded by Councillor Curran.

Decision

The recommendations were approved with an additional sentence added to recommendation a) Authorise the Executive Director – Place, or nominee, to seek an early termination of the Whitecraig Traveller Site lease with Buccleuch Property Estate Office and that this will be undertaken in conjunction with East Lothian Council and a full cost report to come back to Council for final approval to include early termination cost and reinstatement cost unless the cost for this is nil.

Action

Executive Director Place

Report No.	Report Title	Submitted by:
8.15	Medium Term Financial Strategy	Chief Financial Officer/Section 95 Officer
Outline and Summary of Discussion		
<p>The Chief Financial Officer/Section 95 Officer presented the report. The report sets out the outcome of a recent review of the Council's financial planning assumptions pointing to an increased budget gap of £9.406 million in 2025/26 rising to £20.645 million by 2028/29.</p> <p>Council is recommended to:</p> <ul style="list-style-type: none"> a) Note that the Business Transformation Steering Group (BTSG) will continue to consider measures necessary to support delivery of a balanced Medium Term Financial Strategy (MTFS) before any policy measures are presented to Council. b) Note that the financial outlook remains challenging for this term of Council and note the recommendation of the external Auditor that, "<i>as a matter of urgency, officers and elected members need to work together to develop and agree the medium-term financial strategy and progress the Council's transformation plans</i>". c) Note the MTFS planning assumptions set out in the report (section 4.2). d) Note the planned engagement on demographic pressures relating to Additional Support Needs (ASN) and transitions to adult services (section 4.4). e) Note that the budget gap for 2025/26, incorporating the planned use of service concession retrospection and a 5% annual Council Tax increase is projected to be £9.406 million, rising to a projected £20.645 million by 2028/29 (section 4.1). f) Note the urgent need to finalise savings proposals, many of which will involve extremely difficult choices, to achieve equilibrium between expenditure and income (sections 5.6 and 5.7); and g) Otherwise note the remainder of the report. <p>The Provost thanked the Chief Financial Officer/Section 95 Officer for the report and opened it up for questions and comments.</p> <p>There followed a brief discussion on the financial severity and the budget gap and clarification was asked with regards to the transition of children moving into adulthood and the large figures regarding this. The Joint Director Health and Social Care advised that with Children, Young People and Partnerships they have established a transition group to look at how processes can be improved processes advised on the increase on the adult social care budget and that the figures in the paper were correct.</p>		
Decision		
To note the recommendations as detailed in the report.		

Action
Chief Financial Officer/Section 95 Officer

The Public section of the meeting concluded at 14.58 pm.

9. Private

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 paragraphs 3, 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- 9.1 Mavisbank House – Update on proposed restoration by Landmark Trust, report by Executive Director Place
- 9.2 Transport Transformation Update, Executive Director, Children, Young People and Partnerships
- 9.3 Appointment of Chief Officer Children’s Services, Partnerships and Communities

Date of Next Meeting

The next meeting will be held on Tuesday 27 August 2024 at 11.00am

The meeting concluded at 15.45 pm.