

Minute of Meeting



Midlothian Council

Date	Time	Venue
28 June 2022	11.00 am	via MS Teams

Present:

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

In attendance:

Dr Grace Vickers, Chief Executive	Morag Barrow, Joint Director Health and Social Care
Gary Fairley, Chief Officer Corporate Solutions	Alan Turpie, Legal and Governance Manager/Monitoring Officer
Marc Bedwell Executive Business Manager	Michelle Strong executive Chief Operating Officer Education
Derek Oliver, Chief Officer Place	Sinead Urquhart Executive Business Manager
Annette Lang Strategic Services Re-Design Manager	Nick Clater, Head of Adult & Social Care
Saty Kaur, Executive Business Manager	Fiona Clandillon Head of Development
Lynn Cochrane Communications Team Leader	David Gladwin Financial Services Manager
William Venters Principal Solicitor	
Marco Reece-Heel Business Analyst	Myra Forsyth Quality and Scrutiny Manager
Gareth Davies Senior Manager Property and Facilities	Ross Morrison Senior Project Manager
	Mrs Elizabeth Morton – Religious Representative

Ross Neill, Democratic Services Team Leader	Janet Ritchie , Democratic Services Officer
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1. Welcome and Apologies for Absence

The Provost welcomed everyone to the meeting reminding all that it was a public meeting being webcast live.

Apologies for absence were intimated on behalf of Councillor Winchester and Curran also Mrs Lawrie Religious Representative to the Cabinet.

2. Order of Business

The Provost advised the order of business change the withdrawal of item 8.18 and the addition of an Emergency Motion 7.3, all other business as per the agenda.

Councillor Parry raised the issue of publicising aspects of the report on the private agenda at 9.2 as soon as possible. In that regard Mr Alan Turpie advised that depending on today's Council decision, the confidential aspect of some information may be removed and that information could then be made publically available

3. Declarations of interest

None

4. Deputations

None received.

5. Minute of Previous Meeting

No.	:
5.1	Minute Volume
	Executive Director Place
Questions to Officers	
Accepted as a clear and fair record	
Public Minute Volume	
Private Minute Volume	
Private Appeal Minute June 2021	
Proposed Councillor Parry	
Seconded Councillor McKenzie	
Decision	
Approved	
Action	
All to Note	

Meeting	Date Held
Audit Committee	14 March 2022
Performance Review and Scrutiny Committee	12 March 2022
Police Fire and Rescue Board	21 February 2022
General Purposes Committee	15 March 2022
4.1.1 Private Addendum to Minute of Meeting of the General Purposes Committee	15 March 2022
Planning Committee	15 March 2022
Local Review Body	22 February 2022
Special Local Review Body	21 March 2022
Private Business Transformation Steering Group	7 March 2022

No.		:
5.2	Action Log Update	Executive Director Place
Questions to Officers		
All members were satisfied the action log was up to date and in order		
Decision		
All to Note		
Action		
None		

6. Question to the Leader of the Council

None

7. Notices of Motion

Report No.	Report Title	Report by:
7.1	Renaming of Penicuik Park	Proposed by Councillor Willie McEwan Seconded by Councillor Russell Imrie
Outline of report and summary of discussion		
The Council recognises the contribution that former Councillor ADAM MONTGOMERY made to both Lothian Region and Midlothian Council over many years of public service and seeks to commemorate his long standing record to Midlothian in general and to Penicuik in particular by renaming Penicuik Park to become known as MONTGOMERY PARK, and request that officers carry out the necessary actions to have the Park renamed.		

Proposed by Cllr McEwan
Seconded by Cllr Imrie

Various members spoke of former Councillor Montgomery, their memories, the contribution he made and his valued service to the people of Midlothian

Unanimously Approved

Decision

To rename Penicuik Park to Montgomery Park

Action

Executive Director Place

Report No.	Report Title	Report by:
7.2	Council to recognise Pride Month annually in June with the Progress Pride flag	Proposed by Councillor Connor McManus Seconded by Councillor Kelly Drummond
Outline of report and summary of discussion		
<p>The Council is asked to recognise Pride Month as a period of importance for many of the residents of Midlothian, and to symbolise the Council's commitment to the LGBTQI+ community, not only during the designated month of June, but in support throughout the whole year.</p> <p>The Progress Pride flag, is a pride rainbow flag with an additional chevron design that reflects the colours of the Transgender Flag, while the brown and black stripes represent marginalized people of colour. The black stripe has a dual meaning, it also gives recognition to those lost to HIV/AIDS and those still living with the disease.</p> <p>As a Council we have a duty to uphold the equality of these marginalised groups and a simple gesture, such as flying this flag, during the month of June will help solidify this pledge to all of our constituents that are part of the LGBTQI+ community.</p> <p>The national flag mandates for national holidays will still be observed throughout June, but the default flag around these events in June would become the Progress Pride flag.</p> <p>Proposed by Cllr McManus (Deputy Provost) Seconded by Cllr Drummond</p> <p>Members spoke of the need to support all areas of the community and to symbolically communicate this by showing support and raising the Pride Flag in June</p> <p>Unanimously Approved</p>		
Decision		
To raise the Pride Flag in June at Midlothian House		
Action		
Executive Director Place		

The Monitoring Officer advised that as the Emergency Motion did not comply with Standing Order 8.3, Members would require to suspend Standing Orders if they

wished to discuss the Motion. A vote was called by the Provost and Members agreed unanimously to suspend Standing Orders to allow the Emergency Motion to be heard

Report No.	Report Title	Report by:
7.3	Rail Strike - Emergency Motion	<p>Proposed by Councillor Peter Smaill</p> <p>Seconded by Councillor David Virgo</p>
Outline of report and summary of discussion		
<p>Midlothian Council resolves to communicate to the Scotrail Trains Limited, Network Rail, and the RMT trade union our deep concern about the rail strikes which followed on the failure of negotiations to resolve a pay dispute.</p> <p>Unlike the train driver union ASLEF, RMT appear to be demanding an unrealistic 11 per cent rise, which if agreed, would play a part in further fuelling an inflationary spiral, and become a burden on taxpayers and passengers alike.</p> <p>The rail industry has received £27bn of Government support over the COVID period- costing over £1,000 per UK household. In Scotland, even pre COVID, annual subsidies totalled £832.6m.</p> <p>The strikes will deter passenger from relying on rail, and will harm the long-term outlook for rail recovery in an environment where usage may be permanently lower due to customers' flexible working patterns.</p> <p>Midlothian is specifically concerned at the future of the Borders Railway, which has received £9.6m in Council support and now faces again potential discontinuation of the half- hourly service pattern.</p> <p>We call on the nationalised entity, Scotrail Trains, Network Rail, and RMT to play their part in supporting recovery by agreeing an affordable solution, balancing the interests of employees and public alike; and instruct our officers to write on behalf of the rail users of Midlothian accordingly.</p> <p>Proposed by Cllr Smaill Seconded by Councillor Virgo</p> <p>Members of all parties expressed their views, many noting their opposition to the motion prior to the vote. Recent barrister wage settlements and Brexit cited as issues. The current cost of living crisis was also noted as something that affects all families.</p> <p>Councillor Smaill noted a number of global affects that are out with the Governments control including recovering from Covid-19 and the Ukrainian war.</p> <p>The Provost called a vote on the motion -</p> <p>For - 2 Against – 13</p> <p>(Note- Due to a connection failure Cllr Russell was unable to participate in the vote)</p>		

Decision
Refused
Action
None

8. Reports

Report No.	Report Title	Report by:
8.1	Cost of Living Crisis Task Force	Chief Executive
Outline of report and summary of discussion		
<p>The purpose of this report is to outline the Cost of Living Crisis facing our communities and the urgent requirement to form a Task Force.</p> <p>Midlothian Council is recommended to:</p> <ul style="list-style-type: none"> i. Note the report, Appendix 1, which was submitted to the Midlothian Community Planning Partnership Board on 26 May 2022. ii. To establish a Cost of Living Task Force as outlined in Appendix 2 <p>Dr Grace Vickers spoke to the report, noting the recommendations in appendices 1 & 2 for the Elected Members consideration and to nominate participants in a taskforce.</p> <p>Members spoke about the pressure on all budgets and obligation to help those struggling where possible.</p> <p>Nominations for a Cost of Living Taskforce –</p> <p>Councillor Parry Councillor Scott Councillor McEwan Councillor Pottinger Councillor Virgo</p> <p>Proposed by Councillor Parry Seconded by Councillor Milligan</p> <p>Recommendations passed unanimously</p>		
Decision		
Agreed		
Action		
To convene a Taskforce meeting after July recess		

No.	Report Title	Report by:
8.2	Single Midlothian Plan and Performance Reporting	Chief Executive
Outline of report and summary of discussion		
<p>The purpose of this report is to draw to elected members attention the Single Midlothian Plan 2022/23 and the performance report of Midlothian Community</p>		

Planning Partnership. It is a statutory duty for the partnership to publish Local Outcome Improvement Plan and associated performance reports.

Recommendation:

The Community Planning Partnership Board would like Council to note the excellent partnership working which has produced the Single Midlothian Plan 2022/23, with a key focus to work with communities to secure improved outcomes and reduce poverty. In addition the community planning partnership would like you to note the Performance Report 21/22 (October 2021 to March 2022), which highlights progress on indicators and actions.

Dr Grace Vickers spoke to the report noting the recommendation for the Elected Members consideration

Councillor Parry thanked the community planning partnership and the previous elected members for their work. She asked for an easy read version to be made available. For public consumption.

Decision

All to Note

Action

Easy Read Version of the report to be created – Chief Executive

No.		Report by:
8.3	Standing Order 19.2 Decision Council	Chief Executive
Outline of report and summary of discussion		
<p>The purpose of this report is to advise the Council of the decision taken by the Chief Executive in terms of Standing Order 19.2.</p> <p>At its meeting on 29 March 2022, the Council approved the following motion:</p> <p>“Making a contribution of £20,000 to the Disaster Emergencies Committee (DEC) to fund its member charities’ UK-based activities in recognition of the considerable strain the crisis in Ukraine has placed on the resources of these charities. This being funded by agreeing a supplementary estimate in 2021/22 met from the general reserve. Noting that the ability to do this is provided for by section 83(3) of the Local Government (Scotland) Act 1973 which provides Council to incur expenditure on contributions to any charitable body in furtherance of its work in the United Kingdom. Noting that the Council is not authorised to provide direct relief to communities abroad”.</p> <p>The Chief Executive advised that subsequent to meeting it transpired that DEC did not fund UK based activity and therefore the payment proposed would be ultra vires. In order to give effect to the will of the meeting, the Chief Executive had</p>		

accordingly used her powers under Standing Order 19.2 to re-allocate funding to the British Red Cross and the International Red Cross.

Recommendation:

Council is invited to note the terms of this report.

Dr Grace Vickers spoke to the report noting the recommendation for the Elected Members consideration

Councillor Parry moved to note the report, and proposed a briefing on the progress of this work later in the year.

Seconded by Councillor Virgo

Decision

All to Note

Action

Briefing Ukrainian Refugees later in 2022 – Chief Executive

No.		Report by:
8.4	Financial Monitoring 2021/22 – General Fund Revenue report	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The purpose of this report is to provide Council with information on performance against service revenue budgets in 2021/22 and details of material variances against budget and the General Fund Reserve.</p> <p>This report incorporates all COVID related income and expenditure in 2021/22 with related divergence from budgets fully funded by a combination of government grant, whether ring fenced for specific purposes, or from the general funding provided, and savings elsewhere in council budgets.</p> <p>The budget performance figures shown in appendix 1 result in a net underspend of £3.091 million for the year being 1.28% of the revised budget and a £0.491m improvement from that reported at quarter 3.</p> <p>Recommendation –</p> <p>Council is recommended to the contents of this report.</p> <p>Mr Gary Fairley spoke to the report highlighting various aspects then invited Elected Members to ask any questions.</p> <p>Various Members asked a wide range of questions covering multiple aspects of the report and appendices relating to the financial monitoring throughout the year.</p> <p>Mr Gary Fairley in response to questions replied, As a result of the decision of the MAP (ESF Scottish Gov Management Group) not to agree to the change request to reduce the financial envelope and the target numbers of participants in the ESF programme, we were forced to withdraw from their ESF agreement with Scottish Government. We were not in a position to be within the acceptable error rate of</p>		

evidence which is set at 2%. Which means that claims could not be progressed. Whilst we accepted there had been staffing issues within the Council ESF programme, it is the case that the error rate has been exacerbated by the rule and changes which were put in place and changed by Scottish Government departments throughout the programme and applied retrospectively. If change requests had been presented to the MAP earlier as requested the outcome and financial liability could have been reduced.

The decision to withdraw means we have directly funded ESF employability work with partners over a number of years. Small third sector partners were not in a position to wait until claims and audits had been passed by Scottish Government for payment therefore the council had to cover the costs of the work of partners.

We also understand that Scottish Government had informed Council staff that the claim which has been paid and audited successfully of £144, 318.31 would require to be repaid.

The “decision” to elect to withdraw was made by the Chief Officer however it was reported to council through financial monitoring reports.

Queries concerning maintenance services variance were also raised by Members who requested who felt better performance was required in future.

Councillor McKenzie stated a commitment to resolve this within the next 12 months.

Decision

All to Note

Action

None

Report No.	Report Title	Report by:
8.5	HRA Quarter 4 Monitoring 2021/22	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>he purpose of this report is to provide Council with:-</p> <ul style="list-style-type: none"> • The final outturn position for 2021/22 for both the Housing Revenue Account (HRA) Capital Plan and the Revenue Account; • A revised capital plan for 2022/23 to 2026/27 reflecting the cross-year movements from 2021/22. <p>The summarised financial performance for 2021/22 is:</p> <ul style="list-style-type: none"> • Capital Investment in the year totalling £39.477 million; • A net underspend of £0.374 million on the Revenue Account; • An HRA reserve at 31st March 2022 of £28.084 million the majority of which is committed to finance existing investment in the new build programme. <p>Mr Gary Fairley highlighted aspects of the report inviting all to note and offered to take questions.</p>		
Decision		
All to Note		
Action		

None

Report No.	Report Title	Report by:
8.6	General Services Capital Plan Outturn 2021/22	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The purpose of this report is to provide Council with:-</p> <ol style="list-style-type: none"> 1. An update of the General Services Capital Plan incorporating information on further additions to the Capital Plan for approval (Section 3.1) and adjustments to existing budgets in the Capital Plan (Section 3.2); 2. Information on the final outturn performance against budget for 2021/22 (Section 4.1-4.4); 3. An update on the capital fund balance at 31 March 2022 (Section 5). <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Approve the additions to the General Services Capital Plan as set out in section 3.1; 2. Approve the adjustment to the project expenditure and funding budgets for the projects outlined in section 3.2. 3. Note the General Services Capital Plan outturn position for 2021/22 as set out in Section 4. <p>Mr Gary Fairley highlighted aspects of the report, inviting Elected Members to consider the recommendations and then offered to take questions.</p> <p>Members asked a number of questions relating to underspend and timescale concerns and their wider impact. Also raised was the orbital bus service and the PassivHaus project, in particular the need for Members to be updated on the latter.</p> <p>Councillor Parry Moved the report and recommendations Councillor Milligan seconded</p>		
Decision		
Agreed		
Action		
None		

Report No.	Report Title	Report by:
8.7	Financial Governance	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>The purpose of this report is to present an updated version of the Financial Regulations for approval.</p> <p>Section 95 of the Local Government (Scotland) Act 1973, requires all Local Authorities in Scotland to have adequate systems and controls in</p>		

place to ensure the “proper administration of their financial affairs”, Including the appointment of an officer with full responsibility for their governance. The Financial Regulations are a core element of the systems and controls with the requirement that any changes to these require the approval of Council.

The Financial Regulations are supported by a series of Financial Directives which are also being updated and will be presented to Audit Committee on 29 June 2022 for their endorsement (as required by the Financial Regulations).

The Financial Regulations are by their nature high level and the changes which have been incorporated since they were last approved are principally to reflect the Scheme of Administration and the current Leadership Structure.

Recommendations:

Council is recommended to approve the updated Financial Regulations set out in appendix 1.

Mr Gary Fairley spoke to the report highlighting aspects of the report, inviting Elected Members to consider the recommendation and then offered to take questions.

Councillor Parry moved to agree the report

Councillor Scott seconded

Decision

Agreed

Action

None

Report No.	Report Title	Report by:
8.8	Audit Committee Annual End of Term Report 2021/22	Chair of the Audit Committee
Outline of report and summary of discussion		
<p>The purpose of this report is to provide Members with the Audit Committee Annual / End of Term Report 2021/22, which sets out how the Audit Committee has performed against its remit and the effectiveness of the Audit Committee in meeting its purpose based on the annual self-assessments of the Committee against best practice, and provides assurances to the Council.</p> <p>It is important that the Council's Audit Committee fully complies with best practice guidance on Audit Committees to ensure it can demonstrate its effectiveness as a scrutiny body as a foundation for sound corporate governance of the Council.</p> <p>The Chartered Institute of Public Finance and Accountancy (CIPFA) Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (hereinafter referred to as CIPFA Audit Committees Guidance) includes the production of an annual report on the performance of the Audit Committee for submission to the Council.</p> <p>The Audit Committee Annual / End of Term Report 2021/22 is appended to this report as Appendix 1 for consideration. Midlothian Council continues to adopt this best practice.</p>		

Recommendations:

- a) acknowledge the performance of the Audit Committee and its assurances to the Council, as set out in the Audit Committee Annual / End of Term Report 2021/22 (Appendix 1); and
- b) endorse the Audit Committee's shared lessons learned and identified areas of improvement, set out in Appendix 1 and paragraph 4.2 of this report, to inform the new Audit Committee post local government elections in May 2022 to enhance the Audit Committee's effectiveness as a scrutiny body.

In the Audit Chair's absence, Mr Gary Fairley spoke to the report highlighting aspects of the report, inviting Elected Members to consider the recommendations and then offered to take questions.

Provost thanked the outgoing Chair, Mike Ramsay, for his work this was echoed by various Members.

Councillor Parry moved to approve the report and its recommendations
Councillor Smaill seconded

Decision

Agreed

Action

None

Councillor Drummond left the meeting for item 8.9 due to a conflict of interest

Report No.	Report Title	Report by:
8.9	Business Travel Report	Chief Officer Corporate Solutions
Outline of report and summary of discussion		
<p>Undertaking Business travel in employees own vehicles remains a legitimate strand of the Councils Business Travel and Subsistence Policy. Where employees do use their own vehicle for business travel they are reimbursed at the HMRC rate which has been and remains at 45p per mile. Reimbursement at or below this rate does not incur an income tax charge on the payments and has been widely recognised as an appropriate benchmark for reimbursement.</p> <p>The increase in vehicle fuel costs has brought added financial pressure on employees who use their own vehicle on Council business, particularly staff working in Health and Social care services. The adequacy of the HMRC rate for Local Government workers has been brought into question by the agreement of the Secretariat of the Scottish Terms and Conditions Committee covering NHS services in Scotland to temporary increase to NHS Scotland standard business travel mileage rates of 5p per mile. The temporary changes to the NHS agenda for change rates bring the reimbursement rate to 61p per mile for the first 3,500 miles and 25p per mile thereafter.</p>		
Recommendations:		
<ul style="list-style-type: none"> i. Note that on 21st April 2022 the Secretariat of the Scottish Terms and Conditions Committee covering NHS services in Scotland agreed a 		

- temporary increase to NHS Scotland standard business travel mileage rates of 5p per mile.
- ii. Note that there was no consultation and or indication of this change given to Councils whose staff work alongside NHS colleagues under the integration of Health and Social Care arrangements.
 - iii. Agree to change the Council's reimbursement arrangements from the HMRC rate of 45p per mile to mirror the revised Scottish agenda for change as set out in section 4 and in line with the NHS agreement that this change be backdated to cover mileage incurred since 1st April 2022.
 - iv. To note that the NHS agreement is described as a temporary measure to 31st July with two month's to be given before any reversion to the national agreed rates. The two months notice has not been triggered at the time of writing and so it will remain in place until at least mid-August 2022. Accordingly agree to delegate authority to the Chief Officer Corporate Solutions to make any further changes to the reimbursement rates to maintain parity with the NHS agenda for change rates.

Mr Gary Fairley spoke to the report highlighting aspects of the report in particular the need to match the discrepancy created by NHS Scotland increasing the mileage rate for Care workers, inviting Elected Members to consider the recommendations and then offered to take questions.

Members spoke at length about the current struggles for workers some struggling to get to work to get to each client in a timely fashion.

An action was proposed by Councillor Parry to write to the HMRC and the local MP to ask them to consider raising the rates so this type of payment would not be taxed

Mr Gary Fairley noted that with this report and if approved Midlothian would be an early adopter to the raising the mileage rate.

Members requested any back money due should be issued as soon as possible.

Mr Gary Fairley assured Members work was underway to do so for July and would explore if sooner is possible.

Councillor Parry moved to approve the report and its recommendations also the action proposed

Councillor Milligan seconded and also the proposed action

Decision

Agreed

Action

Write to HMRC, UK Government and Local MP to make the case for raising the tax threshold to not unduly affect workers receiving the increased mileage payments - Chief Officer Corporate Solutions

Councillor Drummond returned to the Meeting

Report No.	Report Title	Report by:
8.10	Easthouses Primary School	Head of Development
Outline of report and summary of discussion		

In an update of the General Services Capital Plan 2021/22 Quarter 3 Monitoring Report and 2022/23 to 25/26 Budgets (report to Council 15th February 2022), it was highlighted that:

- The Strategic Outline Business Case for Easthouses Primary School had been approved by Children, Young People & Estates Capital Programme & Strategy Board on 20 January 2022, and Capital Plan & Asset Management Board on 25 January 2022.
- That the budget for the provision of a 2 stream primary school, with 18 ASN places and 120 Early Years spaces had risen from the existing fully approved capital expenditure budget of £13.205 million to £18.616 million.
- That the increase in cost was to be funded through a mix of increased application of Early Years Grant (£0.414 million), increased application of developer contributions (£4.003 million) and an increase in prudential borrowing (£0.994 million).

The report highlighted that the increase in costs reflected improved energy requirements as part of the building design in line with the Council's Net Zero to 2030 commitment, and the latest estimates of costs. The £18.616m budget was arrived at by applying the Scottish Futures Trust (SFT) funding metric (£4,244/m²) to the proposed 4,386sqm development and includes historic expenditure on fees to date. In the past, Midlothian Council has delivered school developments within that funding metric.

However, it should be noted that this metric has not been updated in recent years and has not kept pace with level of inflation that has affected the construction market in the last 12 – 18 months.

The £18.616m budget was also less than the £20.12m that quantity surveyors advising the Council (Thomas & Adamson) estimated at the time it would cost to deliver the school.

Following this report, Midlothian Council utilised HubSE to appoint a Tier 1 contractor in order to avail of their expertise in design development and value management, seeking to drive savings and bring the budget in line with the SFT Metric.

However, any savings achieved by reductions in floor area and careful review of project costs have been overtaken by the inflationary impact on the construction market which is pushing the cost of parts and labour upwards. This has been verified through market testing via our preferred contractor Morrison.

As a result, in order to deliver the approved design for Easthouses Primary School, the proposed Affordability Cap is now £21.59m. This represents a cost of £4922/m².

The cost of delivering the school in addition to historic costs associated with the project require an adjustment to the General Services Capital Plan to reflect an overall budget of £22.044m.

Recommendations:

- i. Notes that the design development of Easthouses Primary School through HubSE has concluded and a school design for the new two stream primary school has been approved by Education.

- ii. Notes that following a competitive tender process through HubSE, a preferred contractor is in place and has been refining this design with officers in both Place and Education.
- iii. Notes that the approved budget in the General Services Capital Plan for this project is £18.616m.
- iv. Approves an Affordability Cap for this project of £21.59m to allow its procurement to proceed, supported by the rationale provided in the report below and in the Full Business Case appended to this report.
- v. Approves the procurement of the project on the basis of the Full Business Case.
- vi. Approves a General Services Capital Plan budget of £22.044m for the overall project cost.

Ms Fiona Clandillon spoke to the report at length, highlighting various aspects and noting the recommendations for Elected Members' consideration before taking questions.

Members raised the issue concerning why Midlothian was using HubSE. Members further queried why Midlothian wasn't using a more traditional process. It was also felt that Members should be given a chance to review the process, questioning what assurances that HubSE could give.

Ms Fiona Clandillon and Mr Ross Morrison responded to questions

Councillor Imrie felt there was no governance for what Midlothian officers had done and asked who had made or authorised changes to the tender process to use HubSE. He further added that he did not think officers had a mandate to take this action and asked the Chief Executive for a response.

Dr Grace Vickers responded that she was not directly involved noting this project had gone through two boards previously to being presented to Council today. She added that the paper can be withdrawn if Members wish to do so.

Mr Alan Turpie reminded Members that the report was presented today for approval of the procurement.

Members then discussed the merits of the school and if it was prudent or affordable to wait. Most did not want to delay the project but sought further assurances from Council Officers and more scrutiny by Councillors in future.

Mr Gary Fairley highlighted that Midlothian use the Learning Estate Investment Programme cost matrix to assess monitor value for money with all Learning Estate projects. Noting that The passive house project increases the cost, which themselves have increased with inflation now at 10%.

Councillor Milligan proposed the report and recommendations
Councillor Smaill seconded

Unanimously Agreed

Decision

Recommendations agreed

Action

- A paper covering the capital project procurement process and how councillors can have greater scrutiny over procurement decisions, including using the development partner Hub South East Scotland's competitive tender process – Head of Development
- A seminar later in the year to explore procurement through HubSe and procurement in general terms – Head of Development

Brief break at 1.03 pm (10 minutes)

Meeting reconvened at 1.13 pm

Report No.	Report Title	Report by:
8.11	A701 Council Report	Head of Development
Outline of report and summary of discussion		
<p>This report presents a progress update on the A701 Relief Road and A702 Spur Road project. The report updates member on the design development of the project, the outcome of the public consultation exercise, budget implications of the design development and next steps related to the compulsory purchase process necessary to secure the preferred route and progress the delivery of the project.</p> <p>This report updates the estimated financial position in relation to the project and identifies an increased variance between the approved budget and the estimated project cost, currently a shortfall of circa £33.2m.</p> <p>Recommendation: That Midlothian Council notes the following in relation to the A701 Relief Road, A702 Spur Road project:</p> <ul style="list-style-type: none"> • The STAG 2 Report has been finalised and Work Stage B is complete • The Consultation process associated with the STAG 2 appraisal process is complete in relation to the above project • A preferred route has been selected (Route C) • Preparatory works for compulsory purchase are commenced to mitigate adverse implications on the project programme • The project is to move into Work Stage C (Specimen Design) • In the course of Work Stage B, total overall estimated costs for delivery of above project have risen to £55m (including cost of Sustainable Transport Corridor and Straiton Junction Signalisation) • This has resulted in the funding gap associated with this project currently estimated to be £33.2m. • While this funding gap may decrease as we progress Stage C, with greater certainty over costs emerging, a significant funding gap is likely to remain. • It is therefore recommended that Midlothian Council submit an application to the Levelling Up Fund (LUF) to attract alternative funding into the project to close this gap. <p>Ms Fiona Clandillon spoke to the report, highlighting various aspects including its aim to ease congestion and noting the recommendations for Elected Members' consideration before taking questions.</p> <p>Councillors asked a range of questions including the apparent funding gap, if there had been consideration of an alternate route, or plan 'B'. Members also queried the type of report being presented noting there were no procurement costs.</p>		

Ms Fiona Clandillon explained the process from blank sheet to current state of the plan/ project. She noted the costs at this stage were estimates but that now more analysis was required including details of the actual ground the route would pass through/ over. Ms Clandillon also referred to previous comments earlier in the meeting concerning unprecedented inflation rises since the initial plan was first presented. It is fully expected that the costing estimate will drop. Responding to the plan 'B' suggestion, Ms Clandillon said the team would look at other opportunities if the Levelling Up fund was not approved. She went on to note this report was a quantitative planning route, Midlothian Council follow the Transport Scotland Act and that there has been no procurement. The next stage will be to produce detailed designs which will also firm up more realistic costs.

Councillor Parry welcomed the report but stressed the need for Ward members and Cabinet to be kept up to date at each key stage of the project.

Further questions were asked by members querying whether or not to wait until it was clear the project would benefit from the Levelling up fund.

Ms Fiona Clandillon responded that a lot of work had already been completed, the project would deliver great benefits for the area. If delayed it would lose momentum and reduce certainty.

Councillor Parry moved to approve
Councillor Imrie seconded

Unanimously Approved

Decision

Agreed

Action

Regular updates to Cabinet and local Ward members at each key stage – Head of Development

Report No.	Report Title	Report by:
8.12	Local Transport Strategy	Executive Director Place
Outline of report and summary of discussion		
The purpose of this report is to provide Council with context to review the Local Transport Strategy for Midlothian and the proposed timescale and measures to do so.		
Recommendations:		
<ul style="list-style-type: none"> i. notes the current development of key local, regional and national strategies relating to the economic, environmental, transportation and land-use sectors and the need accordingly to review Midlothian's Local Transport Strategy; and ii. approve the financial resources required for the development of the Local Transport Strategy for Midlothian. 		
In the absence of the Executive Director Place, Mr Derek Oliver spoke to the report, highlighting various aspects and noting the recommendations for Elected member's consideration before taking questions.		

Members requested that as well as electronic access to the consultation provision was put in place at libraries so no-one was excluded.

Councillor Alexander moved to approve the report

Councillor McKenzie seconded

Unanimously Agreed

Decision

Agreed

Action

Access to the consultation process to widened to include Libraries – Chief Officer Place

Report No.	Report Title	Report by:
8.13	Midlothian Council Speed Policy and Roads Hierarchy Review	Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of this report is to implement policy to improve road safety and seek to implement appropriate speed limits across Midlothian, its towns and settlements.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> i. Approves the Midlothian Council Speed Policy; ii. Approves the Hierarchy Review report as a reference for improving safety on Midlothian roads; and iii. Approves Officers to undertake public consultation on local road safety issues in line with these documents; 20mph speed restrictions within towns and settlements; speed reductions across identified sections of the network; and return to a future Council meeting with findings and proposals. <p>Mr Derek Oliver spoke to the report, highlighting various aspects and noting the recommendations for Elected member's consideration before taking questions.</p> <p>Members expressed views and welcomed the pro-active approach outlined. Special mention was made of school pick/ drop offs and safe routes also near misses many of which were not officially reported.</p> <p>Mr Derek Oliver confirmed all would be included in the consultation, in particular school safe routes would be reviewed. He added that any 20 mph zones would run for a minimum of 600 metres. Also in response to questions concerning E-Scooters on public highways and the speed of cyclists that highway issues were a matter for the Police, the highway code had recently tried to address some of these concerns relating to cyclists and pedestrians.</p> <p>Councillor Alexander moved to approve the report</p> <p>Councillor Parry seconded</p> <p>Unanimously Approved</p>		
Decision		
Agreed		
Action		
Benchmark with other local authorities to ascertain the best way to manage multiple highway use – Chief Officer Place		

Report No.	Report Title	Report by:
8.14	Local Authorities Covid Emergency Recovery Funds	Chief Social Officer & Chief Officer Place
Outline of report and summary of discussion		
<p>The purpose of this report is to outline the LACER Funds available, the criteria for the funds and associated actions to mitigate consequences of Covid19 and the Cost of Living Crisis.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Agree the division of LACER funds between the two Scottish Government recommended areas for support, Low Income Households 71% £961,219 and Business Support 29% £398,781. • To adopt the project proposals for the LACER funds which will support live well locally partnership models, support households on low income and stimulate economic activity in Midlothian. • To agree to continue to fund the Trusted Partner model of distributing funds to those most in need at a local level. This has a primary focus on supporting local people to access food, as well as heating their homes, as part of mitigation towards the cost of living crisis. <p>In the absence of the Chief Social Officer, Ms Annette Lang spoke to the report, highlighting various aspects and noting the recommendations for Elected Members' consideration. She invited Derek Oliver to add anything more before taking questions.</p> <p>Members felt it was unclear how the budget was being split and how much was making its way to families in most need. Concerns raised included how much of the fund was used for staffing costs feeling existing front line staff could be better used. Members felt the paper should be removed and return in August with clearer more detailed approach.</p> <p>Councillor Parry moved that this report be removed and return in August with more detail included.</p> <p>Councillor Virgo seconded</p> <p>Councillor Milligan added that the delegated authority to Chief executive should be highlighted within the revised report for obvious matters that perhaps need to be acted on quickly, these areas or items of delegation should be made clear in the revised report.</p> <p>All Elected Members agreed</p> <p>Passed</p>		
Decision		
<ul style="list-style-type: none"> • Report to be represented to August Council - Agreed 		
Action		
<ul style="list-style-type: none"> • Local Authorities Covid Emergency Recovery Fund to be rewritten and represented to August Council with more focus on low income households 		

and to highlight any areas requiring delegated authority - Chief Social Worker & Chief Officer Place

Report No.	Report Title	Report by:
8.15	Levelling Up Fund 2 and Shared Prosperity Fund	Executive Director Place
Outline of report and summary of discussion		
<p>The purpose of this report is to seek Council's agreement for projects to be progressed as applications to the UK Government's Levelling Up Fund 2 and the Shared Prosperity Fund. The application deadline for the Levelling Up Fund 2 is on the 6th of July 2022. The application for the Shared Prosperity Fund is on 1st August, 2022 and a final outcome response from UKG for each of these funds is expected by Autumn 2022.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Agree applications for proposed projects as detailed within the report as the council's bids into the respective funds; 2. Delegates the Executive Director – Place to complete and submit applications by the respective deadlines and; 3. Delegates the Executive Director – Place to consider any external applications following the external applications process and ensure applicants are informed of the outcome. <p>In the absence of the Executive Director Place, Mr Derek Oliver spoke to the report, highlighting various aspects and noting the recommendations for Elected member's consideration before taking questions.</p> <p>Despite some reservations concerning the funding formula Members moved to approve the motion.</p> <p>Councillor Parry moved to approve the recommendations within the report Councillor McEwan seconded</p>		
Decision		
Agreed		
Action		
None		

Report No.	Report Title	Report by:
8.16	Environmental Crime Enforcement - Service Delivery	Chief Officer Place
Outline of report and summary of discussion		
<p>This report follows from the approved Council report in February, 2022 where the original costing proposals by the recommended provider were significantly increased prior to confirmation of any service implementation.</p> <p>The purpose of this report is to therefore provide Council with revised options to implementing the Environmental Crime Enforcement Strategy, with the resource to undertake engagement, education and robust enforcement of environmental crime incidents, including fly-tipping, littering, dog fouling and other associated offences.</p>		

Recommendation:

Council is recommended to approve the pilot service delivery for 12 months of a dedicated Environmental Crime Team by way of an external provider, to complement the implementation of the Environmental Crime Enforcement Strategy.

Mr Derek Oliver spoke to the report, highlighting various aspects and noting the recommendations for Elected member's consideration before taking questions.

There were some reservations amongst the Members concerning success rates of fine payments and their pursuit, also some publicised intimidation tactics of similar companies in England, it was agreed a pilot would be useful to prove if this would be viable going forward.

Councillor Milligan moved to approve the report
Councillor Alexander seconded

Agreed unanimously

Decision

Agreed

Action

None

Councillor Russell left the meeting at approximately 1.34 pm

Report No.	Report Title	Report by:
8.17	Midlothian Integration Scheme Review	Monitoring Officer/Legal and Governance Manager
Outline of report and summary of discussion		
In 2016 Midlothian Council entered into the Midlothian Integration Scheme with NHS Lothian to establish the Midlothian Integration Joint Board ('MIJB').		
The Public Bodies (Joint Working) Scotland Act 2014 requires the Council and the NHS to carry out a review of the integration scheme within five years from the date the Scottish Ministers approved the scheme.		
This report outlines work undertaken jointly to comply with this duty. The report seeks Council approval of the draft revised Midlothian Integration Scheme, and subject to approval of the Scheme by NHS Lothian, authority to submit the draft revised Integration Scheme to Scottish Ministers for their approval, as required by law.		
Recommendation:		
a) Approve the final draft revised Midlothian Integration Scheme; and b) Agree to submit the revised Midlothian Integration Scheme to the Scottish Ministers.		
Mr Alan Turpie spoke to the report, highlighting various aspects and noting the recommendations for Elected member's consideration before taking questions.		
Councillor Parry moved to approve the report Councillor Milligan seconded		

Agreed unanimously
Decision
Agreed
Action
Revised Midlothian Integration Scheme to be submitted to Scottish Ministers

Report No.	Report Title	Report by:
8.18	Voluntary Community Asset Transfer- WITHDRAWN	Executive Director Place
Outline of report and summary of discussion		
Withdrawn		
Decision		
N/a		
Action		
N/a		

Public Council Meeting ended at 2.34 pm

9. PRIVATE Reports

The meeting concluded at 3.27 pm

Date of Next Meeting 23 August 2022