

# Minute of Meeting



## Midlothian Council

Date	Time	Venue
15 November 2022	11.00 am	Council Chambers, Midlothian House

### Present:

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

### In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Morag Barrow, Joint Director Health and Social Care	Fiona Robertson, Executive Director Children, Young People and Partnerships
Alan Turpie, Monitoring Officer	David Gladwin, Acting Chief Finance Officer (Section 95 Officer)
Joan Tranent, Chief Officer Children's Services, Partnerships and Communities	Sinead Urquhart, Executive Business Manager, Children, Young People and Partnerships
Mike Broadway, Democratic Services Officer	Andrew Henderson, Democratic Services Officer

Janet Ritchie, Democratic Services Officer (Minutes)
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### Religious Representatives:

Ms Elizabeth Morton	Ms Anne Theresa-Lawrie
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## **1. Welcome and Apology for Absence**

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The Provost welcomed everyone to the meeting advising that this meeting was a public meeting and being webcast live.

Intimation of an apology for absence was made on behalf of Councillor Imrie

## **2. Order of Business**

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The Provost confirmed the Order of Business was as per the agenda circulated.

## **3. Declarations of interest**

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Councillor Bowen declared an interest in Item 8.5 on the Agenda due to family connection.

## **4. Deputations**

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None received.

## **5. Minutes of Previous Meetings**

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- 5.1 The Minute of meeting of Midlothian Council of 4 October 2022 was submitted and with the amendment noted below approved as a correct record, Proposed by Councillor Parry and Seconded by Councillor Cassidy

Councillor Scott advised that there was a correction to the minute (P19 of the Agenda Pack) with reference to Item 8.12 Voluntary Community Asset Transfer the decision was not to agree but to be brought back at an appropriate time for further consideration.

- 5.2 The Minute of the Special meeting of Midlothian Council of 27 September 2022 was submitted and approved as a correct record, proposed by Councillor Parry and Seconded by Councillor Cassidy

- 5.3 Minute Volume Index (Public) – 15 November 2022– previously circulated for approval and noting and consideration of any recommendations contained therein. Proposed by Councillor Parry and Seconded by Councillor Cassidy

- 5.4 Minute Volume Index (Private) – 15 November 2022 – previously circulated for approval and noting and consideration of any recommendations contained therein. Proposed by Councillor Parry and Seconded by Councillor Cassidy

- 5.5 Midlothian Council Action Log 15 November 2022 - Noted

## **6. Questions to the Leader of the Council**

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None

## **7. Notices of Motion**

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None

## 8. Reports

Report No.	Report Title	Report by:
8.1	Draft Midlothian Council Strategic Plan 2023 - 2026	Chief Executive
<b>Outline of Report and Summary of Discussion</b>		
<p>The report dated 4 November 2022 presented the strategic options for future service aims building on the learning and new ways of working that were adopted during the pandemic period, and to renew our focus on delivering our key priorities at the most local level possible.</p> <p>Rooted in the creation of a wellbeing economy, the vision of our new 5 year strategy was committed to reducing inequalities in health outcomes, learning outcomes and economic circumstances while addressing the health of our planet.</p> <p>Dr Vickers presented this report highlighting the main sections contained within the report and advised that this had been discussed previously at the Business Transformation Steering Group prior to being reported to Council.</p> <p>Councillor Parry moved to accept the recommendations as set out in the report, this was seconded by Councillor Cassidy.</p> <p>Councillor Milligan advised that there had been much discussion on this paper and while he agreed with the vision he moved that this was continued until the agreed 5 year Medium Term Financial Strategy (MTFS) was in place. He highlighted the importance of ensuring that the public were aware of all the challenges over the next 5 years and the services reductions that may be required in order to achieve a balance budget, given the challenging financial position faced by the Council.</p> <p>There followed a lengthy discussion with regards to Participatory Budget, Short Term Financial Strategy and the challenges the Council face over the next 5 years.</p> <p>Councillor Milligan, Seconded by Councillor Virgo moved for continuation of this until the MTFS was agreed and the wording of the Participatory Budget process was clear.</p> <p>Councillor Parry acknowledged the comments made and emphasised that this was not about finalising but allowing the communities to have their say and enquired as to the impact this would have on the timescales of the consultation programme.</p> <p>Officers advised on the timescales and the issues that may arise if the consultation was over Christmas and if not approved at December Council the impact the delay would have on the Council Tax deadline.</p> <p>The Motion was proposed by Councillor Parry, seconded by Councillor Cassidy to accept the recommendations as set out in the report.</p> <p>As an Amendment Councillor Milligan, Seconded by Councillor Virgo moved for continuation until the MTFS was agreed and the wording of the Participatory Budget process was made clear.</p> <p>On a vote being taken 8 Members voted for the Motion to accept the recommendations as set out in the report and 9 voted for the Amendment for</p>		

continuation until the Medium Term Financial Strategy was agreed and the wording of the Participatory Budget process was clear.

Accordingly the Amendment became the decision of the Council.

#### Decision

The Council agreed to a continuation of the Draft Midlothian Council Strategic Plan 2023 - 2026 until the Medium Term Financial Strategy was agreed and that the wording of Participatory Budget process was clear.

#### Action

Chief Executive

Report No.	Report Title	Report by:
8.2	Financial Monitoring 2022/23 – General Fund Revenue	Chief Finance Officer (Acting up)
<b>Outline of Report and Summary of Discussion</b>		
<p>The purpose of this report dated 31 October 2022 was to provide Council with information on projections of performance against service revenue budgets in 2022/23 and to provide commentary on areas of material variance against budget. The projected budget performance figures as shown in Appendix 1 result in a net underspend of £1.442 million for the year which is a £1.667 million improvement on the position at Quarter 1 reported to Council on 23rd August. The projected underspend represents 0.54% of the revised budget.</p> <p>The projected General Fund balance at 31st March 2023 was £6.305 million, of which £0.265 million is earmarked for specific use.</p> <p>The projection of the General Fund Balance at 31st March 2023 was predicated on the ongoing financial impact of the Covid-19 Pandemic continuing to be met from the available funding, whether ring fenced for specific purposes, or from general funding provided</p> <p>Mr Gladwin in presenting this report highlighted the main sections contained within the report</p> <p>Councillors expressed their thanks to David Gladwin and the Finance team on this positive paper.</p> <p>In response to a question raised by Councillor Smail, Councillor Parry advised that she was in ongoing discussions with COSLA looking at the financial framework and also meeting with Council Leaders to discuss these issues.</p> <p>Councillor Parry, seconded by Councillor Virgo moved to accept the recommendations.</p>		
<b>Decision</b>		
<p>The Council noted specifically the projected financial position for the General Fund Reserve in financial year 2022/23 and the associated risks with projections at this stage in the year; and otherwise noted the contents of the report.</p>		

Report No.	Report Title	Report by:
8.3	General Services Capital Plan 2022/23 Quarter 2 Monitoring Report	Chief Finance Officer (Acting up)
<b>Outline of Report and Summary of Discussion</b>		
<p>The purpose of this report, dated 3 November 2022 was to provide Council with an update of the General Services Capital Plan incorporating information on additions to the Capital Plan for approval (Section 3) and information on the projected performance against budget for 2022/23 (Section 4), also to update on the Capital Fund (Section 5).</p> <p>Mr Gladwin presented this report highlighting the main updates of the General Services Capital Plan.</p> <p>Councillor Parry formally moved the recommendations in the report commenting positively on some of the rephrased projects highlighted in the report.</p> <p>In response to concerns from Councillor Smaill regarding Capital Reserves, the Chief Finance Officer (acting up) advised that work was ongoing as a matter of priority and that this would be shared with Officers in the very near future.</p>		
<b>Decision</b>		
The Council approved addition of the project budgets set out in Section 3.1 and noted the forecast outturn for expenditure (after reflecting rephased project budgets), funding and borrowing, as outlined in Section 4.		
<b>Action</b>		
Chief Finance Officer (Acting up)		

Report No.	Report Title	Report by:
8.4	Housing Revenue Account - Revenue Budget and Capital Plan 2022/23	Chief Finance Officer (Acting up)
<b>Outline of Report and Summary of Discussion</b>		
<p>The purpose of this report dated 26 October 2022 was to provide Council with a summary of expenditure and income to 26 September 2022 for the Capital Plan and a projected outturn for both the Housing Revenue Account (HRA) and Capital Plan for 2022/23.</p> <p>The summarised financial performance for 2022/23 was:</p> <ul style="list-style-type: none"> <li>• Capital Investment in the year totalling £53.842 million;</li> <li>• A net underspend of £0.171 million on the Revenue Account;</li> <li>• A projected HRA general reserve at 31st March 2023 of £32.264 million.</li> </ul> <p>Councillor Parry, seconded by Councillor McKenzie moved the recommendations contained within the paper noting the commitments to deliver in particular with regards to Dalkeith Town Centre.</p> <p>Mr Anderson in response to a question raised by Councillor Virgo with regards to the development of Dalkeith Town Centre provided an explanation on the additional cost of £20,000 to cover additional resources including further consultation, architectural resources and the phasing of the work.</p>		

Responding to a further question raised by Councillor Smaill, Mr Anderson provided an explanation on the variations in housing stock and the challenges and additional pressures faced to meet the targets but a further updated report would be brought back to Council in due course.

There followed a discussion with regards to the Council's buy-back programme. Concerns were raised by Councillors with regards to the process and that Elderly residents require a more streamlined process. Councillors also expressed the need for the Council to buy back a range of houses to increase the Council stock. It was noted that Councillor McKenzie had requested Housing to look at a streamline process and it was agreed that a paper would come back at a later date on a more streamline process.

#### Decision

The Council :

- Noted the contents of this report;
- Approved the reallocation of the £10 million earmarked capital budget for Retrofit Fire Safety Sprinkler Systems to the New Social Housing Phase 3-4 project as covered in section 3.1 in the report.
- Approved the release of a further £0.020m from the HRA Reserve to support the developing strategy for Dalkeith Town Centre.
- To bring back a report on a more streamlined process for the Council's buy-back programme.

#### Action

Executive Director Place

**Councillor Bowen having declared a non-pecuniary interest in the following item of business due to a family connection left the meeting at 11.46am.**

Report No.	Report Title	Report by:
8.5	Early Learning and Childcare Funding Rate 2022-23	Executive Director Children, Young People and Partnerships
Outline of Report and Summary of Discussion		
<p>Following the Council Briefing on 14 November 2022, this report seeks a decision to maintain the current rate paid to partner providers for 2 year olds, whilst applying an increase to the 3-5 year old funding rate from August 2022 for the 2022/23 financial year, which can be funded from existing carry-forward. With the Scottish Government's (SG) funding methodology for ELC for 2023/24 onwards unavailable and the 2022/23 funding gap estimated to be circa £11.084m, it is recommended that the future rate be determined once the SG's funding settlement is known.</p> <p>Ms Robertson presented this report highlighting some of the main points contained within the report and in Appendix A to the report.</p> <p>Councillor Parry acknowledged how valuable all provision was in Midlothian and noted that in the local benchmarking comparisons Midlothian was at the top or nearest to the top. Councillor Parry moved the recommendations as set out in the report.</p>		

There followed a lengthy discussion in which Officers responded to various questions on the Scottish Government funding, the increased rate being sustainable and although the Council was one of the fastest growing Local Authorities was underfunded. Also raised the 1140 hours from the Scottish Government and was this treated equally between Local Authorities and the Private Sector.

Ms Robertson advised that Dr Mary Smith had written in the past regarding the funding received and the response received did recognise it caused substantive challenges to growing populations and she was happy to refer back to the Scottish Government on this matter.

Mr Gladwin confirmed that there is a National Working Group (Early Learning) which are working through the details and coming up with the best and fairest methodology.

Councillor Parry, seconded by Councillor Scott moved the recommendations as set out in the report.

Councillor Smaill abstained from this decision.

#### Decision

The Council agreed to :

- Maintain the current 2 year old rate of £6.90, whilst increasing the 3-5 year old rate from £5.71 to £6.42 for both funded providers and childminders delivering Early Learning and Childcare (ELC).
- Backdate the increase in 3-5s rate to August 2022.
- Give delegated authority to the Executive Director (*Children, Young People and Partnerships*) to write to the Scottish Government (SG), on behalf of Council, to seek clarity on future funding and assurance that the SG will provide the necessary funds to allow Midlothian to pay funded providers a sustainable rate.
- Review the funding rates for 2023/24 once the funding allocation from the Scottish Government is confirmed.

#### Action

Executive Director, Executive Director Children, Young People and Partnerships

**Councillor Bowen re-joined the meeting at the conclusion of the foregoing item at 12.21pm.**

Report No.	Report Title	Report by:
8.6	Appointment of Representatives to Outside Bodies – Midlothian Twinning Association	Executive Director Place
<b>Outline of Report and Summary of Discussion</b>		
At its meeting of 24 May 2022, Council approved the appointment of Councillor Debbie McCall, Provost; Councillor Peter Smaill and Councillor Margo Russell to the Midlothian Twinning Association. Four places are available to the Council on the Midlothian Twinning Association.		



Mr Anderson presented this report to the Committee advising that the Midlothian Twinning Association office bearers requested the Council to consider the appointment of a named additional member for the available remaining place.

Councillor Parry, seconded by Councillor Cassidy nominated Councillor McManus

There being no other nominations Councillor McManus accepted the appointment.

#### Decision

Councillor McManus was nominated as the additional named member on the Midlothian Twinning Association.

#### Action

Democratic Services

Report No.	Report Title	Report by:
8.7	Social Work Annual Report 2021-2022	Chief Social Work Officer
<b>Outline of Report and Summary of Discussion</b>		
<p>The purpose of this report was to provide Council and the IJB with the Annual report of the Chief Social Work Officer (CSWO). The shortened report provides both Council and the IJB with a high level overview of key issues and challenges as a result of Covid-19.</p> <p>Ms Tranent, Chief Social Work Officer presented this report highlighting this provides a high level overview of some of the great work undertaken despite the continued challenges that Social Work and Social Care staff faced as Covid-19 remained a very live and current issue.</p> <p>Councillor McKenzie, seconded by Councillor Scott moved the report.</p> <p>The Provost expressed her thanks and congratulations to the Community Justice team who won their category 'Excellence in Justice Services' at the Scottish Social Services Awards.</p>		
<b>Decision</b>		
<p>The Council noted the Chief Social Work Officer's Annual Report for 2021-22 and agreed that the Chief Social Work Officer should place a copy of the Annual report on the Council website.</p>		
<b>Action</b>		
<p>Chief Social Work Officer</p>		

Report No.	Report Title	Report by:
8.8	Midlothian Strategic Housing Investment Plan 2023_24 to 2027_28	Executive Director Place
<b>Outline of Report and Summary of Discussion</b>		
<p>The report dated 14 November 2022 provides a summary of the key points set out in Midlothian's Strategic Housing Investment Plan (SHIP) 2023-28, which details the priorities for investment in new affordable housing in Midlothian.</p>		



Mr Anderson advised that this report seeks Members approval of the Strategic Housing Investment Plan (SHIP) 2023/24 – 2027/28 which is appended to the report and has been submitted to the Scottish Government on 28 October 2022 in order to meet the required deadline, with the proviso this was subject to approval by Council.

Councillor McKenzie moved to approve the Strategic Housing Investment Plan (SHIP).

Councillor Curran requested that next year this is brought to Council in advance of being presented to the Scottish Government.

Thereafter Mr Anderson responded to questions and comments with regards to rent freeze and the impact this would have on house builds and future developments. Also raised was the Council's land supply and Mr Anderson confirmed this was a diminishing resource. It was also noted that another issue was the availability of labour for building houses.

The report was moved by Councillor McKenzie, seconded by Councillor Bowen.

#### Decision

The Council approved the Strategic Housing Investment Plan (SHIP) 2023/24-2027/28.

#### Action

Executive Director Place

Report No.	Report Title	Report by:
8.9	Capacity increase to Replacement Beeslack CHS	Executive Director Children, Young People and Partnerships
Outline of Report and Summary of Discussion		
<p>A report dated 20 October 2022 was submitted advising that at full Council on 28 June 2022, updated Heads of Terms were approved, with regards to securing the site, for the Replacement Beeslack CHS. If the replacement school is built to the current proposal of a 1200 capacity school our roll projections show that a further extension would be required within two years of the school opening. The current design of the 1200 pupil capacity school includes core accommodation – such as gym halls, dining and all social spaces - to accommodate 1600 pupils. A full business case with detailed financial costs will be brought back to December Council. Approval is now being sought to increase the indicated capacity of the new school building from 1200 pupils to 1600 pupils.</p> <p>Mr Turpie confirmed that it was not required to suspend Standing Orders as new information was submitted with regards to the increase in the capacity of the new school.</p> <p>Ms Robertson thanked Councillors who attended the briefing meeting and presented this report for approval.</p> <p>Councillor Scott supported this paper and moved the recommendation as contained within the report. Councillor Parry seconded the recommendation and</p>		

expressed her thanks to the Education colleagues reacting to the new information received.

Ms Robertson in response to a question raised by Councillor Smaill confirmed that the funding for this school would be 50/50.

#### Decision

The Council approved the increase in capacity for the Replacement Beeslack Community High School from 1200 pupils to 1600 pupils.

#### Action

Executive Director, Children, Young People and Partnerships

Report No.	Report Title	Report by:
8.10	Proposed Revised Schedule of meeting dates January to June 2023	Executive Director Place
<b>Outline of Report and Summary of Discussion</b>		
<p>At the meeting of Council on 24 May 2022 it was proposed that a short life working group review the schedule of dates. The schedule of dates have been reviewed by Democratic Services taking into consideration school holidays and this revised proposed schedule is now presented to Council for consideration.</p> <p>Mr Anderson presented this report dated 25 October 2022 for approval.</p> <p>The Provost highlighted the importance of having the school holidays detailed with the schedule of meeting dates.</p> <p>Councillor Parry, seconded by Councillor Cassidy approved the Schedule of meeting dates January to June 2023.</p>		
<b>Decision</b>		
The Council approved the Revised Schedule of Meeting Dates for January – June 2023 as detailed in Appendix B.		
<b>Action</b>		
Democratic Services		

Report No.	Report Title	Report by:
8.11	Webcasting Meetings of Council and its Committees	Executive Director Place
<b>Outline of Report and Summary of Discussion</b>		
<p>Special Council held on 27 September 2022 decided to proceed with an in-person Council meeting of 4 October 2022 and thereafter the range of public governance meetings for Council, Cabinet and its established Committees.</p> <p>For this schedule of meetings, these have been live streamed or recorded for available broadcast to members of the public. Council are asked to consider the current arrangements and determine what the interim broadcasting approach should be whilst awaiting the implementation of a technical solution for hybrid meetings, anticipated by March 2023.</p>		

Mr Anderson presented this report highlighting the background to the report and the current arrangements in place and to consider the whether this revised arrangements should continue or if some meetings should be webcast and to consider the three options as set out in the report. Mr Anderson advised that these were interim arrangements and provided details of costs as presented previously to Council on the hybrid options and the costs for the current arrangements as £66,000 towards Capital and £62,000 in respect of Revenue giving a totality of £128,000.

Councillor Parry moved for Option 1 and highlighted the benefit to the public in being able to watch and engage in our meetings, this was seconded by Councillor Cassidy.

Councillor Milligan highlighted that at the meeting on 27 September 2022 only one in person meeting was agreed and there was no decision on the costings as detailed. He highlighted the costs were not acceptable with the financial challenges the Council are facing and moved to reject any webcasting with this cost and revert back to the previous arrangements where recordings are uploaded following the meeting.

There followed a lengthy discussion regarding what had been agreed at Council with regards to in person meetings, webcasting and the costs as outlined and the recommendation that had been agreed. During the discussion Mr Anderson confirmed that no purchase order had been raised therefore there was no commitment to costs at this stage. Councillor Parry highlighted that there was clarification made that it was public facing meetings but if there are concerns an additional option is to take back to Standing Orders working group/ Group Leaders to ensure there is clarity with regards to webcasting. In responding to a comment from Councillor Milligan with regards to the recommendation on 27 September 2022, Mr Turpie confirmed that at the meeting on the 27 September the decision was to allow a face to face meeting of Council on 4 October 2022 however there was discussion around the costs of hybrid meeting and revenue costs and capitalisation which was noted. He further advised that hybrid meetings were put off due to the costs. It was also noted that there was a Short Life Working group where a lot of the detail was discussed at great length. Mr Turpie also provided clarity on what would be broadcast and highlighted that private items would not be broadcast to the public and only matters which the public can have access would be broadcast.

Following further discussion it was noted that meetings had to go ahead therefore it was agreed that this would be discussed further at the Cross Party Standing Orders Working Group and that an Officer would be delegated to implement the decision relative to which meetings were to be broadcast. It was also agreed that the decision with regards to hybrid meetings would be brought back to Council with the relative costs.

#### **Decision**

It was agreed that this would be discussed further at the Cross Party Standing Orders Working Group and that an Officer would be delegated to implement the decision regarding which meetings were to be broadcast. It was also agreed that the decision with regards to Hybrid meetings would be brought back to Council with the relative costs.

#### **Action**

Cross Party Standing Orders Working Group/Executive Director Place/Democratic Services

The Provost highlighted the white ribbons which were worn in the Chambers today and advised that this was to raise awareness on the upcoming White Ribbon day which focusses on a campaign for men to end violence against women and anyone wishing to sign this can do so on the Council's Website.

## **Exclusion of Members of the Public**

In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

## **9. Private Reports**

Report No.	Report Title	Report by:
9.1	Appointment of Interim Chief Officer Corporate Solutions	Executive Director Place
<b>Decision</b>		
The Council unanimously agreed to –		
(a) Note the recommendation of the Appointments Panel of elected Members which convened on 24th October, 2022 in the matter of the recruitment of an Interim Chief Officer Corporate Solutions, and		
(b) Approved the appointment of Saty Kaur as the Interim Chief Officer Corporate Solutions.		
<b>Action</b>		
Executive Director Place		

Report No.	Report Title	Report by:
9.2	Poltonhall Artificial Pitches Refurbishment and Extension Budget Expenditure Update	Executive Director Place
<b>Decision</b>		
After further discussion, the Council unanimously agreed to –		
(a) Note the projected funding deficit for this project and the detailed reasons for this; and		
(b) Approve additional funding of £142,532 to address the shortfall via the use of available, additional developer contributions as outlined in this report.		
<b>Action</b>		
Executive Director Place		

## **9. Date of Next Meeting**

The Next meeting will be held on Tuesday 13 December 2022 at 11 am

The meeting concluded at 1.37 pm