

MINUTES of MEETING of the MIDLOTHIAN COUNCIL CABINET held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 22 April 2014 at 11.00am.

Present:- Councillors Thompson (Convener), Constable (Depute Convener), Bryant, Johnstone and Rosie

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

Apology for Absence:- Mr P Hayes.

1 Order of Business

The Clerk advised that:-

- (a) there had been submitted a "To Follow" report by the Head of Commercial Operations, entitled "Gala Days and Special Events – Milestone Anniversaries" which was dealt with as shown at paragraph 10 below;
- (b) there had been tabled a "To Follow" report by the Director Resources and the Joint Director, Health and Social Care, entitled "Newbyres Crescent, Gorebridge – CO2 Emissions" which was dealt with as shown at paragraph 2 of the Addendum hereof;
- (c) there had been submitted an additional item of business, namely a report by the Head of Commercial Operations, entitled "328 Supported Bus Service" which was dealt with as shown at paragraph 4 of the Addendum hereof; and
- (d) the Convener had agreed to accept all three reports as urgent business in view of the Council's interest in the matters.

2 Declarations of Interest

Councillor Thompson declared a non-pecuniary interest in Agenda Item 5 – "Inspection of Tynewater Primary School Nursery Class – Report by Director Education, Communities and Economy" (paragraph 4 below refers), as his wife was a teacher at Tynewater Primary School. He intimated his intention to withdraw from the meeting during consideration of this item and the Cabinet noted that Councillor Constable, the Depute Convener, would assume the chair in his absence.

3 Minutes

The Minutes of (a) the Special Meeting; and (b) the Ordinary Meeting of the Cabinet of 25 February 2014, were submitted and approved as correct records.

Sederunt and Chair

In accordance with his aforementioned Declaration of Interest, Councillor Thompson withdrew from the meeting (at 11.03am) during consideration of the next item of business and Councillor Constable, the Depute Convener, assumed the chair for the duration thereof.

4 Inspection of Tynewater Primary School Nursery Class

There was submitted report, dated 12 February 2014, by the Director, Education, Communities and Economy, outlining the outcome of an announced inspection carried out at Tynewater Primary School Nursery Class by the Care Inspectorate in November 2013.

The evaluations were as follows:-

Quality of Care and Support	Good (Grade 4)
Quality of Environment	Good (Grade 4)
Quality of Staffing	Good (Grade 4)
Quality of Management and Leadership	Good (Grade 4)

The report and grades represented the Care Inspectorate's assessment of the quality of the areas of performance which were examined during the unannounced inspection.

Decision

- (a) To note the content of the inspection report;
- (b) To pass the report to the Performance, Review and Scrutiny Committee for its consideration; and
- (c) To note that, whilst acknowledging the good work being carried out at the nursery, the Council would continue to challenge, support and monitor the service in relation to achieving sustained excellence through further improving performance.

(Action: (b) Legal and Secretariat Manager)

Sederunt and Chair

Councillor Thompson rejoined the meeting at this stage (11.06am) and resumed the chair.

5 Inspection of Lasswade High School Centre

There was submitted report, dated 25 March 2014, by the Director, Education, Communities and Economy, outlining the outcome of an inspection of Lasswade High School Centre by Education Scotland in January 2014.

The/

The report recalled that Lasswade High School Centre had been inspected by Education Scotland in January 2013 and explained that their visit in January 2014 had been to assess the extent to which the school was continuing to improve the quality of its work and to evaluate progress made in responding to the main points for action identified in its earlier report.

The Inspectors had concluded that the school had successfully made improvements in its approaches to self-evaluation and that leadership across the school was improving.

The report also advised that Education Scotland's Area Lead Officer would discuss with officers in Education, Communities and Economy how best to provide further support to the school and would maintain contact to monitor progress. The Council in turn would provide Education Scotland with a progress report within one year, at which point Education Scotland would decide whether a further inspection was required.

Decision

- (a) To note the content of the inspection report;
- (b) To pass the report to the Performance, Review and Scrutiny Committee for its consideration;
- (c) To congratulate the pupils, parents and staff connected with Lasswade High School Centre on the very good progress made since the inspection visit of January 2013;
- (d) To note that officers within the Directorate would continue to challenge, support and monitor the service in relation to achieving excellence through further improving performance; and
- (e) To note that officers within the Directorate would liaise with Education Scotland's Area Lead Officer to monitor progress and prepare a progress report within one year.

(Action: (b) Legal and Secretariat Manager; and (c), (d) and (e) Director, Education, Communities and Economy)

6 Inspection of Penicuik High School

There was submitted a report, dated 25 March 2014, by the Director, Education, Communities and Economy, outlining the outcome of an inspection of Penicuik High School by HM Inspectors in February 2014 as part of a national sample of secondary, primary and nursery education.

The evaluations for the school were as follows:-

Improvements in performance	Very good
Learners' experiences	Good
Meeting learning needs	Very good

The/

The Inspectors had also evaluated the following aspects of the work of the school:-

The curriculum	Good
Improvement through self-evaluation	Good

The report noted the key strengths indicated by the inspection team and areas for improvement agreed between Education Scotland, the school and the Directorate.

The report also advised that Education Scotland had indicated that they were confident that the school's evaluation processes were leading to improvements and, as a result, they would make no further visits in connection with this inspection.

Decision

- (a) To note the content of the inspection report;
- (b) To pass the report to the Performance, Review and Scrutiny Committee for its consideration;
- (c) To congratulate the pupils, parents and staff connected with Penicuik High School Centre on the key strengths highlighted in the report;
- (d) To note that, whilst acknowledging progress reflected in the report, the Council would continue to challenge, support and monitor the service in relation to achieving excellence through further improving performance; and
- (e) To instruct the Director, Education, Communities and Economy to ensure that the School Improvement Plan incorporated the recommendations of the inspection team.

(Action: (b) Legal and Secretariat Manager; and (c), (d) and (e) Director, Education, Communities and Economy)

7 Inspection of the Learning Community Surrounding Penicuik High School

There was submitted report, dated 25 March 2014, by the Director, Education, Communities and Economy, outlining the outcome of an inspection undertaken in February 2014 by HM Inspectors of the learning community surrounding Penicuik High School.

The report advised that Community Learning and Development was a distinct sector of education (alongside schooling and further and higher education) and worked to enable the development of skills (for example, literacy and numeracy) that people could use in employment, their community, further learning or as parents and family members, to support their children in their important early years.

The/

The evaluations were as follows:-

Improvements in performance	Weak
Impact on participants	Good
Impact on local community	Good
Improving services	Weak

The report noted the key strengths indicated by the inspection team and areas for improvement discussed and agreed with partners.

The report also advised that Education Scotland had indicated that significant improvements were needed and that partners did not yet have a good understanding of their strengths and areas for improvement. As a consequence a further visit would be made by Education Scotland within one year of the publication of their report to check on progress.

Decision

- (a) To note the content of the inspection report;
- (b) To pass the report to the Performance, Review and Scrutiny Committee for its consideration;
- (c) To congratulate those involved in the learning community surrounding Penicuik High School on the key strengths highlighted in the report;
- (d) To note that, whilst acknowledging the positive aspects of this report, the Council would challenge, support and monitor the service in relation to achieving excellence through further improving performance;
- (e) To instruct the Director, Education, Communities and Economy to ensure that the Service Improvement Plan incorporated the recommendations of the inspection team; and
- (f) That the Cabinet receive an update report following the Head of Education's forthcoming meeting with the Inspector regarding the inspection.

(Action: (b) Legal and Secretariat Manager; (c) to (f) Director, Education, Communities and Economy)

8 Follow-through Evaluation of the Educational Psychology Service

There was submitted report, dated 18 March 2014, by the Director, Education, Communities and Economy, advising of the outcome of a Follow-through Evaluation of the Educational Psychology Service carried out by Education Scotland in February 2014.

The report advised that HM Inspectorate of Education had published reports on the inspection of the Midlothian Council Educational Psychology Services (EPS) in June 2010, September 2011 and April 2013, to assess:-

- the extent to which the EPS was continuing to improve the quality of its work;
- the quality of the service's leadership and management; and
- the impact of the service on stakeholders.

The Inspectors had concluded that the service had improved its work considerably since the last visit by HMI and identified the following key strengths:-

- (a) greater ambition for Midlothian's children and young people and a clearer vision for education in Midlothian;
- (b) strong leadership of the Principal Educational Psychologist and the pace at which she has driven improvements in the service in the last year;
- (c) increased coherence amongst the team of educational psychologists and far stronger partnership with stakeholders; and
- (d) much closer alignment of the EPS with the work of the Council and increased synergy with Council objectives.

In taking forward its improvement plan, Education Scotland has asked the Directorate and the service to:-

- (i) ensure that arrangements for the line management of the EPS remained stable and that appropriate support and challenge were in place to assist the service to continue on its improvement journey;
- (ii) explore approaches to improvement planning which were forward and outward looking, link to the Council's Single Outcome Agreement and take account of best practice from outwith Midlothian; and
- (iii) continue to develop and embed the Single Level Agreement and keep the policy framework under review.

As a result of the significant improvements outlined in the report, Education Scotland had advised that they would make no further visits in connection with the inspection visit of 2010.

Decision

- (1) To note the content of the follow-through evaluation report;
- (2) To pass the report to the Performance, Review and Scrutiny Committee for its consideration;
- (3) To congratulate the Principal Educational Psychologist and her staff on the progress made since the initial inspection visit of June 2010, and in particular the progress made over the past year;
- (4)/

- (4) To note that officers within the Directorate will continue to challenge, support and monitor the service in relation to achieving excellence through further improving performance; and
- (5) To instruct the Director, Education, Communities and Economy to ensure that the Improvement Plan incorporated the recommendations of the inspection team.

(Action: (2) Legal and Secretariat Manager; and (3) to (5) Director, Education, Communities and Economy)

9 Proposed Increase in Early Learning and Childcare to 600 Hours for 2, 3 and 4 Year Old Children

There was submitted report, dated 9 April 2014, by the Director, Education, Communities and Economy, providing an update on the implications for Midlothian of the proposed increase in early learning and childcare service provision to 600 hours for 2, 3 and 4 year old children.

It was explained that a major aspect of the Children and Young People (Scotland) Act 2014 was a commitment to improving and increasing high quality, flexible and integrated early learning and childcare which was accessible and affordable for all.

To achieve this objective Local Authorities were required to increase the funded annual provision from August 2014, for 3 and 4 year olds, from 475 hours pre-school education to a minimum annual provision of 600 hours early learning and childcare and to also offer 600 hours early learning and childcare for looked-after 2 year olds and 2 year olds from “workless households”.

The report also advised that from August 2015, Local Authorities would be required to expand the 2 year old provision to include children whose families would qualify for free school meals.

Decision

- (a) To note the content of the report, and associated papers;
- (b) To authorise the implementation of the proposed model of early learning and childcare for 3 and 4 year old children, including resourcing as detailed in section 3.1 of the report;
- (c) To authorise the creation of, and recruitment to, the post of Senior Childcare Development Worker;
- (d) To authorise commissioning of additional hours, and increased payment to support delivery of early learning and childcare within Partnership Centres;
- (e) To support the continuing delivery of quality staff development and quality assurance to maintain the high standard of early learning and childcare across Midlothian;

- (f) To support the exploration of options for the delivery of the provision for 2 year old children;
- (g) To request a further report reviewing the implementation of the 600 hours for 3 and 4 year old children by June 2015;
- (h) To request a further report outlining proposals to provide 600 hours of early learning and childcare for 2 year old looked after children and 2 year old children from “workless” households for August 2014. The report should also provide proposals for the provision of 600 hours of early learning and childcare for 2 year old children who would be entitled to free school meals in August 2015; and
- (i) To request an interim update report on the progress of these matters in January/February 2015.

(Action: Mary Smith, Director, Education, Communities and Economy)

10 Gala Days and Special Events – Milestone Anniversaries

There was submitted report, dated 7 April 2014, by the Head of Commercial Operations, inviting the Cabinet to consider a policy to deal with any future requests from Gala Day and Special Events organisers who wished to recognise milestone anniversaries for Gala Days and Special Events within Midlothian communities.

The report recalled that the Council had supported the centenary of Newtongrange Gala Day in 2013 with the award of £10,000 of additional funding. It also advised that a request for additional support had been received from the Mayfield and Easthouses Gala Day Committee to support their 25th anniversary in 2014.

The report proposed that funding should be based on the existing grant banding levels which recognised small, medium and large events. The current grant levels were detailed as follows:-

Band 01 – Small £750 per event	Band 02 – Medium £1,000 per event	Band 03 – Large £1,250 per event
Cousland Edgehead Middleton Temple Fala Birkenside	Roslin Rosewell Bilston Danderhall Pathhead Poltonhall	Penicuik Bonnyrigg Dalkeith Mayfield Gorebridge Loanhead Newtongrange

For/

For future milestone anniversaries the report proposed that the following levels of additional funding would apply:-

Funding arrangement	Small Event	Medium Event	Large Event
Existing Grant	£750	£1,000	£1,250
25 th Anniversary x 1 Annual Grant	£750	£1,000	£1,250
50 th Anniversary x 2 Annual Grant	£1,500	£2,000	£2,500
75 th Anniversary x 4 Annual Grant	£3,000	£4,000	£5,000
100 th Anniversary x 8 Annual Grant	£6,000	£8,000	£10,000

For events which had anniversaries beyond 100 years it was proposed that reports specific to each event be presented to Committee.

It was also proposed that the additional funding grant would apply where event organisers could document and demonstrate that the additional costs would be incurred in support of the event.

Finally, the report advised that a review of grants to communities was currently ongoing and it was proposed that grants for future milestone events be remitted as part of that review.

Decision

- (a) To confirm the award of £1,250 to the Mayfield and Easthouses Gala Day Committee to support their 25th Anniversary event and that this be met from within existing resources; and
- (b) To note that the current review of grants to communities would consider funding for future milestone events as part of that workstream.

(Action: Head of Commercial Operations)

11 Pentland Hills Regional Park: A Proposal to Extend the Regional Park Boundary

There was submitted report, dated 26 March 2014, by the Head of Commercial Operations, advising that at the Pentland Hills Regional Park Consultative Forum on 28 February 2014, Christine Grahame, MSP had launched a proposal for a Bill to extend the boundary of the Pentland Hills Regional Park. A 12 week consultation was taking place on this, running to 23 May 2014. Depending on the responses received, the MSP had indicated that she would either drop the proposed Bill or continue with a Private Members Bill to the Scottish Parliament.

The proposal envisaged the regional park extending further into West Lothian and South Lanarkshire, towards the A70 near Carnwath and the Borders to the A702. There were also two options for the south boundary, as detailed in the report. The proposal also included an extension of the boundary on either side of Balerno within The City of Edinburgh Council area.

There/

There were eight questions included within the consultation and a suggested Midlothian response was incorporated as an appendix to the report.

The report noted in particular that the proposal to extend the Regional Park boundary would have limited impacts on Midlothian and therefore the Council position was neutral on this issue.

Finally, the report advised that there was not yet a clear business case covering the extension and that once the resources required and a management plan for the extended park were made more explicit, along with the arrangements for financial management, then Council officers would be able to provide clearer advice on the merits of the proposal. Therefore at this stage the proposal were seen as a work in progress.

Decision

- (a) To note the proposal for a Bill from Christine Grahame MSP, to extend the area covered by the existing Pentland Hills Regional Park designation;
- (b) To note that the extended area proposed would not cover a greater area of Midlothian than was presently covered by the current regional park;
- (c) To note that there was still insufficient detail to fully assess the financial impact that any extension of the park might have;
- (d) While noting that there may be potential benefit from having the whole of the Pentland Hills included within the Regional Park, as well as opportunities to secure additional funding, the position of the Cabinet was clear that the extension could only be supported if there was no additional cost to Midlothian Council;
- (e) To approve to the Council's proposed responses to the boundary extension consultation questions outlined in Appendix 2 of the report, subject to (d) above; and
- (f) To note that a further report on the extension to the park would be presented to the Council if the Bill was submitted to Parliament.

(Action: Head of Commercial Operations)

12 Anti-Money Laundering Policy

There was submitted report, dated 8 April 2014, by the Head of Finance and Integrated Service Support, presenting, and recommending for approval, an Anti-Money Laundering Policy. It was explained that the policy had been presented to the Audit Committee on 18 March 2014 for any comments prior to its submission to Cabinet. The Audit Committee had approved the policy as submitted and it was now accordingly presented to Cabinet for determination.

The/

The report advised that the Anti-Money Laundering Policy had been prepared to comply with CIPFA's best practice guidance and expanded on the framework set by the Council's Anti-Fraud and Corruption Policy. The Anti-Money Laundering Policy also incorporated guidance for staff on the types of transactions that could raise a suspicion and a form that employees could use to report their concerns.

Decision

To approve the proposed Anti-Money Laundering Policy.

(Action: Head of Finance and Integrated Service Support)

Sederunt

Mrs Harkness withdrew from the meeting at this stage (11.45am).

13 Corporate Climate Change Strategy Corporate Climate Change & Sustainable Development Action Plan 14/15

There was submitted report, dated 31 March 2014, by the Head of Communities and Economy, inviting the Cabinet to approve the Corporate Climate Change Strategy and Corporate Climate Change & Sustainable Development Action Plan 2014/15.

The report explained that the Council's strategy in response to climate change was particularly important as all Scottish Councils were signatories to Scotland's Climate Change Declaration, committing them to climate change action and to updating COSLA annually on progress. Moreover, the Climate Change (Scotland) Act 2009 required public bodies to contribute to meeting national greenhouse gas reduction targets and to help deliver the Scottish programme for adapting to the impacts of a changing climate, due out later this year.

In order to clarify the Council's approach to climate change, the Cabinet was asked to approve a short, high-level 'mainstreaming' strategy which concerned itself with greenhouse gas emissions for which the Midlothian area (rather than Midlothian Council alone) was responsible, and to adapting to the inevitable impacts arising from a changing climate.

The report further advised that to underpin the strategy, the Corporate Management Team had agreed that the annual Sustainability Action Plan should be evolved into a 'Corporate Climate Change & Sustainable Development Action Plan'.

Copies of both the Corporate Climate Change Strategy and the Corporate Climate Change & Sustainable Development Action Plan 2014/15 were appended to the report.

Decision/

Decision

To approved the Corporate Climate Change Strategy and Corporate Climate Change & Sustainable Development Action Plan 2014/15.

(Action: Head of Communities and Economy)

14 Scottish Government Regeneration Capital Grant Fund Bid for Phase 2 of Dalkeith High Street Improvements

With reference to paragraph 12 of the Minutes of 14 January 2014, there was submitted report, dated 26 March 2014, by the Director, Education, Communities and Economy, recalling that the Round 1 bid under the Scottish Government's Regeneration Capital Grant Fund (RCGF) had been unsuccessful. This had been for a grant of £1,245,977 for a combination of public realm works and building improvements in the area of east High Street from South Street to Dalkeith Country Park with a total project cost of £1,399,977.

The report now advised that a further round of funding was being made available under the RCGF and invited the Cabinet to consider submitting a revised funding bid for a reduced scheme for phase 2 of Dalkeith High Street Improvements, which could be submitted between 31 March and 12 May 2014.

The report explained that Midlothian Council's contribution of £20,000 to the new RCGF bid would demonstrate its commitment to the project and help secure additional funding from other key partners. It was also explained that this investment had potential to secure RCGF grant assistance of around £265,000, which would lead to around £145,000 of work to the public realm.

Decision

- (a) To approve the submission of a revised bid to the Scottish Government RCGF Fund for improvement works at eastern High Street Dalkeith; and
- (b) To reaffirm a Council contribution of £20,000 towards the public realm improvements as part of that project.

(Action: Director, Education, Communities and Economy)

15 Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 2, 3, 6, 8 and 9 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- (a)/

- (a) Additional Council HMO (House of Multiple Occupation) Accommodation Proposed at Midfield House and Pentland House – To approve a wider community and stakeholder consultation, as proposed in the Joint Director, Health and Social Care's report, to further consider replacement of Bed and Breakfast provision through the use of both Pentland House, Penicuik, and Midfield House, Poltonhall, in order to improve temporary accommodation options for homeless households and reduce the requirement to utilise Bed and Breakfast accommodation for these households;
- (b) Newbyres Crescent, Gorebridge – CO2 Emissions (i) To note and retrospectively approve actions taken and costs incurred to safeguard residents at Newbyres Crescent, Gorebridge; (ii) To authorise the Director, Resources, to progress actions and approve resource requirements due to the public safety issues; and (iii) To note the intention to report to a future meeting of the Council on issues arising from this incident; (iv) To note forthcoming members briefings; and (v) To note that members could raise any issues regarding the situation at Newbyres Crescent, within the Council through the Director, Resources, the Chief Executive or the Head of Customer and Housing Services;
- (c) Request for Authority to Agree to Extend Lease and Reduce Rent Paid by Midlothian indoor Bowling Club – Arrangements approved; and
- (d) 328 Supported Bus Service – To agree not to support the continuation of the 328 bus service and that the Ring & Go Service, which has been put in place in the short term, be continued as the permanent replacement.

The Cabinet thereafter agreed to proceed as detailed in the Addendum hereto.

The meeting terminated at 12.30pm.