

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PERFORMANCE REVIEW**AND SCRUTINY COMMITTEE** held in the Council Chambers, Midlothian House,

Buccleuch Street, Dalkeith on Tuesday, 3 September 2013 at 11.00 am.

Present:- Councillors Milligan (Chair), Baxter, Bennett, Coventry Imrie, Muirhead Montgomery, Pottinger, Rosie, Russell, de Vink and Wallace.**1 Declarations of Interest**

No declarations of interest were intimated at this stage of the meeting.

2 Minutes

The Minutes of Meetings of 4 and 5 June (2 no.) 2013 were submitted and approved as correct records

3 Procurement Process Comparison for School Projects

With reference to paragraph 2(q) of the minutes of 5 June 2013 (1), there was submitted report dated 29 August 2013, by the Director, Resources, providing the Committee with an update on the main differences between the procurement processes relating to Hub South East Scotland (HubCo); Public Private Partnership (PPP); and the Schools for the Future project used for Lasswade Centre. The report also provided information on progress with the replacement/redevelopment works at Rosewell, Gorebridge and Bilston Primary Schools.

The report provided detailed information on the differences between the procurement vehicles in respect of Funding; Ownership Management of the Design/Procurement Process; Construction Delivery; and the Operation of Facilities.

In respect of ongoing projects, the report advised that:-

There had been delays in commencing the refurbishment element of the project at Rosewell Primary school which was completed on 16 August 2013 but that several issues regarding workmanship remained outstanding and were being progressed with the contractor and the completion of new build element remained at 15 November 2013, notwithstanding that the contract was presently two weeks behind schedule;

HubCo had provided outline sketch proposals supported by budget costs for both Gorebridge and Bilston primary schools projects but that due to the issues experienced at Rosewell the Head of Property and Facilities Management was currently considering whether the Gorebridge and Bilston projects progress

under the HubCo procurement route and this would be the subject of a report to the Cabinet in due course; and

Progress with the Newbattle High School replacement project had been the subject of protracted commercial negotiations with HubCo. These negotiations concluded on 16 August 2013 allowing the project to proceed. Key future dates for the project were as follows:-

Stage 1 report Submission	6 November 2013
Stage 2 report Submission	2 May 2014
Financial Close	1 July 2013
Start on Site	1 April 2014
Completion of New Build	29 February 2016
Date of Service Commencement	29 February 2016

Following questions from members, the Committee particularly noted (i) that, whilst it was a condition of Scottish Government funding for the Newbattle High School replacement project that the Council adopt the HUBCO procurement process, this was not the case in respect of the projects proposed at Gorebridge and Bilston Primary schools and (ii) the HUBCO procurement process involved only two contractors being invited to submit tenders for all projects in the South East Scotland region.

Decision

- (a) To highlight to the Cabinet, the Committee's serious concerns regarding the performance of Hubco and the processes followed in relation to the letting of contracts;
- (b) To recommend to the Cabinet that it monitor closely the performance of Hubco in relation to the contracts for Rosewell Primary School and the replacement Newbattle High School;
- (c) To recommend to the Cabinet that it take into account HUBCO's performance in relation to the contracts referred to at (b) above when determining the procurement route for improvements to Gorebridge Primary School and the replacement of Bilston Primary School; and
- (d) To receive in early course, an analysis; breakdown; and comparison of the costs of school replacement/ improvement in the last ten years via the various finance models available to the Council during this period.

(Action: (a) – (c) Legal and Secretariat Manager; (d) Head of Finance and Human Resources)

4 Inspection of Glencorse Primary School

With reference to paragraph 4 of the minutes of the ordinary Cabinet meeting of 28 May 2013 there was submitted report, dated 26 August 2013, by the Director, Resources, incorporating a report dated 6 May 2013, by the Director, Education and Children's Services, outlining the outcome of an

inspection carried out at Glencorse Primary School by HM Inspectors in February 2013

The evaluations for Glencorse Primary School were as follows:-

Improvements in performance – Good
 Learners' experiences – Very good
 Meeting learning needs – Very good
 The curriculum – Good
 Improvement through self-evaluation – Very good

Education Scotland had indicated that they were satisfied with the overall quality of provision and were confident that the school's self- evaluation processes were leading to improvements. 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 congratulate the Management and staff connected with Glencorse Primary School on the excellent work being carried out at the school; and
- (c) To note that, whilst acknowledging the excellent work being carried out at the Centre, the Council would continue to challenge, support and monitor the service in relation to achieving excellence through further improving performance.

(Action: Director Education and Children's Services).

5 Additional Support Needs

With reference to paragraph of the minutes of 5 June 2013 (2), there was submitted report dated 28 August 2013 by the Director, Education, Communities and Economy updating the Committee on the demand for Additional Supports Needs places at Midlothian schools and provisions for Children and Young People who live outwith Midlothian. The report explained that the Education (Additional Support for Learning) (Scotland) Act 2009, as amended, enabled parents of children with additional support needs and young persons with additional support needs including those with co-ordinated support plans, to make requests for their children or themselves (as appropriate) to attend a school outwith the local authority area in which the child or young person lives. The jurisdiction of the Additional Support Needs Tribunal was extended to enable it to hear appeals on refusals of such out of area placing requests by allowing a referral to the Tribunal of a placing request decision by an authority which is not the authority responsible for the child (or young person). The Additional Support Needs Tribunal Scotland (ASNTS) had overturned a decision by the Council to reject a request from the parents of a child with additional needs from outwith Midlothian and required the Council to place a pupil from in Saltersgate School by the end of May 2013 in terms of section 19(4a)(b)(i) of the

Act. Legal opinion was that there was little likelihood of overturning the Tribunal's decision.

As a result of the Tribunal's decision, the Education Authority would need to be less flexible about numbers of pupils which could be accommodated at Saltersgate School and accordingly were reviewing their processes to ensure that there was accurate school data about school numbers; the maximum school roll and the number of reserved places kept for Midlothian children and young people.

Decision

That, in addition to raising this issue with Association of Directors of Education Services and Association of Directors of Social Work, the matter be referred to Cosla with a view to a formal protocol being agreed amongst Scottish Local Authorities to ensure that costs incurred in accommodating a child or children with additional support needs from outwith the local authority area where the school was located were met by the local authority with the primary responsibility for the child or young person.

(Action: Director, Education, Communities and Economy).

Declaration of Interest/Sederunt

Provost Wallace declared an interest as a Trustee of the Mavisbank Trust in the following item of business and accordingly left the meeting at this stage (11.55 am).

6 "Call-in" from Meeting of Cabinet on Tuesday 27 August 2013: Mavisbank House

With reference to paragraph 7 of the Minutes of the Cabinet, dated 27 August 2013 there was submitted report dated 28 August 2013 by the Director, Resources, incorporating a notice of "Call-In" under paragraph 4.2 of the Scheme of Administration (Standing Order No 7), relating to the Cabinet's decision concerning Mavisbank House and in particular the recommendation to the Council that in the event that the application to the Heritage Lottery Fund for the restoration of the House was successful, that the Council give consideration to providing financial support to the project. The report considered by the Cabinet on 27 August 2013 was also submitted for information purposes.

Decision

To recommend to the Cabinet that, in light of the current constraints on public spending, it advise the trustees of Mavisbank House that any financial contribution from the Council towards the restoration of Mavisbank House and grounds, in either capital or revenue finance, could only be considered alongside other priority needs and should not therefore be relied upon in relation to any future application for funding from the Heritage Lottery Fund.

(Action: Legal and Secretariat Manager).

Sederunt

Provost Wallace rejoined the meeting at this stage (12. 10 pm)

7 “Call-in” from Meeting of Cabinet on Tuesday 27 August 2013: 20 MPH speed Limit in Lasswade Village and Polton Road, Lasswade

With reference to paragraph of the Minutes of the Cabinet, dated 27 August 2013 there was submitted report dated 28 August 2013 by the Director, Resources, incorporating a notice of “Call-In” under paragraph 4.2 of the Scheme of Administration (Standing Order No 7), relating to the Cabinet’s decisions, arising from the deliberations of the Petitions Committee on 25 June 2015, that (a) Lasswade Village and Polton Road not be subject to a 20mph speed limit until a strategic implementation process had been agreed; and (b) That the Director, Resources bring forward a report detailing a comprehensive strategy for the introduction of 20mph zones across Midlothian. The report considered by the Cabinet on 27 August 2013 was also submitted for information purposes.

Decision

To recommend to the Cabinet;-

- (a) That the introduction of a 20mph speed limit in Lasswade Village and Polton Road, Lasswade , be introduced, without undue delay, as a pilot project;
- (b) That additional pilot projects introducing 20mph speed limits be introduced at the following locations;-
 - Penicuik town centre between Peebles Road and Beeslack and including Angle Park
 - Danderhall Village;
 - Gorebridge in the area between the two existing primary schools;
 - Mayfield in the Blackcot/Waverley housing estate; and
 - Bilston village.

(Action: Legal and Secretariat Manager)

8 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 items, as contained in the Addendum hereto, as there might be disclosed information as defined in paragraphs 8 and 9 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Telecommunications Services and Mobile Phone Contract(s) – Agreed:-

- (a) To note the intention to consolidate all Mobile Phone contracts during the the next six months;
- (b) That the Director, Resources, investigate the potential for and security implications of elected members/officers utilising personal phones for Council business;
- (c) That the Director, Resources review the issue of mobile phones to staff to ensure that such a provision was necessary in every case;
- (d) To note that future mobile phone contracts would subsist for a maximum two year period;
- (e) That the Director, Resources endeavour to ensure that any new contract minimised the number of mobile phone “blackspots”;
- (f) To note that negotiations were ongoing to establish the extent of retrospective rebates; and
- (g) To otherwise note the report.

The meeting terminated at 12.40 pm.