

# Minute of Meeting



## Midlothian Council

Date	Time	Venue
17 May 2016	2pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Provost Wallace	Depute Provost Coventry
Councillor Johnstone – Leader of the Council	Councillor Constable – Depute Leader of the Council
Councillor Baxter	Councillor Beattie
Councillor Bryant	Councillor de Vink
Councillor Imrie	Councillor Milligan
Councillor Montgomery	Councillor Muirhead
Councillor Parry	Councillor Pottinger
Councillor Rosie	Councillor Russell
Councillor Young	

### Religious Representatives (Non-voting observers for Education Business):

Mr V. Bourne	

### In attendance:


## 1. Apologies

---

- 1.1 It was noted that apologies had been received from Councillor Bennett.
- 1.2 It was also noted that apologies had been received from the Director, Resources, Head of Finance and Integrated Service Support, Rev. Ruth Halley, and Margaret Harkness

## 2. Order of Business

---

- 2.1 The order of business was confirmed as outlined in the agenda that had been circulated.

## 3. Declarations of interest

---

- 3.1 The Provost requested that any Elected Member who had to declare an interest in a particular item to do so as the item arose.
- 3.2 The Provost declared an interest in item 8.7 and the Provost confirmed that for that item of business he would hand the Chair to the Deputy Provost.
- 3.3 Councillors Montgomery and Russell also declared an interest in item 8.7.

## 4. Deputations

---

- 4.1 The Provost confirmed that no deputations had been received within the required timescale.

## 5. Minutes of Previous Meetings

---

- 5.1 The minutes of the meeting of Midlothian Council on 22 March 2016 were submitted and approved as a correct record.

The Provost noted that he had made contact with Brussels and the Belgian Consulate to convey Midlothian Council's condolences in light of the horrific events which had been acknowledged.

- 5.2 The following minutes were presented to the Council for noting and consideration of any recommendations therein:

Meeting	Date of Meeting	Response from the Council
Cabinet	1 March 2016	Noted
Cabinet	1 March 2016	Noted
Local Review Body	8 March 2016	Noted
Performance, Review and Scrutiny Committee	8 March 2016	Noted
Performance, Review and Scrutiny Committee	9 March 2016	Noted
Performance, Review and Scrutiny Committee	9 March 2016	Noted
Audit Committee	15 March 2016	Noted

## 6. Questions to the Leader of the Council

---

6.1 It was noted that no questions had been submitted for consideration.

## 7. Notices of Motions

---

7.1 It was noted that no motions had been submitted for consideration.

## 8. Reports

---

Agenda No.	Report Title	Presented by:
<b>8.1</b>	<b>Midlothian Local Scrutiny Plan 2016-17</b>	<b>Chief Executive</b>

### Outline of report and summary of discussion

The report was presented by the Chief Executive and informed the Council of the Local Scrutiny Plan 2016/17 provided by Audit Scotland.

Councillor Johnstone was heard in support of the recommendations and following a short debate the Council agreed to the recommendations.

### Decision

The Council agreed to:-

- a) Note the Local Scrutiny Plan 2016/17

---

Report No.	Report Title	Presented by:
<b>8.2</b>	<b>Midlothian Local Development Plan</b>	<b>Head of Communities and Economy</b>

### Outline of report and summary of discussion

The Council heard from the Head of Communities and Economy who presented the report dated 10 May 2016 informing the Council of the responses to representations received to the Proposed Midlothian Local Development Plan (MLDP), to proposed changes to the plan arising from those representations and seeking approval from the Council for the submission of the proposed MLDP to the Scottish Ministers.

The Council then heard from Councillor Bryant who spoke in support of the recommendations further highlighting the risk of any further delay in adopting the plan.

Councillor Milligan was then heard highlighting the problem of infrastructure in Midlothian and the need to ensure that this is taken into account and further investment in infrastructure is required. Further Councillor Milligan raised concerns in relation to the capacity and frequency of the Waverley Line service.

Councillor Milligan also highlighted the pressures on surgeries and particularly the difficulty Midlothian has in attracting general practitioners. Coupled with this Councillor Milligan raised concerns over the pressures on local schools.

Councillor Young was then heard in support of the point Councillor Milligan in relation to infrastructure particularly from the perspective of engaging local communities with the plan whereby people are in support of additional homes but have concerns about the infrastructure requirements which are outwith the control of the Local Authority and rest with the Scottish Government.

Councillor Muirhead was heard in support of Councillors Milligan and Young's concerns.

Following this Councillor Baxter confirmed that he was still opposed to the plan but agreed that there should be no further delay in presenting it to the Scottish Ministers. For clarification Councillor Baxter noted his disappointment at the fact that he felt the Transport Strategy was unrealistic and further was disappointed at the fact there was no appetite to extend heavy/light rail networks.

Following further comments from Councillors Rosie and Beattie the Council resolved to agree to the recommendations within the report.

#### Decision

The Council agreed to:-

- a) Approve the responses to the representations and those cases identified in Appendix 7 of the report as the recommended position in respect of modifying the Proposed Plan;
- b) Make the list of summaries and responses to the representations available to view online, on the public access terminal in Fairfield House and to make it available in electronic document format on request;
- c) Direct the Planning Manager to make the necessary arrangements to submit the Proposed Plan and summary of unresolved issues to Scottish Ministers by end of June 2016 (subject to liaison with the Directorate of Planning and Environmental Appeals); and
- d) Direct the Planning Manager to monitor progress and update Council of any changes to the proposed submission timetable and provisional examination programme.

#### Action

Head of Communities and Economy

Planning Manager

Report No.	Report Title	Presented by:
<b>8.3</b>	<b>Strategic Development Plan for Edinburgh and South East Scotland (SESplan): Budget and Governance</b>	<b>Head of Communities and Economy</b>

#### Outline of report and summary of discussion

The Council heard from the Head of Communities and Economy who spoke to a report dated 10 May 2016 presenting the Council with the minutes of the SESplan Joint Committee meeting of 14 December 2015 and seeking ratification for matters arising from the meeting relating to its operating budget for 2016/17 and amendments to its governance arrangements.

Councillor Bryant moved that the recommendations were accepted by the Council.

#### Decision

The Council agreed to:

- a) Note the minutes of the meeting of the SESplan Joint Committee meeting on 14 December 2015 and matters arising;
- b) Ratify the 2016/17 operating budget of £286,336, including member Council contributions for 2016/17 of £46,550 per authority; and
- c) Ratify the changes to the SESplan constitution, scheme of delegation and its financial rules.

#### Action

Head of Communities and Economy

Report No.	Report Title	Presented by:
<b>8.4</b>	<b>Appointment to South East Scotland Strategic Development Plan Joint Committee</b>	<b>Chief Executive</b>

#### Outline of report and summary of discussion

The Council heard from the Chief Executive who presented a report dated 25 April 2016 inviting the Council to confirm Midlothian Council's representation on the South East Scotland Strategic Development Plan Joint Committee by filling the outstanding Elected Member vacancy.

Councillor Bryant proposed Councillor Parry for the position which was seconded by Councillor Johnstone.

Councillor Pottinger proposed Councillor Imrie for the position which was seconded by Councillor Russell.

Following this, Elected Members voted as follows:

Seven Councillors voted for Councillor Imrie and eight voted for Councillor Parry which accordingly became the decision of the Council.

#### Decision

The Council agreed to:

- a) Councillor Parry filling the outstanding Elected Member vacancy on the South East Scotland Strategic Development Plan Joint Committee.

#### Action

Democratic and Document Services Manager

Report No.	Report Title	Presented by:
<b>8.5</b>	<b>Community Empowerment Act Consultation</b>	<b>Director, Education, Communities and Economy</b>

#### Outline of report and summary of discussion

The Director, Education, Communities and Economy presented a report to the Council which sought approval of Midlothian Council's response to the formal consultation on the statutory guidance and regulations emerging from the Community Empowerment Act. The consultation is due to close on 13 June 2016.

Councillor Bryant moved that the recommendations contained within the report were approved by the Council which was further supported by Councillor Parry who also commented that she felt the proposed response was really good.

Councillor Muirhead sought clarification as to what the term 'asset transfer body' meant and further asked as to what safeguards would be in place in relation to competing asset requests. The Communities and Performance Manager subsequently provided the clarification.

Councillor Muirhead also raised concerns in relation to how individual bodies would be protected in their use of assets which was echoed by Councillor Milligan.

Councillor Parry sought clarification as to whether additional comments could be made to the consultation response which was confirmed by the Communities and Performance Manager.

#### Decision

The Council agreed to:

- a) Approve the response to the consultation.

#### Action

Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
8.6	Midfest	Head of Property and Facilities Management

#### Outline of report and summary of discussion

The Head of Property and Facilities Management presented a report dated 5 May 2016 advising the Council of the successes and outcomes of Midfest 2015 and outlining the options going forward for the Midfest 2016 festival.

Councillor Rosie commented that the event had proved to be successful and moved that the recommendations contained within the report were accepted along with an additional recommendation:

*‘(e) Instruct the Director, Resources to present a further report in December 2016 in relation to what happened specifically in respect of the financial situation and the benefits to the community in partnership with Visit Scotland.’*

Councillor Milligan agreed with Councillor Rosie in relation to the benefits to Midlothian of the festival and raised concerns if it is raining when the event takes place what would be the contingency around this. The Head of Property and Facilities Management confirmed that this was a risk.

Councillor Muirhead requested clarity as to how much the Council was underwriting the event coupled with raising concerns in relation to the feedback from the Gala Day Committees.

Councillor Milligan confirmed he agreed that the recommendations including the additional recommendation proposed by Councillor Rosie should be accepted by the Council.

#### Decision

The Council agreed to:

- a) Note the success of Midfest 2015;
- b) Note the resource implications particularly arising from the Sunday event;
- c) Instruct the Director, Resources to continue to explore opportunities for reducing costs and maximising external funding opportunities should the event continue in 2016;
- d) Approve the entry charges as set out in the report; and
- e) Instruct the Director, Resources to present a further report in December 2016 in relation to what happened specifically in respect of the financial situation and the benefits to the community in partnership with Visit Scotland.

#### Action

Head of Property and Facilities Management

**Sederunt – Councillors Montgomery, Russell and Wallace having declared and interest in the following item of business left the Chamber at this point and Councillor Coventry assumed the role of Chair**

---

Report No.	Report Title	Presented by:
<b>8.7</b>	<b>Lothian Mineworkers Convalescent Home</b>	<b>Joint Director, Health and Social Care</b>

#### Outline of report and summary of discussion

The Joint Director, Health and Social Care spoke to the report dated 9 May 2016 which updated the Council on the review of the previous service level agreement between Midlothian Council and the Lothian Mineworkers Convalescent Home.

Councillor Johnstone spoke of her appreciation of the value that the Trust had to the people of Midlothian and that the funding situation should be read in the context of the current financial situation within the Council. Further Councillor Johnstone proposed that the recommendations should be amended as follows:

*‘(iii) The granting of transitional funding of £4,000 for 2016/17 only to facilitate appropriate amendments to the Home’s pricing policy to ensure the service’s financial sustainability. This is conditional on instructing the Director Resources to work directly with the Trust to explore funding and financial arrangements and encourage the Trust to apply for the funding streams that open in the Autumn of each year. One is the Health and Physical Activity Grant Stream. There will always be help from Council Officers and the MVA to complete these forms to maximise the possibility to get the most grant available.’*

Councillor Parry seconded the recommendation of Councillor Johnstone.

The Council then heard from Councillor Pottinger who recommended the following amendment to the recommendations:

*‘(iii) The granting of transitional funding of £4,000 for 2016/17 as a one off payment and Midlothian efforts are made to return the funding to the previous 15/16 levels.*

*(iv) To continue discussion with the Mineworkers Home and their Committee on a suitable long term funding solution.’*

The Council then heard from Councillor Imrie who, in seconding Councillor Pottinger’s move, spoke of his disappointment in relation to the report and further spoke of his concerns in relation to the funding of the home given the importance of the facility for the people of Midlothian.

Councillor Parry was then heard in support of the view that a long term solution should be sought for the Home and confirmed that there were other funding opportunities that needed to be explored to facilitate this.

Councillor Baxter then provided the Council with his view that the charging policy for the Home needed to be reviewed which would support the funding challenges the Home was facing.

Following the discussion the Council voted in respect of the two motions that had been presented.



Five Members voted in favour of Councillor Pottinger's motion and nine Members voted in favour of Councillor Johnstone's motion which accordingly became the decision of the Council.

#### Decision

The Council agreed:

- a) That the Lothian Mineworkers Convalescent Home provides good value for Midlothian residents who use the service;
- b) That the re-instatement of a service level agreement is not consistent with Council policy on the funding of health and social care services; and
- c) To the granting of transitional funding of £4,000 for 2016/17 only, to facilitate appropriate amendments to the Home's pricing policy to ensure the service's financial sustainability. This is conditional on instructing the Director Resources to work directly with the Trust to explore funding and financial arrangements and encourage the Trust to apply for the funding streams that open in the Autumn of each year. One is the Health and Physical Activity Grant Stream. There will always be help from Council Officers and the MVA to complete these forms to maximise the possibility to get the most grant available.

#### Action

Joint Director, Health and Social Care

Director, Resources

**Sederunt – Councillors Montgomery, Russell and Wallace returned to the Chamber at this point and Councillor Wallace assumed the role of Chair**

Report No.	Report Title	Presented by:
8.8	Housing Allocation Policy Review	Head of Customer and Housing Services

#### Outline of report and summary of discussion

The Head of Customer and Housing Services presented a report dated 17 May 2016 which outlined the review of the Council's Housing Allocation Policy and providing recommendations for changes in order that the Policy continues to address local needs and takes account of the Housing (Scotland) Act 2014 legislative changes.

Councillor Parry moved that the recommendations were accepted and following a brief discussion, the Council agreed the recommendations contained within the report.

**Decision**

The Council agreed:

- a) To note the positive response to consultation with tenants and prospective tenants in relation to the Housing Allocation Policy;
- b) To the recommended changes to the Housing Allocation Policy detailed within section 3.3 of the report;
- c) To the communication of the findings of the Consultation Report and the main changes to the Allocation Policy to tenants and prospective tenants;
- d) To the publication of a revised Housing Allocation Policy which incorporates the agreed recommendations; and
- e) To the purchase of 10 'buy back' properties to increase the supply of affordable housing in areas of high housing need.

**Action**

Head of Customer and Housing Services

---

Report No.	Report Title	Presented by:
<b>8.9</b>	<b>Creating a World-Class Education System</b>	<b>Head of Education</b>

**Outline of report and summary of discussion**

The Head of Education presented a report dated 25 April 2016 which provided an overview of secondary school examination attainment in session 2014-15 using the new senior phase national benchmarking attainment measures, called 'Insight'. Further the report requested Council approval to adopt the term 'Achieving a Level' in line with the National Improvement Framework, as a replacement to the assessment language which is currently in place.

Councillor Constable welcomed the contents of the report and congratulated pupils and staff and further moved that the recommendations were accepted by Council.

Victor Bourne echoed Councillor Constable's comments and commented that Visible Learning was a fantastic initiative creating a culture of pupil focussed development.

Councillor Muirhead was then heard in support of the report and commented on areas of multiple deprivation in particular the discrepancies in attainment.

Following further comments by Councillors de Vink and Coventry, the Council accepted the recommendations in the report.

<b>Decision</b>
-----------------

The Council agreed:
---------------------

- |   |
|---|
| <ul style="list-style-type: none"> <li>a) To note the significant improvements in performance outline in this report;</li> <li>b) To Note the next steps for improvement outline within the report;</li> <li>c) To provide a report to Council in June outlining progress with Visible Learning;</li> <li>d) To hold a seminar on Visible Learning prior to the June Council meeting;</li> <li>e) To approve the term 'achieving a level' in line with the new National Improvement Framework be adopted which will replace the existing assessment terminology.</li> </ul> |
|---|

<b>Action</b>
---------------

Head of Education
-------------------

## **9. Exclusion of Members of the Public**

---

In view of the nature of the business to be transacted, the Council agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 6, 9 and 10 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- (a) Dalkeith Town Centre – Regeneration Feasibility Study – Approved
- (b) Structural Safety of Midlothian Schools – Approved
- (c) Asset Management Rationalisation – EwIM Phase 3 Depot – Approved
- (d) Straiton Bing – Approved
- (e) Educational Use of Former Hopefield Primary School Site – Approved
- (f) Gorebridge Community Development Trust Hub Project - Approved

