

Midlothian Council Minute Volume



**Presented to the Meeting
of Midlothian Council
on Tuesday, 01 October 2019**

1 Minutes of Meetings submitted for Approval

Midlothian Council 20 August 2019	3 - 16
Special Midlothian Council 10 September 2019	17 - 18

2 Minutes of Meetings submitted for Consideration

Approved Minutes for Noting, Information and Consideration of any recommendations contained therein

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Minute of Meeting



Midlothian Council

Date	Time	Venue
20 August 2019	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Provost Smaill (Chair)	Depute Provost Russell
Councillor Milligan – Council Leader	Councillor Muirhead – Depute Council Leader
Councillor Alexander	Councillor Baird
Councillor Cassidy	Councillor Curran
Councillor Hackett	Councillor Hardie
Councillor Johnstone	Councillor Lay-Douglas
Councillor McCall	Councillor Munro
Councillor Parry	Councillor Wallace
Councillor Winchester	

In attendance:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Acting Director, Resources
Allister Short, Joint Director, Health and Social Care	Mary Smith, Director, Education, Communities and Economy
Gary Fairley, Head of Finance and Integrated Service Support	William Venters, Depute Monitoring Officer
Mike Broadway, Democratic Services Officer	Verona MacDonald, Democratic Services Team Leader
Mr M. Ramsay, Independent Chair of the Audit Committee (for Item No. 8.2)	

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

Mr V. Bourne	Mrs E. Morton
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1. Apology for Absence

The Clerk intimated an apology on behalf of Councillor Imrie.

2. Order of Business

The order of business was confirmed as per the agenda circulated.

3. Declarations of interest

None intimated.

4. Deputations

None received.

5. Minutes of Previous Meetings

5.1 The Minute of the meeting of Midlothian Council which took place on 25 June 2019 was submitted. As arising therefrom Councillor Parry, with regard to Item 8.6 – Glyphosate Weed Killers – advised a constituent had informed her she received information stating no weed killing is being undertaken in Midlothian. In response, the Acting Director, Resources confirmed the terms of the Minute being considered was correct. Further he provided information in relation to the weed killing being undertaken but that he was unable to comment with regard to the information provided by Councillor Parry. Councillor Parry confirmed she was satisfied with the Acting Director's response. Councillor Hackett confirmed the terms of the report before Council in June 2019 and that the terms of the Minute before the Council reflected the decision taken.

Councillor Alexander, with regard to Item 6 – Question to the Leader – advised the Council Leader had advised he had written twice to the Minister for Defence and was happy to write again but he had not reported on the outcome and she wondered whether he had written again. In response, the Council Leader, Councillor Milligan confirmed he had written twice and if a third letter had not been sent he would ensure it was.

Thereafter, having ascertained there were no further matters arising, the Minute was unanimously approved and the Provost was authorised to sign the Minute as a true record of the meeting.

5.2 The following Minutes were previously circulated to Members for noting, information and consideration of any recommendations contained therein:

Meeting	Date of Meeting
Performance, Review and Scrutiny Committee	19 March 2019
Community Asset Transfer Committee	30 April 2019
Planning Committee	14 May 2019
Business Transformation Steering Group	20 May 2019

Cabinet	21 May 2019
Audit Committee	28 May 2019
Business Transformation Steering Group	10 June 2019
Business Transformation Steering Group	17 June 2019
Business Transformation Steering Group	24 June 2019
Business Transformation Steering Group	25 June 2019
Short Life Working Group – Cross Cutting Service Review – Waste Services	6 June 2019

6. Question to the Leader of the Council

None received.

7. Notices of Motions

Motion No.	Motion Title	Proposed by:	Seconded by:
7.1	Death rates from drug use	Councillor Hardie	Councillor Smail
Motion:			
<p>The Motion was in the following terms:-</p> <p>Council resolves to:</p> <p><i>“1. Recognise that Midlothian has a significant drug problem and is in the highest half of local authorities for drug deaths per thousand people;</i></p> <p><i>2. To ensure that the Police Community Action Teams continue to take a particular focus on tackling supply of drugs, and congratulates them on the reported £1m of seizures in the last 12 month reporting period;</i></p> <p><i>3. Investigate via a paper, to be presented at full Council on 12 November 2019, the opportunities to fund a dedicated counter drugs team for vulnerable residents in social housing; to be funded by up to £500,000 per annum from the Housing Revenue Account, subject to Scottish Government approval;</i></p> <p><i>4. To include an easily accessed, dedicated drugs advice section on the Midlothian Council website;</i></p> <p><i>5. To work with partner organisations to include additional anti-drugs advice in both primary and secondary schools”.</i></p> <p>The Provost advised Councillor Hardie wished to amend the terms of the Motion and copies of the amended wording were distributed. The amended Motion was in the following terms:</p> <p><i>“Midlothian Council recognises that Scotland has been identified as having the highest death rate from drug use in Europe. Council recognises the fantastic support offered by third sector and publicly funded services to help with addiction and advice. In particular Council welcomes congratulates the work of the Horizons Recovery Hub in Dalkeith. Given the rising drugs problems in Scotland which is especially harmful on some of our most vulnerable residents, council needs take the opportunity to, promote, enhance and strengthen existing services as well as look towards opportunities to provide additional complimentary services.</i></p>			

Council resolves to:

1. *Recognise that Midlothian has a significant drug problem and is in the highest half of local authorities for drug deaths per thousand people.*
2. *Investigate via a paper, all options and all sources of funding available to the council to enhance and add to the existing drugs prevention and recovery services available in Midlothian.*
3. *To include an easily accessed, dedicated drugs advice section on the Midlothian Council Website.*
4. *To work with partner organisations to include additional anti-drugs advice in both primary and Secondary Schools”.*

Summary of discussion

Councillor Johnstone requested a 5 minute recess to allow the SNP Group to discuss the revised Motion. The request was granted by the Provost and the meeting adjourned at 11.10 am.

Sederunt: The meeting reconvened at 11.15 am when the same Elected Members and Officials were present.

The Council Leader, Councillor Milligan, questioned the competency of the Motion as revised. He advised drugs and alcohol issues were the responsibility of the Integration Joint Board and therefore the matters contained therein should be referred to the Board. The Deputy Monitoring Officer advised that although these matters had been delegated to the Integration Joint Board, the Council still retained some residual responsibility and had a general power to advance wellbeing and as the Motion called for a paper listing options and sources of funding available rather than seeking to implement specific proposals, he considered that the Motion was therefore competent.

Councillor Johnstone then queried the competency of the revised Motion because the wording was considerably different. Mr Venters confirmed in his opinion it was an amendment to the original Motion as opposed to a new Motion.

Councillor Hardie spoke to the terms of the revised Motion. Councillor Smail in seconding the Motion advised that the loss of the community justice team would have impacted and he also described the effect drugs misuse had on those living in the vicinity of people involved in and taking drugs. He stated the Council, as landlord, had a duty of care to these residents and it was a cross party matter.

Councillor Muirhead advised like many other local authorities Midlothian had a drug problem which needed to be tackled because drug abuse affects all walks of life and is not restricted to Council house estates. He accepted the Scottish Government had established a task force and also suggested those members who were on the Integration Joint Board had to be more informed. By way of an amendment, seconded by Councillor Milligan, he suggested that the Motion be rejected in favour of a Seminar which would provide more information to ensure Members had the relevant information and an invitation to attend be extended to representatives from the cross party working group set-up by the Scottish Government to drive matters forward. In response, Councillor Hardie advised he appreciated the comments made by Councillor Muirhead and he would be happy to amend the Motion to include a Seminar but he was concerned about the loss of some actions included in the Motion which could be taken immediately instead of more talking.

On a vote being taken by way of a show of hands, the amendment by Councillor Muirhead was unanimously approved.

Decision

Council agreed to hold an Elected Members Seminar to provide more information to Members and extend an invitation to attend to representatives from the cross party working group set-up by the Scottish Government.

Action

Director, Resources and Head of Adult Services

The Provost, being the mover of the following Motion, remitted the chair to the Depute Provost who chaired the meeting for the following item.

Motion No.	Motion Title	Proposed by:	Seconded by:
7.2	Fly Tipping	Councillor Smail	Councillor Munro
Motion:			
<p>The Motion was in the following terms:-</p> <p><i>“Midlothian Council recognises the concerns of local residents due to litter, and in particular instances of fly tipping. The council further understands the limited resources and power it has in order to tackle these issues. Council should do more to tackle these issues.</i></p> <p><i>Some residents have also raised concerns that they have been unexpectedly turned away from Penicuik Recycling centre due to the perceived size of their vehicles, including standard people carriers, conventional four wheel drives and private residents' own pick-up style vehicles. Turning residents away who have a legitimate expectation to use the recycling facilities increases the likelihood of fly tipping.</i></p> <p><i>Council further notes the damage that fly-tipping causes to Midlothian's environment and wildlife and recognises the statement from Keep Britain Tidy imploring that "It's got to be easy for people to do the right thing otherwise we will see an increase in fly-tipping.</i></p> <p><i>Council resolves that:</i></p> <ol style="list-style-type: none"> <i>1. Officers should investigate the opportunities to toughen the procedures in tackling littering and fly tipping.</i> <i>2. We support increasing the fixed-penalty notice for littering from £80 to £100 and maximum fly tipping fines to be increased from £50,000 to £100,000.</i> <i>3. We send a letter from the local authority to the Scottish Government to advise of Midlothian Council's support for increasing the default on-the-spot litter fine from £80 to £100, fly-tipping fine from £50,000 to £100,000 and to request that Ministers implement this change as quickly as possible.</i> <i>4. Our staff ensure that local residents are able to have reasonable use of their private vehicles at the recycling centres for private waste, including residents who use larger vehicles.</i> <i>5. We, and the police authorities, Investigate opportunities for naming and shaming offenders in relation fly tipping, including both commercial and private offenders”.</i> 			
Summary of discussion			
<p>Councillor Smail who spoke to the terms of the Motion which was seconded by Councillor Munro. Councillor Hackett was heard in support of the Motion and he moved an amendment that the words “up to and including prosecution” be added to the end of the paragraph numbered 1. Councillor Smail confirmed he</p>			

was happy to amend the Motion to include these words. Councillor Parry was also heard in support of the Motion but queried the wording used in paragraph 5 and urged caution regarding the naming and shaming of people, which was something she felt should be left to those in the justice system. The Depute Monitoring Officer advised that such concerns were legitimate in terms of data protection legislation however it would be a matter for the Council's Data Protection Officer to examine specific cases prior to any such action being undertaken.

Councillor Cassidy enquired as to the current rate of prosecution. In response, the Director, Education, Communities and Economy provided information in relation to the number of reported cases during 2018 and to-date in 2019, those which had been investigated and the action taken which included the issuing of fixed penalty notices and warning letters. Councillor Hardie commented that if a person was prosecuted and convicted this information is already in the public domain and the Motion relates to cases where there has been a conviction. Councillor Johnstone advised she agreed with more or less what had been said and whereas she supported the amendment made by Councillor Hackett, as a further amendment she was moving that paragraph 5 be removed. Her amendment was supported by Councillor Parry, who suggested by way of compromise that if paragraph 5 was to remain it be amended by replacing the words "We, and" with "To work with".

The suggested amendments were accepted by the proposer, Councillor Smaill and seconder, Councillor Munro, of the Motion.

Decision

On a vote being taken by way of a show of hands, the Motion as amended was unanimously approved.

Action

Director, Education, Communities and Economy

At the conclusion of the foregoing item of business, the Provost resumed as chair for the remainder of the meeting.

8. Reports

Agenda No.	Report Title	Presented by:
8.1	Best Value Assurance Report	Chief Executive
Outline of report and summary of discussion		
<p>The Council heard from the Chief Executive who spoke to the terms of a report which advised of the publication by the Accounts Commission of the Best Value Assurance Report on 4 July 2019. She advised that the report had been considered by the Accounts Commission at their meeting on 13 June 2019 with their findings added to the published report. The published report being attached to her report as Appendix 1 and supporting Action Plan as Appendix 2.</p> <p>The Council Leader advised he welcomed the report, noted the challenges ahead and it was important to agree the recommendations. He enquired as to how often the Chief Executive intended to update Members by way of a report relating to the action plan. The Chief Executive advised she would provide regular updates via the Corporate Management Team to the Business Transformation Steering Group and twice a year to the Council. She intended to then have an annual report and hoped these measures would lead to an environment of continuous improvement.</p>		

Councillor Johnstone asked the Council Leader what he was proposing to do and if he planned to establish a cross party group to take this forward. In response, the Council Leader drew attention to the numerous references to joint collective responsibility detailed in the report and advised the cross party working group was in fact the Business Transformation Steering Group, which was where things should be driven forward.

In response to a procedural question from the Provost, the Chief Executive explained the actions required to progress the remaining statutory notice requirements, thereafter the Provost invited Council to vote to support the recommendations contained in the report. On a vote being taken by way of a show of hands, 10 votes were cast in favour of the Motion. Councillor Muirhead reminded all Members of the need to be clear as to the importance of what was being considered and requested that the vote be taken again; this was seconded by Councillor Hackett. Thereafter the Provost called for a further vote in favour of the terms of the report. Councillor Cassidy requested a short recess to enable the SNP Group to discuss the matter further. The request was granted by the Provost and the meeting adjourned at 11.59 am.

Sederunt: The meeting re-convened at 12.02 pm with the same Elected Members and officials present.

Councillor Cassidy apologised for requesting for a recess and suggested the Council send a new negotiator to COSLA because it was not getting a fair deal. There then followed a lengthy debate about the budget process during which the Provost drew attention to the matter before the Council which was agreeing the terms of the Best Value Improvement Action Plan.

The Council Leader, seconded by Councillor Hackett called for a roll call vote to be taken with regard to approval of the recommendations in the report. On a vote being taken by way of a show of hands, 10 votes were cast in favour of having a roll call vote, which was sufficient in terms of the requirements of Standing Order 11.5(ii) for one third of the Members present to similarly agree.

Councillor Cassidy indicated that in light of the foregoing debate he did not have any faith in the current administration to take matters forward and called for a vote of no confidence in the Leader. At the invitation of the Provost, the Deputy Monitoring Officer advised that having regard to the terms of report by the Chief Executive and its recommendations he considered that as the motion was not germane to the matter under discussion it was not competent.

A further adjournment request from the SNP Group was rejected and a roll call vote was then taken with regard to the terms of the recommendations contained in the Chief Executive's report: Members voted as follows:-

Councillor	For Motion	Abstain
Councillor Alexander		√
Councillor Baird		√
Councillor Cassidy		√
Councillor Curran	√	
Councillor Hackett	√	
Councillor Hardie	√	
Councillor Johnstone		√
Councillor Lay-Douglas	√	
Councillor McCall		√

	Councillor Milligan	√		
	Councillor Muirhead	√		
	Councillor Munro	√		
	Councillor Parry		√	
	Councillor Russell	√		
	Councillor Smail	√		
	Councillor Wallace		√	
	Councillor Winchester	√		
	TOTAL	10	7	
Decision				
<p>The Council agreed to:-</p> <ul style="list-style-type: none"> (a) note the published Best Value Assurance Report; (b) support, as appropriate, the delivery of the Improvement Action Plan and; (c) note the Chief Executive will progress the remaining statutory notice requirements with the Commission 				
Action				
Elected Members; Chief Executive; Directors and Heads of Service				

Report No.	Report Title	Presented by:
8.2	Audit Committee Annual Report 2018/19	Chair of Audit Committee
Outline of report and summary of discussion		
<p>The Audit Committee's Annual Report 2018/19 set out how the Committee had fulfilled its remit and provides assurance to the Council and identify areas of improvement which were intended to enhance the Audit Committee's effectiveness as a scrutiny body.</p> <p>The Provost expressed his thanks to Mike Ramsay, the Independent Chair of the Audit Committee.</p>		
Decision		
<p>The Council:-</p> <ul style="list-style-type: none"> (a) considered and noted the performance of the Audit Committee and its assurances to the Council as set out in the Annual Report 2018/19 (Appendix 1 to the main report) and (b) approved the amendments to the Audit Committee's terms of reference within the Council's Scheme of Administration, as stated in the final section of the Annual Report at Appendix 1. 		
Action		
Chief Executive		

Report No.	Report Title	Presented by:
8.3	Financial Monitoring 2019/20 – General Fund Revenue	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who spoke to the terms of the report which provided information on performance against revenue budget in 2019/20, details of the material variances and projection of the General Fund balance.</p>		

Councillor Wallace queried whether rents for Pentland House should be included and Mr Fairley advised the entry relating to these premises was associated costs for service charges treated as an income stream to the General Fund. Councillor Hardie enquired whether there had been a retrospective charge and Mr Fairley advised the report related to the current financial year but he would check whether this was applicable.

Councillor Parry queried the variance in income relating to music tuition. In response, the Director, Education, Communities and Economy advised there were 2 parts to this whereby the Council had agreed it wished to continue with music tuition but there had not been an uptake in numbers so this was now being addressed. The second part related to how to continue to deliver music tuition without the required budget, basically how to make-up the budget deficit. She confirmed Head Teachers had been asked to promote music tuition as a follow-up to letters issued but there remained a disparity between income and the cost of providing it. Councillor Parry confirmed she was reassured with the information provided by Mrs Smith. She enquired whether the Council may face a legal challenge. Mrs Smith advised she was aware of a crowd-funding campaign for a legal challenge however the fees charged by the Council were low in comparison to other local authorities. Councillor Cassidy stated in February 2019 200 people had gathered outside Midlothian House protesting about music tuition being cut then members of the Business Transformation Steering Group had been told the proposed cuts could not be made because teachers are on contracts. He sought clarification with regard to this. Mrs Smith advised that the proposal in February was to review the service and put in place full cost recovery. Councillor Muirhead stated the Council is passionate about music tuition but the alternative was to remove teaching posts.

Decision

The Council noted the content of the report and:

- a) work is in place to secure improvement in the financial position and that the non-essential vacancy freeze and the moratorium on non-essential spend remain in place and;
- b) the Chief Executive has initiated a detailed review in areas of material overspend and there is a plan in place to mitigate the quarter 1 projected service overspends.

Action

Chief Executive; Directors; Heads of Service

Report No.	Report Title	Presented by:
8.4	Housing Revenue Account – Revenue Budget and Capital Plan 2019/20	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who spoke to the terms of a report which provided a summary of expenditure and income to 5 July 2019 for the Capital Plan and a projected outturn for the Housing Revenue Account (HRA) and the Capital Plan for 2019/20.</p> <p>The Provost enquired as to where the legal expenses relating to the Newbyres case was recorded and the total cost. Mr Fairley advised the cost was attributed to the Housing Revenue Account but he did not have the figure to hand. The Provost requested this information be forwarded to all Councillors and Mr Fairley agreed to this.</p>		

Decision
The Council noted the content of the report
Action
Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
8.5	General Services Capital Plan 2019/20	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who spoke to the terms of a report which provided an update of the General Services Capital Plan to incorporate new projects included in the Capital Plan (Section 2 of the report); information on current phasing of project expenditure and funding in 2019/20 (Section 3.1 of the report) and; information on the projected performance against budget for 2019/20 (Section 3.2/3.3 of the report).</p> <p>Councillor Parry enquired about an underspend in the participatory budget. Mr Fairley confirmed the balance had been moved to the current financial year and therefore not lost. The Director, Education, Communities and Economy also advised it had been agreed the Dalkeith area would be a pilot and matters learned from it would be taken forward.</p> <p>Councillor McCall enquired about slippage in the projects relating to Sacred Heart and Cuiken Primary Schools. The Director, Education, Communities and Economy advised that refurbishment work had been ongoing over the summer and it was anticipated the work at Cuiken Primary School would be finished shortly. Sacred Heart was behind schedule; Burnbrae had not been completed but was back on track and Mayfield should be finished during October. She further advised it had been agreed the Capital Plan Board would now meet on a monthly basis to ensure the continuance of the projects.</p> <p>Councillor McCall stated she was delighted to note that Penicuik Astro turf was now listed and wished confirmation the work to replace it would commence as a matter of urgency. The Acting Director, Resources confirmed the project was currently being assessed in terms of obtaining up-to-date costs and would go before the Capital Plan Board as soon as possible to ensure progression.</p> <p>Councillor Parry observed a number of schools had not had money spent on them and in response the Director, Education, Communities and Economy advised the priority was the denominational school review because it would determine capacity in buildings and work required to be undertaken.</p> <p>In response to a question from the Provost relating to when the Capital Account would be exhausted if all the projects were to proceed, Mr Fairley advised the balance in the Capital Fund would be reported back to Council by way of a revised Capital Strategy and that Council had previously agreed the capital reserve to be at least £5m but would need to reconsider the appropriate level of reserves.</p>		
Decision		
The Council :-		

1. approved the adoption in full of the “Woodburn Primary School – 1 Class Extension” project in the General Services Capital Plan, as outlined in Section 3.2 of the report and;
2. noted the General Services Capital Plan Quarter 1 monitoring position for 2019/20.

Action

Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
8.6	Low Emission Zone (LEZ) Consultation	Acting Director, Resources
Outline of report and summary of discussion		
<p>The Council heard from the Acting Director, Resources who spoke to the terms of a report relating to a proposal by City of Edinburgh Council to introduce potentially 2 Low Emission Zones (LEZ) within the City of Edinburgh boundary. He advised this was part of a national programme to reduce the contribution made by road transport to poor air quality in Edinburgh, Glasgow, Aberdeen and Dundee. He further drew Members’ attention to the report recommendations of approving the suggested response to the consultation exercise (detailed in Appendix B to the report) which due to the deadline being during the summer recess, had been submitted to City of Edinburgh Council with a caveat that it was “subject to Council approval”. He noted the consultation response outlines the predicted issues that the LEZ may cause in Midlothian and for Midlothian residents and discussed mitigation which largely would require additional funding.</p> <p>Councillor Hardie expressed concern with regard to the response because he felt low emission zones targeted older vehicles and therefore disproportionately targeted people with low incomes. Councillor Cassidy advised he was aware of one Midlothian resident who operates a business within the proposed LEZ who considers he will be out of business if it is introduced. The Council Leader commented that public transport had to be improved prior to the introduction of an LEZ. Councillor McCall advised it was primarily people going into the city centre who would be affected and not many people travel by car when going there. She advised areas such as The Gyle and the Royal Infirmary where Midlothian residents may travel for work purposes would not be within the zone. She further pointed out paragraph 2.3 of the report relating to the city wide zone whereby private vehicles would not be restricted.</p> <p>Thereafter Mr Anderson advised he had made a number of notes which he would add to the consultation response including noting the need to be more positive in the response and the need for SEStran involvement in terms of cross Council consultation. The Provost suggested that Mr Anderson circulate the revised consultation response to Councillors to allow it to be finalised and submitted. His suggestion was unanimously agreed.</p>		
Decision		
<p>The Council agreed that the proposed consultation response taking into account comments made by Members be circulated to all Councillors to allow it to be finalised and submitted to City of Edinburgh Council.</p>		
Action		
Director, Resources		

Sederunt: The meeting adjourned at 1.04 pm just prior to consideration of the following item and resumed at 1.15 pm with the same attendance as before

Report No.	Report Title	Presented by:
8.7	Learning Estate Strategy Update	Director, Education, Communities and Economy
Outline of report and summary of discussion		
<p>The Council heard from the Director, Education, Communities and Economy who spoke to the terms of a report which provided an update on the work undertaken to review and prioritise the Learning Estate Strategy (LES) projects in order to arrive at a more affordable position, as reported to Council on 7 May 2019. She advised the attachments to the report should not have been circulated and apologised for this. She further suggested that, in the past, Members had felt briefings were helpful and they may wish to consider requesting a briefing in relation to the Learning Estate Strategy linked to the Capital Plan.</p> <p>Councillor Hardie wonder whether there could be more “out of the box” thinking to reduce the affordability gap and suggested looking at Section 69 instead of Section 75 payments as a means to financing the builds and the use of more modular units. The Provost explained the Section 69 scheme whilst similar to Section 75 developer contributions meant developers would build the schools whilst building the related houses.</p> <p>In response, the Director advised she was unsure about the use of Section 69 contributions but the report considered whether schools need to look like a school and how to adapt buildings if school rolls fell. She confirmed modular units were already used and in consideration.</p> <p>The Provost expressed concern in relation to the funding gap. The Head of Finance and Integrated Service Support advised work continued to be undertaken and the Capital Plan Board would be looking at this.</p> <p>The Depute Council Leader, Councillor Muirhead confirmed his support for the suggestion of having an Elected Members Briefing and also the suggestions made by Councillor Hardie to look at other potential funding streams.</p>		
Decision		
<p>The Council noted the content of the report and endorsed the work being undertaken by officers to develop a strategic solution to funding the Learning Estate Strategy including updates to the Strategy being reflected in the Capital Strategy.</p>		
Action		
<p>Directors, Education, Communities and Economy and Resources; Head of Finance and Integrated Service Support; Head of Property and Facilities Management</p>		

Report No.	Report Title	Presented by:
8.8	Learning Estate Strategy Investment Programme and Funding Model	Director, Education, Communities and Economy
Outline of report and summary of discussion		
The Council heard from the Director, Education, Communities and Economy who spoke to the terms of a report advising the Scottish Government is inviting local authorities to bring forward submissions for the initial phase of the latest £1b schools investment programme. The report included details of an outline bid submitted for Beeslack Community High School (A701 school) as the Council's proposed project for funding during the initial phase.		
Decision		
The Council noted the content of the report and endorsed the funding bid application.		
Action		
Director, Education, Communities and Economy		

Report No.	Report Title	Presented by:
8.9	European Social Fund Programmes (2014 – 2020)	Director, Education, Communities and Economy
Outline of report and summary of discussion		
The Council heard from the Director, Education, Communities and Economy who spoke to the terms of a report which provided an update on the pre-suspension of European Structural Fund (ESF) payments and how this will potentially impact on income related to Midlothian's ESF pipeline delivery.		
Decision		
The Council:- <ul style="list-style-type: none"> noted the possible impact of a pre-suspension procedure imposed by the Scottish Government and; recognised there may be a need for additional resource if the Scottish Government conduct supplementary audits. 		
Action		
Director, Education, Communities and Economy		

Report No.	Report Title	Presented by:
8.10	Lease/Purchase Electric Vehicles and Provide Electric Vehicle Charing Infrastructure	Acting Director, Resources
Outline of report and summary of discussion		
The Council heard from the Acting Director, Resources who spoke to the terms of a report advising of the Corporate Management Team's (CMT) approval for the lease or purchase of ultra low emission vehicles (ULEVs) and the provision of electric vehicle (EV) charging infrastructure at public locations and Council facilities. The report also covered the sourcing of an external funded staff resource to develop a strategy for the introduction of ULEVs and necessary EV charging infrastructure.		

The Provost requested to know the depreciation costs incurred by the Council with regard to electric vehicles in use or previously in use. The Head of Finance and Integrated Service Support undertook to check this and provide the information direct to the Provost.

Decision

The Council noted the content of the report and that Option 3 is being progressed following agreement by the (CMT).

Action

Director, Resources

Report No.	Report Title	Presented by:
8.11	Standards Commission Decision	Depute Monitoring Officer
Outline of report and summary of discussion		
<p>The Council heard from the Depute Monitoring Officer who spoke to the terms of a report by the Monitoring Officer advising of the decision of the Standards Commission regarding a complaint against Councillor Colin Cassidy which invited Council to consider, in terms of Section 18(3) of the Ethical Standards in Public Life etc (Scotland) Act 2000, the finding.</p> <p>Councillor Cassidy advised he was glad the matter was at a conclusion and thanked his family and friends for support.</p> <p>Sederunt: Councillor Cassidy left the meeting at 1.48 pm</p> <p>Councillor Johnstone stated the SNP Group acknowledged what had happened and whilst they were disappointed were glad the sanction imposed was not more serious.</p>		
Decision		
<p>The Council considered and noted the findings in the Commission's decision letter of 15 July 2019 in respect of Councillor Colin Cassidy.</p>		
Action		
<p>Monitoring Officer; Director, Resources</p>		

Sederunt: Councillor Cassidy re-entered the meeting at 1.49 pm

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 Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

9.1 Senior Leadership Review – Report by Chief Executive

9.2 Appointment of Joint Director, Health and Social Care – Report by Chief Executive

The meeting concluded at 2.00 pm.

Minute of Meeting



Special Meeting of Midlothian Council

Date	Time	Venue
10 September 2017	11.30 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Provost Smail	Depute Provost Russell
Councillor Milligan – Council Leader	Councillor Muirhead – Depute Council Leader
Councillor Alexander	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie	Councillor Johnstone
Councillor Lay-Douglas	Councillor McCall
Councillor Munro	Councillor Wallace

In attendance:

Dr. Grace Vickers, Chief Executive	Alan Turpie, Legal Services Manager
Verona MacDonald, Democratic Services Team Leader	

1. Apologies

The Provost confirmed apologies had been received from Councillors Baird, Imrie and Winchester

2. Order of Business

It was noted the order of business was as outlined in the agenda circulated.

3. Declarations of interest

No declarations of interest were made

4. Minutes of Previous Meetings

None

5. Reports

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 items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973:-

5.1 Appointment of Joint Director, Health and Social Care

5.2 Senior Leadership Review

Minute of Meeting



Petitions Committee

Date	Time	Venue
Tuesday 19 March 2019	10.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

Councillor Cassidy (Chair)	Councillor Curran
Councillor Munro	Councillor Winchester

Also Present:

Louise Shepherd	Petitioner
Tony Begg	

In attendance:

Kevin Anderson	Acting Director, Resources
Garry Sheret	Head of Property and Facilities Management
Verona MacDonald	Democratic Services Team Leader
Tony Malone	Healthy Living Manager

1. Apologies

No apologies were received.

2. Order of Business

The order of business was as per the Agenda circulated.

3. Declarations of interest

No declarations of interest were made.

4. Previous Minute

The Minute of Meeting held on 18 September 2018 was moved by Councillor Curran and seconded by Councillor Munro. The Chair was thereafter authorised to sign it as a true record of the meeting.

5. Report

Report No.	Report Title	Presented by:
5.1	Penicuik Astroturf Pitch – Report by Director, Resources	Kevin Anderson
Outline of report and summary of discussion		
<p>There was submitted report dated 5 March 2019 by the Director, Resources relating to a Petition from Penicuik Athletic Youth Football Club which called upon the Council to re-carpet the astro pitch located adjacent to Penicuik High School which is used by pupils of the school and local primary schools in the town, for inter-school football festivals and hires every evening by youth and adult local football teams.</p> <p>The Committee heard from Tony Begg, on behalf of the Petitioner, who advised that the Petition was supported by 82 signatures together with letters and emails of support. He also mentioned an online Petition at Change.org which had attracted 590 signatures. The Petitioner then circulated copies of a presentation to Members and Mr Begg spoke to it. He drew attention to the anticipated income which the Council could receive upon replacement of the pitch which would subsidise the use made of the pitch by nearby schools.</p> <p>Kevin Anderson summarised the report circulated with the agenda and commended the work done by the Petitioner. He confirmed that the estimate for the work required at the pitch was similar to the figure anticipated by the Council. He further explained that whereas there was no funding available in the current financial year, the Capital Plan was already overcommitted and he planned to bring a report back to Council prior to the summer recess and it would then be up to Members to decide how the available resources at that time were spent.</p> <p>Councillor Curran suggested that there may be other funding avenues such as money due to be allocated to each Ward via the participatory budget although he noted that it would be unlikely to meet the full replacement costs.</p>		

The Chair enquired as to the estimated lifespan and Mr Begg advised the surface had exceeded its lifespan and that clubs had started to look at other suitable venues. He noted the pitch at Beeslack which is the nearest one would not be able to accommodate everyone and some teams had already started to move to use facilities operated by City of Edinburgh Council.

Garry Sheret then spoke about the condition of the pitch and also advised the Committee that the pitch at Poltonhall was in a similar condition. He reiterated the advice provided by Mr Anderson insofar as the Council being asked to re-assess Capital Plan projects prior to the summer recess.

The Chair advised the Petitioner that, given the advice from Mr Anderson about Capital Plan projects including the Penicuik pitch being re-assessed by the full Council prior to the summer recess, he felt that this was the only option available to the Committee at this stage. With no other Member being otherwise minded this became the decision of the Committee. The Chair then thanked the Petitioner and Mr Begg for appearing before the Committee.

Decision

The Committee:-

- (a) noted that, prior to the summer recess, the Council would be asked to re-assess Capital Plan projects which included the Penicuik pitch and;
- (b) did not make any specific recommendation to the Council.

Action – Director, Resources/Head of Property and Facilities Management

The meeting terminated at 10.25 am.

Minute of Meeting



Local Review Body

Date	Time	Venue
Tuesday 16 April 2019	1.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Lay-Douglas	Councillor Muirhead
Councillor Munro	Councillor Smail

1 Apologies

Apologies for absence were received from Councillors Curran and Milligan.

2 Order of Business

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

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 5 March 2019 was submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 28-30 Buccleuch Street, Dalkeith [18/00643/DPP].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.3 of the Minutes of 14 January 2019, there was submitted a copy of the Local Review Body decision notice upholding a review request from Stuart Hannah, Stuart Hannah Architectural Services, 9 Bonaly Brae, Edinburgh seeking, on behalf of their clients Miss A Khan, a review of the decision of the Planning Authority to refuse planning permission (18/00643/DPP, refused on 5 November 2018) for the Change of Use from Flatted Dwelling to House in Multiple Occupancy (HMO); Formation of Dormer Window and New Window Opening and Installation of Rooflights at 28 – 30 Buccleuch Street, Dalkeith and granting planning permission subject to conditions.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 36 Cowden Crescent, Dalkeith [18/00750/DPP].	Peter Arnsdorf

Executive Summary of Report
With reference to paragraph 5.1 of the Minutes of 5 March 2019, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mrs C Moffat, 36 Cowden Crescent, Dalkeith, seeking a review of the decision of the Planning Authority to refuse planning permission (18/00750/DPP, refused on 6 November 2018) for the formation of driveway and erection of retaining walls at that address and refusing planning permission.
Decision
To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – Land at Sainsburys, Loanhead [18/00747/S42].	Peter Arnsdorf

Executive Summary of Report
With reference to paragraph 5.1 of the Minutes of 5 March 2019, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Hannah Munro, WYG Planning, 4 th floor, Rotterdam House, 116 Quayside, Newcastle-Upon-Tyne seeking, on behalf of their clients Sainsbury's Supermarket Limited, a review of the decision of the Planning Authority to refuse planning permission (18/00747/S42, refused on 12 November 2018) to amend condition 2 of planning permission 18/00134/DPP, to not include landscaping along the south western area of the fence erected at Sainsbury's Supermarket, Straiton Mains, Loanhead and refusing planning permission.
Decision
To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.4	Decision Notice – Land at 39 The Brae, Auchendinny, Penicuik [18/00581/DPP].	Peter Arnsdorf

Executive Summary of Report
With reference to paragraph 5.1 of the Minutes of 5 March 2019, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Douglas Mack, FEM Building Design, 8 Plantain Grove, Lenzie, Glasgow seeking, on behalf of their client Mr P McVey, a review of the decision of the Planning Authority to refuse planning permission (18/00581/DPP, refused on 23 October 2018) for the erection of a dwellinghouse at land at 39 The Brae, Auchendinny, Penicuik and refusing planning permission.
Decision
To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following item of business, all the LRB Members present had attended the site visit and so participated in the review process.

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – 70 Lothian Street, Bonnyrigg [18/00654/DPP].	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report dated 4 April 2019 by the Director, Education, Communities and Economy, regarding an application from Derek Scott, Derek Scott Planning, 21 Lansdowne Crescent, Edinburgh seeking, on behalf of their clients Scottish Midland Co-Operative Society Limited (Scotmid), a review of the decision of the Planning Authority to refuse planning permission (18/00654/DPP, refused on 20 December 2018) for the change of use from retail (Class 1) to hot food take away (sui generis) and installation of flue at 70 Lothian Street, Bonnyrigg.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon.</p> <p>The Local Review Body had made an unaccompanied visit to the site on Tuesday 16 April 2019.</p>		
Summary of Discussion		
<p>Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the reason for refusal, the LRB acknowledged that this was in accordance with the recently adopted Supplementary Guidance on Food and Drink and Other Non-Retail Uses in Town Centres, which was a material consideration. In addition, concerns about the potentially detrimental impact that the proposed change of use might have on the amenity of the surrounding predominately residential area and on road safety were also considered; some of the issues likely to arise in respect of the latter having been witness during the site visit.</p>		
Decision		
<p>After further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:</p> <ol style="list-style-type: none"><i>The proposed hot food takeaway would be within 400 metres of the Curtilage of Lasswade Primary School and so the proposal does not comply with the Supplementary Guidance for Food and Drink and Other Non-Retail Uses in Town Centres.</i>		
Action		
Planning Manager		

The meeting terminated at 1.13 pm.

Minute of Meeting



General Purposes Committee

Date	Time	Venue
14 May 2019	10.00 am	Council Chamber, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Smaill (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie	Councillor Imrie
Councillor Lay-Douglas	Councillor Muirhead
Councillor McCall	Councillor Munro
Councillor Russell	Councillor Wallace

In attendance:

Alan Turpie	Legal Services Manager
Inspector Kevin Smith	Police, Scotland
Janet Ritchie	Democratic Services Officer

1. Apologies

Apologies for absence were received for Councillors Johnstone, Parry and Winchester.

2. Order of Business

The order of business was as set out on the Agenda

3. Declarations of interest

Councillor Curran indicated he would be declaring an interest in the applications on the agenda relating to private hire and taxis on the basis of his business interests in the taxi trade.

4. Minute of Meeting

The Chair asked for clarification from the Legal Services Manager on 5.1 Caravan Sites and Control of Development Act 1960 Decision (c) with regard to the potential liabilities for the Council in relation to sites where owners or operators did not make application for a licence: The Legal Services Manager confirmed that there would no liability to the Council in that regard.

Thereafter the Minute of Meeting of 2 April 2019 was approved.

5. Public Reports

No public reports were submitted.

Sederunt: Councillor Curran having previously declared an interest, left the meeting and did not return.

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 paragraphs 3, 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

6.1 Application for a Private Hire Car Driver Licence – T Lind

6.2 Application for a Taxi Driver Licence – J Law

The meeting terminated at 10.40 am

Minute of Meeting



Police and Fire and Rescue Board

Date	Time	Venue
3 June 2019	11.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Curran (Chair)	Councillor McCall
Councillor Muirhead	Councillor Munro
Councillor Parry	Councillor Smail

In attendance:

Midlothian Council Verona MacDonald, Democratic Services Team Leader	Alison White, Head of Adult Services
Police Scotland Chief Superintendent John McKenzie	Chief Inspector Aaron Clinkscales
Scottish Fire and Rescue Service Stephen Gourlay, Area Manager	Dean Mack, Group Manager

1. Welcome, Introduction and Apologies

The Chair welcomed all to the meeting.

2. Order of Business

The Clerk advised the order of business was as per the agenda circulated.

3. Declarations of interest

No declarations of interest were intimated.

Sederunt: Councillor Munro advised that, due to another appointment, he may require to leave the meeting a short while before it concluded

4. Minute of Previous Meeting

The Minute of Meeting of 18 February 2019 was unanimously approved and the Chair was authorised to sign it as a correct record.

5. Public Reports

Agenda No.	Report Title	Presented by:
5.1	Appointment of Divisional Commander	Police Scotland
Outline of report and summary of discussion		
On behalf of the Board, the Chair welcomed Chief Superintendent John McKenzie to his first meeting. He also recognised the work undertaken by his predecessor, Chief Superintendent Lesley Clark, towards the aims of the Board.		
Decision		
Noted		

Agenda No.	Report Title	Presented by:
5.2	Annual Review of Policing 2018-2019 – Letter from the Scottish Police Authority requesting feedback	-
Outline of report and summary of discussion		
The Chair advised that given the deadline date for responses, he had circulated a draft response to Board Members and having received no comments, had arranged for the response to be submitted to the Scottish Police Authority on 31 May by the Head of Adult Services.		
Decision		
Noted		

Report No.	Report Title	Presented by:
5.3.1	Police Scotland Midlothian Scrutiny Report 1 January to 31 March 2019	Police Scotland

Outline of report and summary of discussion

Chief Superintendent McKenzie addressed the Board. He explained Superintendent Lesley Clark had retired in between Board meetings. He gave a brief summary of his background including his links to Midlothian.

He continued by recognising the Council's commitment through the funding of the Community Action Teams. He further advised he was looking for local officers to focus on violence and the other identified priorities in terms of the annual Policing Plan. He mentioned the importance of collaborative working with partners regarding missing persons including looked after children. He further advised he would be considering how best to provide information to the Board for scrutiny purposes. He then advised of changes at executive level in Police Scotland and noted the annual Policing Plan had been published and the force would continue to struggle as a result of budget reductions including the capital budget. He commented that capital budget reductions may result in more sharing of buildings with local authorities and other public sector organisations. He handed over to Chief Inspector Clinkscales.

The Chief Inspector summarised his background and advised he was born in Midlothian and his career in the force started in the role of special constable. He then addressed the terms of the quarter report. He drew attention to the number of high risk missing persons and advised the Police had been overwhelmed by the community response to the last one. He noted that the Chair of the Scottish Police Authority, Susan Deacon, had visited Midlothian and gone out with the Community Action Team and witnessed at first hand the work undertaken by officers including detection of drugs. He advised that money recovered relating to drug seizures went to the Scottish Consolidated Fund and was not kept locally. He advised that officers shared information on a daily basis via inter-division meetings with regard to housebreaking. He then addressed missing persons and in particular looked after children and advised many repeatedly absconded and gave an example of 7 children being reported as missing in 73 incidents during the quarter. He said that in many incidents the children were not technically missing but had gone out with their friends and then been reported as missing. He emphasised the resources expended on this and advised he intended visiting the parents of the children to address the issue. He continued by summarising the remainder of the report.

Decision

Thereafter, the Board noted the content of the report.

Sederunt: Councillor Parry left the meeting at 11.25 am; Councillor Munro left the meeting at 11.33 am.

Agenda No.	Report Title	Presented by:
5.3.2	Community Action Team Scrutiny Report for January to March 2019	Police Scotland
Outline of report and summary of discussion		
Chief Inspector Clinkscales spoke to the terms of the Report which summarised the activities of the Community Action Teams during the quarter and drew attention to the positive impact the Council funded teams were having within the communities they serve.		

Councillor Muirhead, for the benefit of the new Chief Superintendent and Chief Inspector, commented on the positives of having the Council funded teams and emphasised the need to ensure they were in addition to Police resources which should already be in place in the district. He advised that the Agreement between Police Scotland and the Council provided for this but that given the changes in personnel he felt it was important to make this point.

Chief Superintendent McKenzie acknowledged what Councillor Muirhead had said and advised he was clear the CAT officers were additional to the resources which should be in place in any event.

Councillor McCall in also welcoming Chief Superintendent McKenzie, enquired whether there were more people going missing or whether it was as because public awareness was higher as a result of social media. Chief Superintendent McKenzie advised that work undertaken with partners did not indicate an increase but there were challenges in this field and cited the aging population whereby illnesses such as dementia may contribute. He continued by addressing missing children and advised it was crucial to understand why children go missing. He said that in the short term speaking to parents would assist but it was not a solution. He advised that this was a challenge but not just for the Police because 47% of missing children were in the looked after category.

Further questions were put by Councillor McCall with regard to road casualties and Councillor Smail with regard to anti-social behaviour issues and changes made within the Council to the Community Safety Team who worked with the Police.

Chief Superintendent McKenzie responded to both and advised that the A68 was one of the roads which was being targeted. He also advised that CAT officers would deal with anti-social behaviour in accordance with the Service Level Agreement in place however the local authority could not expect these officers to full take on all of the tasks previously undertaken by officers employed by the Council in the Community Safety Team.

Alison White advised she was meeting with Chief Inspector Clinkscales in the coming week to discuss expectations with regard to work undertaken on anti-social behaviour issues.

Councillor Muirhead commented that having considered the statistics within the report he wonder which communities had seen the reductions listed. He explained that, for people living in the community in and around Gorebridge, it did not feel like there had been a reduction in crime. He enquired whether a further breakdown of the figures was available. Chief Superintendent McKenzie advised he was keen to provide the Board with meaningful statistics and that he did have data which goes down to ward level and offered to come back to the next meeting with further information. He confirmed that some communities have not enjoyed the same decreases as others.

Decision

The Board noted the terms of the Report.

Agenda No.	Report Title	Presented by:
5.4.1	Scottish Fire and Rescue Service – Midlothian Local Performance Report – Quarter 4, 1 January to 31 March 2019	Scottish Fire and Rescue Service

Outline of report and summary of discussion

Stephen Gourlay by way of an update advised of a few matters worthy of noting:-

(i) the new Chief Fire Officer for Scotland had now been in post for a couple of months and is now assisted by a new Deputy Chief Officer and 2 new Assistant Chief Officers. The east of Scotland now has a new Chief Officer.

(ii) the training centre at Newbridge was nearing completion and within 6 – 8 weeks the training team should be on site;

(iv) he had submitted a business case to get some additional resources which would support, amongst others, the Penicuik station.

Dean Mack then provided the Board with a summary of the Quarter 4 report. He advised that 5 of the reporting outcomes were below the previous years' figures and that over the last 5 years Midlothian had seen a reduction across the outcomes. However, given the nature of the incidents reported on during 284 home fire safety visits these figures could rise significantly in the near future.

Councillor McCall, with regard to the installation and maintenance of smoke alarms in dwellings, asked whether information was available in relation to properties rented out. Mr Mack advised he did not have this information to hand but could provide it. Councillor McCall then enquired with regard to "Stair Aware" mentioned in the report. Mr Gourlay advised it related to new domestic legislation in relation to the storing of combustibles in common stairs which had an estimated introduction timescale of 2 years.

The Chair, with reference to a discussion at the meeting in November 2018, enquired whether the number of fire safety referrals had increased. Mr Mack confirmed they had increased significantly as a result of Council officers receiving training on the referral toolkit.

Decision

The Board noted the terms of the Quarter 4 report.

Agenda No.	Report Title	Presented by:
5.4.2	Draft Strategic Plan 2019 – 2022 Consultation – Report by Area Manager	S. Gourlay
Outline of report and summary of discussion		
Mr Gourlay spoke to the terms of the report which advised of the consultation relating to the draft Strategic Plan which closed on 18 July 2019.		
The Chair advised he would provide feedback via the Head of Adult Services prior to the closing date for submissions.		
Decision		
Head of Adult Services in consultation with the Chair to provide feedback on the Draft Strategic Plan prior to the closing date for submissions.		

The meeting terminated at 12.30 pm.

Minute of Meeting



Performance, Review and Scrutiny Committee

Date	Time	Venue
11 June 2019	11.00am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Cassidy	Chair
Councillor Hardie	
Councillor Munro	
Councillor Russell	
Councillor Smail	
Councillor Wallace	

Also in Attendance:

Grace Vickers	Chief Executive
Mary Smith	Director Education, Communities and Economy
Kevin Anderson	Acting Director, Resources
Alison White	Head of Adult Health and Social Care
Maria Lloyd	Head of Education
Garry Sheret	Head of Property and Facilities Management
Simon Bain	Housing Services Manager
Janet Ritchie	Democratic Services Officer

1 Apologies

Apologies were received from Councillors Parry, Alexander, Baird, Johnstone, Lay-Douglas, McCall and Winchester.

In the absence of the Chair, Councillor Cassidy was appointed by the Committee and took the Chair.

2 Order of Business

The order of Business was as detailed within the Agenda.

3 Declarations of Interest

No declarations of interest were intimated.

4 Minutes of Previous Meetings

- 4.1 The minute of the meeting of 13 March 2019 was submitted and approved as a correct record.

5 Public Reports

Agenda No	Title	Submitted by:
5.1	Various Inspection Reports submitted to Cabinet	Acting Director, Resources
Outline and summary of item		
<p>The purpose of this report was to bring to the Committee's attention to the various Inspection reports considered by Cabinet on 21 May 2019.</p> <p>The Acting Director, Resources presented this report advising the Committee that the following reports were considered by Cabinet on 21 May 2019 and in each case the recommendations were agreed:</p> <ul style="list-style-type: none">(i) Inspection of Bonnyrigg Primary School - Report by Acting Head of Education(ii) Inspection of Gorebridge Primary School and Nursery Class - Report by Acting Head of Education;(iii) Inspection of St David's High School - Report by Acting Head of Education(iv) Further Inspection (Record of Visit ROV) of St Luke's Primary School – Report by Acting Head of Education(v) Inspection of Midlothian Council Adoption Service - Report by Head of Children's Services		

<p>(vi) Inspection of Midlothian Council Fostering Service - Report by Head of Children's Services</p> <p>(vii) Inspection of Midlothian Council Highbank Intermediate Care Services - Report by Primary Care and Older People Services</p> <p>(viii) Inspection of Midlothian Council Newbyres Village Care Home - Report by Joint Director, Health and Social Care</p>
Decision
The Performance Review and Scrutiny Committee considered each of the Reports and noted the agreed recommendations.

Agenda No	Title	Submitted by:
5.2	Annual Complaint Handling Report 2017/18 and SPSO Annual Statistics per	Chief Executive
Outline and summary of item		
<p>The main outcome of the report was to provide Cabinet, and the ensuing Performance Review and Scrutiny Committee with the Annual Complaint Handling Report for 2017/18 (appendix 1). The report was recently published on Midlothian Council's website following endorsement by Corporate Management Team at the meeting of 27 March 2019.</p> <p>The report also provided an update of statistics shared by the Scottish Public Services Ombudsman (SPSO) about how they had handled complaint cases by Midlothian customers, and which services were being complained about to them. Outcome decisions to cases were published on the SPSO's website. There was a summary of this data within the report and all the data in its original format was provided in an appendix to the report. The Chief Executive presented the report to the Committee.</p>		
Decision		
<p>The Performance Review and Scrutiny Committee noted:</p> <ul style="list-style-type: none"> • The recent publication of the Annual Complaint Handling Report provided in appendix 1. • The statistics pertaining to Midlothian Council provided to us by the SPSO. 		

Agenda No	Title	Submitted by:
5.3	Adult and Social Care Q4 Performance Report	Head of Adult and Social Care and Head of Health and Older People's Services
Outline and summary of item		
The Q4 Performance Report 2017/18 for Adult Social Care was presented by the Head of Adult and Social Care highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report. Thereafter the Head of Adult and Social Care responded to a comment raised by an Elected Member with regards to the waiting time for occupational therapy and social work services.		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
5.4	Customer and Housing Services Q4 Performance Report	Joint Director of Health and Social Care
Outline and summary of item		
The Quarter 4 Performance Report 2017/18 for Customer and Housing Services was presented by the Housing Services Manager highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report. Thereafter the Housing Services Manager responded to questions and comments raised by Members of the Committee.		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
5.5	Children's Services Q4 Performance Report	Head of Children's Services
Outline and summary of item		
The Quarter 4 Performance Report 2017/18 for Children's Services was presented by the Director of Education, Communities and Economy highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report. Thereafter the Director responded to questions and comments raised by Members of the Committee.		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
5.6	Education Q4 Performance Report	Acting Head of Education
Outline and summary of item		
The Quarter 4 Performance Report 2017/18 for Education was presented by the Action Head of Education highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report. Thereafter the Acting Head of Education responded to a question raised by an Elected Member regarding School exclusion rates.		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
5.7	Communities and Economy Q4 Performance Report	Director Education, Communities and Economy
Outline and summary of item		
The Quarter 4 Performance Report 2017/18 for Communities and Economy was presented by the Director Education, Communities and Economy highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
5.8	Commercial Operations Q4 Performance Report	Acting Director, Resources
Outline and summary of item		
The Quarter 4 Performance Report 2017/18 for Commercial Operations was presented by the Acting Director, Resources highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the Report.		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
5.9	Finance and Integrated Service Support Q4 Performance Report	Head of Finance and Integrated Service Support
Outline and summary of item		
The Quarter 4 Performance Report 2017/18 for Finance and Integrated Service Support was presented by the Acting Director, Resources highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
5.10	Property and Facilities Management Q4 Performance Report	Head of Property and Facilities Management
Outline and summary of item		
The Quarter 4 Performance Report 2017/18 for Property and Facilities Management was presented by the Head of Property and Facilities Management highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.		
Thereafter the Head of Property and Facilities Management responded to questions and comments raised by Members of the Committee.		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
5.11	Midlothian Council Q4 Performance Report	Chief Executive
Outline and summary of item		
The Chief Executive presented the Midlothian Council Quarter 4 Performance report detailing the delivery of Midlothian Council's priorities through the Community Planning Partnership and the Single Midlothian Plan. The Chief Executive advised the Committee that the purpose of this report was to collate all the individual Q4 Performance reports and provide the overview summary for the Council and updated the Committee on the key themes.		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
5.12	Balanced Scorecard Indicators 2018/19 Annual Report	Chief Executive
Outline and summary of item		
<p>The 2018/19 Annual Report for the Balanced Scorecard Indicators was presented by the Chief Executive.</p> <p>Each of the perspectives were supported by a number of key measures and indicators which ensured that the Balanced Scorecard informed ongoing performance reporting and helped to identify areas for further improvement. Detailed performance data is available in the quarterly service performance report.</p>		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

Agenda No	Title	Submitted by:
5.12	2017/18 Local Government Benchmarking Results	Chief Executive
Outline and summary of item		
<p>The purpose of this report was to provide an update on the Local Government Benchmarking Framework (LGBF) for 2017/18 mas detailed within the Appendix to the report.</p> <p>The Chief Executive highlighted there would be a new streamlined performance report presented in Quarter 1 which would be more user friendly and an improvement to the current system. This new report would reduce the level of paperwork and to support this Members would have access to an electronic Dashboard where they could interrogate the data further.</p>		
Decision		
The Performance Review and Scrutiny Committee noted the report.		

6 Private Reports

No private reports were submitted for discussion.

7 Date of Next Meeting

The next meeting will be held on Tuesday 17 September 2019 at 11 am.

The meeting terminated at 11.50 am

Minute of Meeting



Planning Committee

Date	Time	Venue
18 June 2019	1.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Hardie	Councillor Lay-Douglas
Councillor McCall	Councillor Milligan
Councillor Muirhead	Councillor Munro
Councillor Smail	Councillor Wallace

In Attendance:

Mary Smith, Director, Education, Communities and Economy	Peter Arnsdorf, Planning Manager
Alan Turpie, Legal Services Manager	Jim Gilfillan, Consultant Policy & Planning, Policy & Road Safety
Mike Broadway, Democratic Services Officer	

1. Apologies

Apologies for absence were intimated on behalf of Councillors Hackett, Johnstone, Russell and Winchester.

2. Order of Business

The Committee noted that with the exception of Agenda Item No 5.6 – Section 42 Application to Remove Condition 7, requiring enhanced Public Transport facilities, imposed on grant of Planning Permission 17/00951/PPP for a Retail Unit at Soutra Mains Farm, Blackshiels, Fala, Pathhead (19/00221/S42) – which had been withdrawn at the request of the Applicant, the order of business was as outlined in the agenda.

3. Declarations of interest

Councillor McCall (non-pecuniary) declared an interest in agenda item 5.9 - Application for Planning Permission for the Erection of Dwellinghouse/Café and Amenity Building; the Siting of five Yurts; the Formation of Pond and Associated Works on Land At Netherton, East of the A701, Penicuik (18/00741/DPP) – on the grounds that, she had attended Howgate Community Council when the matter had been discussed; had been approached by objectors at her surgery; and met with the applicants, however at no time had she offer an opinion on the current applications before Members.

Councillor Wallace (non-pecuniary) also declared an interest in same agenda item on the grounds that he had been approached by objectors at his surgery the previous evening and although he had not offer an opinion on the current applications before Members, as he had not had the opportunity to balance things out and meet with the applicants, he intended not to take part in consideration of the application and would withdraw from the meeting.

The Monitoring Officer in response confirmed the advice he had given at the May meeting that as long as Members felt confident that they could approach issues with an open mind and had not pre-judged matters then in terms of the Councillors Code of Conduct they could participate in proceedings.

Councillor Smaill sought guidance regarding his participation in consideration of agenda item 5.4 - Appeals and Local Review Body Decisions – on the grounds that he had made an unaccompanied visit to the locality of the site in Pathhead, which was the subject of one of the appeals, to view if the required demolition works had taken place, which he was pleased to report they had. The Monitoring Officer indicated in response that he did not believe that a Member visiting a site in his/her ward could in itself be deemed as inappropriate.

The Chair, Councillor Imrie, remarked that in view of the recent Standards Commission decision to sanction two Councillors for breaches of the Councillors' Code of Conduct, he could understand Members nervousness, but the business of the Planning Committee had to go on. He then took the opportunity to remind Members that when it came to the Pre-Application Consultation - agenda item no 5.5 - care should be taken not to offer a view on the application itself, but to limit any contributions to particular issues or matters of concern.

4. Minutes of Previous Meetings

The Minute of Meeting of 14 May 2019 were submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Strategic Development Plan for Edinburgh and South East Scotland (SESplan)	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 7 June 2019, by the Director of Education, Communities and Economy, informing the Committee of the Scottish Minister's unprecedented decision to reject the Strategic Development Plan (SDP2), and the reasons for it; and advising that SESplan were currently investigating options with a view to determining its response at a Joint Committee meeting scheduled for Monday 24 June 2019.		
Summary of Discussion		
The Committee, having heard from the Planning Manager, discussed the possible potential implications of the Minister's decision, it being noted that whilst there was likely to be little immediate impact, it could have implications in the future, albeit the progression of new Planning legislation would hopefully offer some clarity on such matters. Additionally the SESplan response would become clearer following Monday's Joint Committee meeting		
Decision		
After further discussion and questions to the Officers, the Committee agreed:- a) to note the Scottish Minister's decision to reject the Strategic Development Plan (SDP2); and b) to receive a further update once the SESplan Joint Committee had considered its options and determined a course of action.		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.2	Proposed Developer Contributions Committee	Mike Broadway
Executive Summary of Report		
With reference to paragraph 7.4 of the Minutes of Midlothian Council of 7 May 2019, there was submitted report, dated 6 June 2019, by the Director, Resources, examining the possible establishment of a proposed Developer Contributions Committee following the motion agreed at the last Council meeting. The report which would also be going to the June Council meeting recommended that Council agree that the proposal to explore the possible establishment of a Developer Contribution Committee be included within the remit of a suggested Short Term Elected Members Working Group to review Standing Orders.		

Decision
The Committee, having heard from the Clerk, noted the report.

Agenda No	Report Title	Presented by:
5.3	Major Applications: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 7 June 2019 by the Director, Education, Communities and Economy updating the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.</p> <p>The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants was outlined in Appendices A and B attached to this report.</p>		
Decision		
The Committee noted the major planning application proposals which were likely to be considered by the Committee in 2019 and the updates for each of the applications.		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.4	Appeals and Local Review Body Decisions	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 7 June 2019 by the Director, Education, Communities and Economy detailing the outcome of three appeal decisions determined by Scottish Ministers and advising that there were no outstanding Local Review Body (LRB) decisions to report to Committee.</p> <p>Appended to the report were copies of the following appeal decision notices from the Scottish Government, Planning and Environmental Appeals Division:-</p> <ul style="list-style-type: none"> Dated 13 May 2019, dismissing an appeal by Mr I Macintosh against refusal of planning permission for the erection of dwellinghouse and garage at Land to the rear of 180 Main Street, Pathhead (18/00567/DPP) and refusing planning permission; Dated 23 May 2019, upholding an appeal by Mrs C Walters against refusal of planning permission for the erection of dwellinghouse, formation of access and car parking and associated works at 3 Eskview Villas, Eskbank, Dalkeith (18/00760/DPP) and granting planning permission, subject to conditions; and 		

- Dated 3 June 2019, upholding an appeal by SC Dalkeith Limited against refusal of planning permission for the erection of two drive-through restaurants; formation of access and car parking and associated works at Land south west of Tesco Superstore, Hardengreen, Dalkeith (18/00181/DPP) and granting planning permission, subject to conditions, and a legal agreement.

Councillor Milligan express his grave disappointment regarding the decision to uphold the appeal for two drive-through restaurants at. Land south west of Tesco Superstore, Hardengreen, Dalkeith.

Decision

The Committee noted the outcome of the appeals determined by Scottish Ministers.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.5	Proposed Residential Development with Associated Access, Drainage Infrastructure and Open Space on Land at the Former Wellington School, Penicuik (19/00252/PAC).	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted report, dated 7 June 2019, by the Director, Education Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development and associated access, drainage infrastructure and open space at land at the former Wellington School, Penicuik (19/00252/PAC).</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.</p>		
Decision		
<p>The Committee, having heard from the Planning Manager, noted:</p> <ul style="list-style-type: none"> (a) The provisional planning position set out in the report; and (b) That the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application. 		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission in Principle for Class 4 (Business) Uses with Ancillary Class 1 (Shops), Class 2 (Financial, Professional and Other Services) and Class 3 (Food and Drink) Uses; Residential Development; and Associated Access, Parking, Landscaping and Drainage Infrastructure at Land to the North of Hardengreen House, Dalkeith (19/00099/PPP).	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted report, dated 2 May 2019, by the Director, Education, Communities and Economy concerning the above application.</p> <p>Having heard from the Planning Manager, the Committee in discussing the proposed development, noted the relevant development plan policies as set out in the Midlothian Local Development Plan 2017.</p>		
Decision		
<p>The Committee agreed to refuse planning permission for the following reason:-</p> <ol style="list-style-type: none"> <i>The proposed residential use is not in accordance with site e11's allocation in the development plan for Class 4 (Business) and Class 5 (General Industry) uses. The proposal is therefore contrary to policy 2 of the Edinburgh and South East Scotland Strategic Development Plan 2013; and to policies STRAT1 and ECON1 of the Midlothian Local Development Plan 2017.</i> <i>The land not forming part of allocated site e11 is within the green belt. The proposed development does not comply with any of the justifications for development set out in policy ENV1 of the Midlothian Local Development Plan 2017. The proposal is therefore contrary to policy 12 of the Edinburgh and South East Scotland Strategic Development Plan 2013; and to policy ENV1 of the Midlothian Local Development Plan 2017.</i> <i>It has not been demonstrated that the site can be drained of surface water in a manner that complies with Scottish Planning Policy, Scottish Water guidance and Network Rail requirements. The proposal is therefore contrary to policy ENV10 of the Midlothian Local Development Plan 2017.</i> 		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.8	Section 42 Application to Amend Condition 9 of Planning Permission 14/00203/DPP (to extend the time period for completion of the infilling of land by a further 36 months) at Land between Pentland Burn and the A720 City Bypass, Pentland Road, Damhead (19/00223/S42).	Peter Arnsdorf

Outline of report and summary of discussion
With reference to paragraph 2 of the Appendix to the Minutes of 26 August 2014, there was submitted report, dated 7 June 2019, by the Director, Education, Communities and Economy concerning the above application.
Decision
<p>The Committee, having heard from the Planning Manager, agreed to grant planning permission for the following reason:</p> <p><i>The proposed re-engineering of the ground levels will improve the condition of the land for agricultural use, will introduce an area of improved wetland habitat, will have no long term adverse impacts upon landscape quality or ecological value of the site, and any adverse impacts upon traffic or residential amenity will be both of an acceptable level and of a temporary nature. The proposal therefore complies with the policies of the Midlothian Local Development Plan 2017.</i></p> <p>subject to the detailed conditions set out in the report.</p>
Action
Planning Manager

Sederunt
With reference to item 3 above, Councillor Wallace, having declared a non-pecuniary interest in the following item of business, left the meeting at 1.30 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.9	Application for Planning Permission for the Erection of Dwellinghouse/Café and Amenity Building; the Siting of five Yurts; the Formation of Pond and Associated Works on Land At Netherton, East of the A701, Penicuik (18/00741/DPP).	Peter Arnsdorf

Outline of report and summary of discussion
<p>There was submitted report, dated 7 June 2019, by the Director, Education, Communities and Economy concerning the above application.</p> <p>The Committee, having heard from the Planning Manager, discussed the proposed development, giving particular consideration to both the relevant planning policies, and also the representations and consultation responses that had been received; details of which were contained in the report. It being acknowledged that the scale and siting of the proposed development, along with the location of the car parking were both in keeping with the scale of the Netherton low density rural housing site and provided as much privacy as possible for the occupants of the neighbouring properties. Issues to do with clear on-site signage would be taken up with the applicant separately by the Planning Manager.</p>

On a separate but related issue raised by Members regarding Planning Committee Site Visits, the Clerk advised that a site visit could be requested by any Member in advance, either as part of the 'call-in' process or once the agenda papers had been issued, as in this particular instance neither of these events had occurred, no such visit had been arranged. The Clerk undertook to re-circulate the procedures so all Members were clear how to request a site visit in the future.

Decision

After further discussion, the Committee agreed to grant planning permission for the following reason:

The character and appearance of the development are in keeping with the character of the surrounding area. Due to the scale and nature of the development it will not have a significant detrimental impact on the amenity of local residents. The proposal complies with the aims of policies RD2 and VIS2 of the Midlothian Local Development Plan 2017.

subject to the detailed conditions set out in the report.

Action

Planning Manager/Clerk

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting will be held on Tuesday 27 August 2019.

The meeting terminated at 1.44 pm

Minute of Meeting



Community Asset Transfer Committee

Date	Time	Venue
19 June 2019	12 noon	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Muirhead (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Hackett

In attendance:

Kevin Anderson, Acting Director, Resources	Alasdair Mathers, Communities and Performance Manager
William Venters, Principal Solicitor	Mike Broadway, Democratic Services Officer

1. Apology

The Clerk intimated an apology for absence on behalf of Councillor Winchester.

2. Order of Business

It was noted that the order of business was as per the agenda circulated.

3. Declarations of interest

None

4. Minute of Previous Meeting

The Minute of Meeting held on 30 April 2019 was submitted and unanimously approved. The Chair was thereafter authorised to sign the Minute as an accurate record.

With reference to paragraph 5.1 of the Minutes, the Acting Director, Resources, in response to Members questions, confirmed that in the event that there was an uplift in the value of the land that the Council would receive the higher amount. He also acknowledged concerns regarding the need for the Committee to have sight of any legal agreement as part of the decision making process and undertook to explore further how this might be best achieved.

(Action: Director, Resources)

5. Reports

Report No.	Report Title	Presented by:
5.1	Timeline request – Report by Acting Director, Resources	Kevin Anderson
Outline of report and summary of discussion		
<p>With reference to paragraph 5.2 of the Minutes of 30 April 2019, the Acting Director, Resources spoke to the terms of the timeline report requested by the Committee and noted it set out the series of events, communications and decisions which led to the site of the former Polton Bowling Club being pursued as a community asset transfer and later designated as a Strategic Housing Investment Plan site for 18 units of social housing. He noted that the report was based on a review of documentation provided by the range of Council services involved and included recommendations for service improvement.</p> <p>Following discussion with regard to the terms of the report, the Committee unanimously approved the recommendations contained therein.</p>		
Decision		
<p>The Committee agreed that:-</p> <p>(a) The Community Management Assessment Group (CMAG) reports become a standing agenda item at the Capital Asset Management Group chaired by the Chief Executive which would resolve any conflicts between different strategies being pursued across Council directorates;</p>		

- (b) the locations of sites included within the Strategic Housing Investment Plan (SHIP) be clearly identified on the publicly accessible Council asset register;
- (c) designation with the SHIP be made a clear reason for refusal of a CAT application;
- (d) advice notes from services which are members of the CMAG regarding the status of sites should be clearly explained by staff from these services;
- (e) advice on the Community Asset Transfer website to applicants should clearly set out that applying for external funding prior to achieving a transfer is done by applicants at their own risk and will not form a requirement on the Council to make a specific decision within any external timeline;
- (f) advice to applicants should clearly set out that incurring costs for architects, planning applications, conditions survey, consultancy will be met by applicants at their own cost and will not be met by the Council and;
- (g) advice to applicants to be amended to make clear the role of Fields in Trust (FIT) as legal supervisor of public playing fields in all Scottish Council areas. This will also make clear that an additional application and legal fees, where FIT have such rights, will need to be met by applicants

Action

Director, Resources

Report No.	Report Title	Presented by:
5.2	Application by Bonnyrigg After School Club for an asset transfer of the former Polton Bowling Club and land, Bonnyrigg	Kevin Anderson
Outline of report and summary of discussion		
<p>With reference to paragraph 5.2 of the Minutes of 30 April 2019, the Acting Director, Resources spoke to the terms of the report which related to an application from Bonnyrigg After School Club for a community asset transfer in respect of the former Polton Bowling Club, Eskdale Drive, Bonnyrigg. He advised that the report replaced the report originally considered by the Committee at the meeting on 30 April 2019 and included new information and clarifications supplied by the applicant in response to the assessment presented to the Committee on that date.</p> <p>The Committee, in considering the application, discussed the issue of the provision of car parking and also the potential implications should BASC not be successful in obtaining planning permission. It being acknowledged that whilst the issue of car parking appeared to have been resolved at least in the short term, it would be up to BASC to determine what they wanted to do in such an eventuality, however safeguards were included in the proposed conditions should that happen.</p>		

Thereafter, Councillor Cassidy remarked that the Committee's concerns had to his mind been answered in the updated submission and although a number of hypothetical issues remained these were covered in the proposed conditions, for these reasons he moved approval of the application, which was seconded by Councillor Alexander.

Councillor Muirhead indicated that whilst he was minded to support approval of the application he was concerned that BASC appeared to have jumped the gun in applying for funding. He stressed the dangers inherent in this and considered it important that applicants realised that such actions were taken entirely at their own risk and did not necessarily guarantee a successful outcome, nor accelerated consideration, of an asset transfer request. Councillor Cassidy echoed these comments.

After further discussion, and with no other Member being otherwise minded Councillor Cassidy's motion was approved and became the decision of the Committee.

Decision

The Committee agreed to grant the application subject to:-

- (a) the applicant obtaining the appropriate planning permission and building warrant consents within 12 months of the date of the decision notice of the Community Asset Transfer Committee decision being issued. This avoids the risk of Bonnyrigg After School Club owning the site and developing it for other uses not provided for in the application lodged;
- (b) a nominal value of £1 (if asked) subject to the condition that the use of the property must be restricted in all time coming to the sole purpose of an early years provision and community centre. It is considered necessary in order to protect the Council's interest to include in the disposition to be granted in favour of BASC, an economic development burden (EDB) under Section 45 of the Title Conditions (Scotland) Act 2003 which is generally accepted to allow a broad approach to the securing of economic benefit;
- (c) the added protection that an overage provision is inserted into the disposition in favour of BASC as follows –
 - i. even if at some point in the future, BASC manage to persuade the Lands Tribunal to vary/waive the use restriction, any future sale for an alternative more valuable use would enable the Council to be compensated and;
 - ii. the Council is fulfilling its obligation to obtain best value from the transfer of the asset at nominal value. The overage would provide that in the event of any sale for an alternative use, the Council would receive 100% of the uplift in value ie the difference in value between the land as an early years provision and community centre and the value with the proposed change of use
- (d) that BASC shall, in all time coming, keep the property (a) in good and substantial condition and repair and will, as and when necessary, reinstate and rebuild the property, all in accordance with good building practice and all applicable legislation and regulations and (b) insure with a reputable insurance provider against all normal commercial risks to the sight and reasonable satisfaction of the Council and;

(e) such other reasonable terms and conditions as the Director, Resources may consider necessary in order to protect the interests of the Council.
Action
Director, Resources

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The Committee discussed the future meeting arrangements, and in particular, whether there was merit in including provision for future Community Asset Transfer Committee meetings in the Council's approved schedule of meetings, so that the Committee met on a more structured and regular basis. Whilst it was acknowledged that the whole process of community asset transfer was relatively new the importance of having a robust but streamlined and transparent process for reporting applications to the Committee was emphasised by Members. In this regards, a more structured meeting schedule and refinements to the style and contents of reports would be welcomed.

(Action: Director, Resources/Communities and Performance Manager)

The meeting terminated at 12.22 pm

Minute of Meeting



Special Meeting of Cabinet

Date	Time	Venue
25 June 2019	2.40pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Milligan Convener	
Councillor Muirhead – Depute Convener	
Councillor Imrie	
Councillor Curran	
Councillor Hackett	

Religious Representatives:

1 Apologies

Apologies were received on behalf of Vic Bourne and Elizabeth Morton.

2 Order of Business

The Order of Business was as detailed within the Agenda.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of the Cabinet held on 21 May 2019 were submitted and approved as a correct record.

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 item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 6 and 9 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- 6.1 Services to Communities: Borders Railway Corridor Masterplans –
To approve the two Masterplans as stand-alone statements of land use strategy for the two areas concerned, with a view to enabling officers to progress positive discussions with landowners, developers and the community and also pursue funding opportunities.

Minute of Meeting



Midlothian Integration Joint Board

Date	Time	Venue
Thursday 13 th June 2019	2.00pm	Conference Room, Melville Housing, The Corn Exchange, 200 High Street, Dalkeith, EH22 1AZ.

Present (voting members):

Angus McCann (Chair)	Cllr Derek Milligan (Chair)
Carolyn Hirst	Cllr Jim Muirhead
Alex Joyce	

Present (non-voting members):

Allister Short (Chief Officer)	Claire Flanagan (Chief Finance Officer)
Alison White (Chief Social Work Officer)	Caroline Myles (Chief Nurse)
Wanda Fairgrieve (Staff side representative)	Pam Russell (User/Carer)
Jane Crawford (Third Sector) (substitute for Ewan Aitken)	

In attendance:

Jamie Megaw (Strategic Programme Manager)	Mairi Simpson (Public Health Practitioner)
Kaye Skey (Clinical Service Development Manager)	Mike Broadway (Clerk)

Apologies:

Cllr Pauline Winchester	Cllr Catherine Johnstone
Cllr Janet Lay-Douglas (substitute for Cllr Pauline Winchester)	Cllr Joe Wallace (substitute for Cllr Catherine Johnstone)
Tricia Donald	Hamish Reid (GP/Clinical Director)
Fiona Huffer (Head of Dietetics)	Nik Hirani (Medical Practitioner)
Aileen Currie (Staff side representative)	Keith Chapman (User/Carer)
Marlene Gill (User/Carer)	Ewan Aitken (Third Sector)

Midlothian Integration Joint Board

Thursday 13 June 2019

1. Welcome and introductions

The Chair, Angus McCann, welcomed everyone to this meeting of the Midlothian Integration Joint Board, following which there was a round of introductions.

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

4.1 The Minutes of Meeting of the Midlothian Integration Joint Board held on 11 April 2019 were submitted and approved as a correct record.

4.2 The Minutes of Meeting of the MIJB Audit and Risk Committee held on 7 March 2019 were submitted and noted.

4.4 A Rolling Action Log – June 2019 was submitted.

Thereafter, the Board, having received updates on the various action points detailed therein, agreed to close off completed actions with the exception of the following:-

- (a) those actions whose expected completion date had not yet passed;
- (b) to note that it was hoped to include the presentation on the Wellbeing Service on the agenda for the August Board meeting;
- (c) to note that the review of the Strategic Planning Group was still ongoing and that an update report would be brought forward in due course;
- (d) to note that it was intended to circulate the briefing note on spending on the new social care responsibilities to Members along with the minutes of today's meeting.

(Action: Chief Officer/Chief Finance Officer/Clerk)

5. Public Reports

Report No.	Report Title	Presented by:
5.1	Review of Progress with Integration	Allister Short

Midlothian Integration Joint Board

Thursday 13 June 2019

Executive Summary of Report
With reference to paragraph 4.4 of the Minutes of 14 March 2019, there was submitted a report presenting the final submission to Scottish Government of the self-assessment by Midlothian IJB against the Ministerial Strategic Group for Health and Community Care review of progress with Integration of health and social care and the connection to the Audit Scotland report on Integration.
Summary of discussion
The Board, having heard from Allister Short (Chief Officer), who responded to Members' questions and comments, acknowledged that there was a common theme to the key areas for improvement across the four Lothian IJBs and that the role of the MIJB Audit & Risk Committee in monitoring that the agreed actions were being progressed and implemented would be critical to the success of this evolving piece of work.
Decision
<p>The Board, after further discussion,</p> <ul style="list-style-type: none"> • Noted the key points identified within the Ministerial Strategic Group for Health and Community Care review report; and • Noted the previous agreement to receive an annual progress report on the overall plan at the MIJB meeting in March 2020.
Action
Chief Officer

Report No.	Report Title	Presented by:
5.2	IJB Improvement Goals Progress	Jamie Megaw
Executive Summary of Report		
With reference to paragraph 5.4 of the Minutes of 14 February 2019, there was submitted a report updating the Board on performance and improvement towards achieving the Local Improvement Goals set by the MIJB based on the indicators recommended by the Ministerial Strategic Group for Health and Community Care.		
Summary of discussion		
Having heard from Jamie Megaw, Strategic Programme Manager, who responded to Members' questions and comments, the Board in considering the current progress against the local improvement goals acknowledged that whilst results were generally encouraging it was still too early to draw any firm conclusions, and that it remained to be seen if the emerging trends were maintained during the coming months. The Board discussed the possibility of including information regarding preventative measures and also patient experience if at all possible, and also better demonstrating links to actions targeted toward these improvement goals and to the Directions. There were also issues around people unable to access services and unmet need which would benefit from being picked up at some stage.		

Midlothian Integration Joint Board

Thursday 13 June 2019

Decision

After further discussion, the Board:-

- **Noted the current performance across the improvement goals.**
- **Noted that issues raised during discussion would be picked up as part of future reports.**
- **Agreed that rather than add further performance indicators at this stage to look at developing the existing indicators along the lines discussed.**

Action

Chief Officer/Strategic Programme Manager

Report No.	Report Title	Presented by:
5.3	Midlothian Primary Care Improvement Plan – Year 1 Progress Report	Jamie Megaw

Executive Summary of Report

With reference to paragraph 4.3 of the Minutes of 7 June 2018, there was submitted a report providing details of the progress made in the first year of the Midlothian Primary Care Improvement Plan (PCIP); summarising the planned changes in Year 2 implementation from those previously described in the Midlothian PCIP; and responding to the main points raised by National GMS Oversight Group Guidance (SGPC 97 2018/19).

Summary of discussion

Having heard from Strategic Programme Manager, Jamie Megaw, who responded to Members' questions and comments, the Board noted that the Lothian GP Sub-Committee, despite concerns about a national mismatch between what was promised, particularly with regards to pharmacotherapy services, and what could be delivered due to insufficiency of available workforce and finance, were very happy with the progress made locally.

Decision

The Board, after further discussion, agreed to:-

- **note the progress made in Year 1 in Midlothian; and**
- **support the plans for Year 2 of the PCIP.**

Action

Chief Officer

Midlothian Integration Joint Board

Thursday 13 June 2019

Report No.	Report Title	Presented by:
5.4	Midlothian and East Lothian development of New Models of Care for Dementia and Psychiatry of Older Adults Provision involving repatriation of East Lothian patients	Kaye Skey
Executive Summary of Report		
<p>The purpose of this report was to advise the Board that following the repatriation of East Lothian patients from Midlothian Community Hospital Glenlee and Rossbank wards, consideration was being given to the redesign of inpatient mental health beds to allow care closer to home, or in a homely setting; reducing use of inpatients beds wherever it was appropriate; delivery of services in budget; and the continued provision of high quality services.</p> <p>The report highlighted the current situation; detailed a number of developing strands of work that were required which would in effect help bolster and develop community teams; and outlined the next steps.</p>		
Summary of discussion		
<p>The Board, heard from Kaye Skey, Clinical Service Development Manager, who in responding to Members questions, explained the position regarding the involvement of the voluntary sector.</p>		
Decision		
<p>The Board, after further discussion, agreed:</p> <ul style="list-style-type: none"> • To progress on the basis of this report; • To note the potential savings to be generated; and • To receive a further paper on Midlothian Community Hospital usage following ward closure. 		
Action		
Chief Officer		

Report No.	Report Title	Presented by:
5.5	Financial Year End Summary 2018/19	Claire Flanagan
Executive Summary of Report		
<p>This report provided a summary of the draft yearend financial position and the draft reserves position the MIJB would be looking to open 2019/20 with. This reserves position should be considered in line with the MIJB reserves policy and the care and service challenges facing the partnership and the MIJBs strategic and delivery plan.</p>		
Summary of discussion		
<p>Having heard from Chief Finance Officer, Claire Flanagan, the Board acknowledged the challenging financial landscape and the importance of the ongoing dialogue with both NHS Lothian and Midlothian Council in addressing service challenges and improvement.</p>		

Midlothian Integration Joint Board

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Decision
<p>After further discussion, the Board:</p> <ul style="list-style-type: none"> • Noted the draft year end position; • Noted the draft reserves position; and • Supported utilising, through the Transformation Programme, the MIJB reserve to assist in service challenges and improvement.
Action
Chief Finance Officer

Report No.	Report Title	Presented by:
5.6	Midlothian Health and Social Care Integration Joint Board Local Code of Corporate Governance - Report by Chief Officer	Allister Short
Executive Summary of Report		
<p>With reference to paragraph 5.3 of the minutes of the MIJB Audit and Risk Committee of 6 June 2019, there was submitted a report proposing approval of a revised Local Code of Corporate Governance of the Midlothian Health and Social Care Integration Joint Board (MIJB) by the Board, following it being considered and recommended for approval by the MIJB Audit and Risk Committee.</p> <p>The report explained that the MIJB's Code of Corporate Governance, summarised the key policies and procedures that were in place, providing the framework for the governance arrangements for delivering health and social care integration in Midlothian, ensuring that the MIJB operated to a high standard consistent with national guidance.</p>		
Summary of discussion		
Having heard from the Chief Officer, Allister Short, who responded to Members' questions, the Board welcomed the revised Code of Corporate Governance.		
Decision		
<p>After further discussion, the Board agreed:</p> <ul style="list-style-type: none"> • To approve the revised Local Code of Corporate Governance of the Midlothian Health and Social Care Integration Joint Board. 		
Action		
Chief Officer		

Report No.	Report Title	Presented by:
5.7	Midlothian Integration Joint Board Unaudited Annual Accounts 2018/19 – Report by Chief Finance Officer	Claire Flanagan

Midlothian Integration Joint Board

Thursday 13 June 2019

Executive Summary of Reports

With reference to paragraph 5.4 of the minutes of the MIJB Audit and Risk Committee of 6 June 2019, there was submitted a report presenting to the Board the unaudited Annual Accounts of the MIJB for the year ending 31 March 2019 for consideration and approval.

The report explained that MIJB was required to prepare a set of annual accounts for the financial year 2018/19. A draft of these accounts must be agreed by the MIJB before 30 June whereupon the draft must be published on the MIJB's website and presented to the MIJB's external auditors for review.

Summary of discussion

The Board, heard from Chief Finance Officer, Claire Flanagan, who explained that the draft Annual Accounts, had been considered in conjunction with the Midlothian Health and Social Care Integration Joint Board Internal Audit Annual Assurance Report 2018/19 by the MIJB Audit and Risk Committee at its meeting on 6 June 2019 and that subject to some further minor editorial work was recommended by the Audit and Risk Committee for approval.

The Chair of the MIJB Audit and Risk Committee, Councillor Jim Muirhead then drew to the Boards attention to an issue he had raised at the last Audit and Risk meeting regarding two of the Council's proxy members who had recently been sanctioned by the Standards Commission for breaches of the Councillors' Code of Conduct in regards to a planning matter. An unfortunate consequence of this was that in terms of section 8 of the of the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014, any member who had been subject to a sanction other than censure by the Standards Commission was automatically disqualified from sitting on the Integrated Joint Board.

Decision

After further discussion and questions to officers, the Board agreed to:-

- **Approve the unaudited draft Annual Accounts for 2018/19 for publication and submission to the IJB's external auditors for audit.**
- **Seek clarification of the disqualification criteria for IJB membership and to raise the issue with both the Chief Officers and the Joint Chairs Groups.**

Action

Chief Officer

Report No.	Report Title	Presented by:
5.8	NHS Lothian Formal Budget Offer to the IJB for 2019/20	Claire Flanagan
Executive Summary of Report		
With reference to paragraph 5.4 of the Minutes of 11 April 2019, there was submitted a report presenting the Board with the formal 2019/20 budget offer from NHS Lothian for consideration. The budget offer from Midlothian Council having already been accepted at the February IJB meeting.		

Midlothian Integration Joint Board

Thursday 13 June 2019

Decision
<p>After discussion and questions to the Chief Finance Officer, the Board:</p> <ul style="list-style-type: none"> • Agreed to accept the formal budget offer from NHS Lothian for 2019/20; and • Noted the indicative budgets for 2020/21 to 2023/24.
Action
Chief Finance Officer/Chief Officer

Report No.	Report Title	Presented by:
5.9	Medium term rolling 5 year financial plan	Claire Flanagan
Executive Summary of Report		
<p>The purpose of this report was to present the Board with the medium term rolling 5 year financial plan for Midlothian IJB and to consider the implications and the efficiencies required to bring the Plan back into balance.</p> <p>The report explained that the formal budget offers for 2019/20 received from both partners; NHS Lothian and Midlothian Council had included indicative future years allocations on which this Plan was based.</p>		
Summary of discussion		
<p>Claire Flanagan, Chief Officer, in presenting the report highlighted that the plan reflected the ongoing dialogue with both NHS Lothian and Midlothian Council</p> <p>Thereafter, the Board, in discussing the report, welcomed the plan but acknowledged the importance of delivering transformational savings and the challenges facing the HSCP in achieving these against a backdrop of rising demands, rising expectation and rising costs.</p>		
Decision		
<p>The Board, after further discussion and questions to Officers, agreed:</p> <ul style="list-style-type: none"> • To note the medium term rolling 5 year financial plan for the MIJB; and • To note the requirement for significant medium term financial recovery actions to bring the plan back into balance 		
Action		
Chief Finance Officer/Chief Officer		

Report No.	Report Title	Presented by:
5.10	Chief Officer Report	Allister Short

Midlothian Integration Joint Board

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Executive Summary of Report

This report provided a summary of the key service pressures and service developments which had occurred during the previous month in health and social care, highlighting in particular a number of key activities, as well as looking ahead at future developments.

Summary of discussion

The Board heard from Allister Short (Chief Officer), who highlighted in particular the following –

- Updated Integration Scheme confirmation had been received from the Scottish Government that the Cabinet Secretary had approved the changes arising from new responsibilities under the Carers (Scotland) Act 2016.
- Records Management Plan formal notification had been received that the Keeper of Records had approved Midlothian IJB's RMP and recommended that it should be published as an example of good practice within the authority.
- Work was well progressed in producing this year's Annual Performance Report. It was proposed that the Chief Officer be given delegated authority by the IJB to publish the report by 31 July in order to ensure the necessary governance and compliance with timescales were met.
- An update on developments aimed at addressing the significant pressures within unscheduled care would be presented to the IJB meeting in August.
- Midlothian had been successful in its bid to become a Technology Enabled Care Lead Pathfinder site. One of only four sites nationally.
- Chairmanship of the Board rotates to Midlothian Council in August; the Board joined the Chief Officer in express their thanks and appreciation to Angus McCann the outgoing Chair.

Decision

After discussion and questions to the Chief Officer, the Board:-

- **Noted the issues and updates raised in the report.**
- **Agree to delegate authority to the Chief Officer to publish the Midlothian IJB Annual Performance Report in line with the agreed timescales as set out by Scottish Government.**
- **Record an expression of thanks and appreciation to Angus McCann for his contributions to the work of the Midlothian IJB in his role as Board Chair.**

Action

Chief Officer

Midlothian Integration Joint Board

Thursday 13 June 2019

6. Date of next meeting

The next meetings of the Midlothian Integration Joint Board would be held on:

- Thursday 22 August 2019* 2pm Midlothian Integration Joint Board
- Thursday 12 September 2019 2pm Special Midlothian Integration Joint Board/
Development Workshop

(**NB** – * the venue for the August meeting would be Number 11, the Recovery Hub base in St Andrews Street, Dalkeith. Detailed arrangements would be given nearer the time.)

(Action: All Members to Note)

The meeting terminated at 4.18 pm.