

Midlothian Council Minute Volume



**Presented to the Meeting
of Midlothian Council
on Tuesday, 12 February 2019**

1 Minutes of Meetings submitted for Approval

Midlothian Council 18 December 2018 1 - 22

2 Minutes of Meetings submitted for Consideration

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

Performance Review and Scrutiny 30 October 2018 23 - 28

Planning Committee 20 November 2018 29 - 38

General Purposes Committee 20 November 2018 39 - 46

Cabinet 27 November 2018 47 - 54

Local Review Body 27 November 2018 55 - 60

Audit Committee 11 December 2018 61 - 70

Community Asset Transfer Committee 11 December 2018 71 - 74

3 Minutes of Meetings submitted for Information

Approved Minutes of Outside Organisations to which Council appoints representatives

None

Seminars

Capital Investment Strategy - 18 September 2018

Creating a World-Class Education System through Excellence and Equity - Attainment and Achievement 2018 - 4 December 2018

Minute of Meeting



Midlothian Council

Date	Time	Venue
18 December 2018	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

In attendance:

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	Jane Milne, Acting Head of Customer and Housing Services
Ricky Moffat, Head of Commercial Operations	Garry Sheret, Head of Property and Facilities Management
Alan Turpie, Legal Services Manager	Verona MacDonald, Democratic Services Team Leader
Mike Broadway, Democratic Services Officer	Stephen Clark, Housing Planning and Performance Manager

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

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

The Clerk intimated apologies on behalf of Councillors Alexander and Johnstone.

2. Order of Business

The order of business was confirmed by the Clerk to be in accordance with the papers circulated.

3. Declarations of interest

Members received advice from the Legal Services Manager with regard to the requirements to declare an interest. He noted that the report at Item No. 8.5 - Voluntary Sector Grants 2019-2022 on the agenda, followed on from the decision of the Council in August 2018 to approve, and instruct officers to implement, a new 3 year grants programme, which was for noting only.

4. Deputations

It was noted that no deputations had been received for consideration at this meeting.

5. Minutes of Previous Meetings

- 1.1 The Minute of the meeting of Midlothian Council which took place on 13 November 2018 was submitted for approval. The Council approved the minute as a correct record so moved by Councillor Milligan and seconded by Councillor Hardie. The Provost was authorised to sign the Minute as a true record of the meeting.
- 1.2 The following Minutes were previously circulated to Members for noting, information and consideration of any recommendations contained therein:

Meeting	Date of Meeting
Police, Fire and Rescue Board	27 August 2018
General Purposes Committee	9 October 2018
Planning Committee	9 October 2018
Cabinet	16 October 2018
Local Review Body	16 October 2018
Midlothian Integration Joint Board	11 November 2018

6. Questions to the Leader of the Council

No questions were received for consideration and response by the Council Leader.

7. Notices of Motions

Motion No.	Motion Title	Proposed by:	Seconded by:
7.1	Community Planning Development Day 24 November 2018	Councillor Muirhead	Councillor Hackett
Motion:			
<p><i>That Midlothian Council;</i></p> <p><i>“Records its thanks to staff who organised, and all the partners who attended, this year’s Community Planning Development Day, which was held on Saturday 24 November at the Edinburgh College’s Midlothian Campus.</i></p> <p><i>At the request of a number of community organisations, the event was held on a Saturday for the first time and was attended by around 140 people representing statutory partners, voluntary organisations and community groups.</i></p> <p><i>We are particularly pleased that in the Scottish Year of Young People, there was a tremendous attendance by young people from across Midlothian who made up roughly a third of those present”.</i></p>			
Summary of discussion			
The Council heard from Councillor Muirhead who formally moved the motion which was seconded by Councillor Hackett.			
Decision			
The Council unanimously supported the Motion.			

Motion No.	Motion Title	Proposed by:	Seconded by:
7.2	Local Hero Radio Forth Award	Councillor Curran	Councillor Russell
Motion:			
<p><i>That Midlothian Council:</i></p> <p><i>“Congratulates Danderhall resident Iain McKendry on winning the prestigious Local Hero Radio Forth award.</i></p> <p><i>Iain was diagnosed with cerebral palsy at 15 months old, however he hasn’t let that stop him from defying the odds by getting on his bike for Club McKendry Spinning® classes at Danderhall Leisure Centre.</i></p> <p><i>Iain (24) with the support of his family and friends, now leads seven spin® classes each week as a qualified instructor, and continues to be an inspiration to many people in his community and beyond.</i></p> <p><i>Council agrees to write to Iain, congratulating him on his significant achievements”.</i></p>			
Summary of discussion			

The Council heard from Councillor Curran who formally moved the motion which was seconded by Councillor Russell.
Decision
The Council unanimously supported the Motion and agreed that the Council Leader would write to Mr McKendry in appropriate terms.
Action
Director, Resources and Leader of the Council

Motion No.	Motion Title	Proposed by:	Seconded by:
7.3	Gold Sport Award	Councillor Alexander	Councillor Cassidy
Motion:			
<i>That Midlothian Council:</i>			
<i>“Congratulate Lasswade School on their brilliant achievement in winning this Gold Sports Award.</i>			
<i>It is a testament to the hard work that has been put in by staff, pupils, parents and the Sports Council, and the collaboration between schools, and sports and leisure. It recognises the exceptional sporting opportunities the school offers to its pupils through PE and a packed programme of extra-curricular events.</i>			
<i>Lasswade High School is the first school in Midlothian and one of only 18 per cent of the high schools in Scotland to win this national award.</i>			
<i>Thanks the Sports Council, the Sports and Leisure team, PE staff Daisy Forbes and Sarah McKay and the Active Schools Co-ordinator Judith Clyne, for all their hard work making the award achievable, and requests that the Council Leader write to Lasswade School to thank them for their wonderful work”.</i>			
Summary of discussion			
The Council heard from Councillor Wallace on behalf of Councillor Alexander, who formally moved the motion which was seconded by Councillor Cassidy.			
Decision			
The Council unanimously supported the Motion and agreed that the Council Leader write to Lasswade High School in appropriate terms.			
Action			
Director, Resources and Leader of the Council			

Motion No.	Motion Title	Proposed by:	Seconded by:
7.4	Report on Poverty	Councillor Cassidy	Councillor Wallace
Motion:			
<i>That Midlothian Council;</i>			
<i>“Thanks the United Nations for the report on poverty.</i>			
<i>Philip Alston, United Nations rapporteur recently carried out a thorough report on poverty in the UK. One of the observations he made was that there is a social calamity taking place in the United Kingdom as a result of the Westminster austerity measures. These</i>			

measures are affecting the most vulnerable in our society, taking people from all walks of life into a cycle of poverty they may never escape from. For an entity like the UK this is an absolute disgrace. Named at the 6th wealthiest country on the planet we are most definitely failing on the caring and sharing of our resources.

The UK government have dismissed this report as negative and unhelpful, as a Council we know the effects austerity measures are having on our finances which in turn trickles down to our services and ultimately onto the people who depend upon them most of all. So our London government can deny and postulate as much as they want, the truth is we have a major catastrophe the likes of which has never been seen in any of our lifetimes. The austerity measures that have been in place since 2010 were not created by people already struggling to survive, they were created by greedy people who wanted more and more of the cake. To misquote the words of Marie Antoinette there will be no cake left to eat!"

Summary of discussion

The Council heard from Councillor Cassidy who formally moved the Motion which was seconded by Councillor Wallace. In response Councillor Lay-Douglas, on behalf of the Conservative Group of Councillors, advised that the Motion was yet another example of the SNP Group raising issues outwith the remit of the Council whilst not facing up to the reality of the challenging financial position facing the Council. She advised that the Conservative Group members would not be voting on the Motion. Councillors Curran and McCall were heard in support of the terms of the Motion.

Decision

With no Members voting against, the Motion was approved.

Motion No.	Motion Title	Proposed by:	Seconded by:
7.5	Post Office Service, Newtongrange	Councillor Munro	Councillor Lay-Douglas

Motion:

"In March 2017 the post office in Newtongrange closed and people in the village have, since then, been without what, for many, is a vital service and much sought after amenity.

Midlothian Council resolves to –

explore the viability of integrating a fully operational post office within Newtongrange Library thus reinstating this much needed facility, increasing the footfall and providing the opportunity to engage with residents with regard to what the Library has to offer;

Requests the Head of Customer and Housing Services investigate the viability of operating a post office from the library and;

a report on the findings be considered by the Council at its meeting on 26 March 2019".

Summary of discussion
The Council, having heard from Councillor Munro who formally moved the Motion which was seconded by Councillor Lay-Douglas, acknowledged contributions from a number of other Members in support of the principle of exploring new ways of delivering vital services such as a post office and banking to communities in Midlothian.
Decision
The Council unanimously supported the Motion.
Action
Head of Customer and Housing Services

Motion No.	Motion Title	Proposed by:	Seconded by:
7.6	Scrutiny of Local Authority Spending	Councillor Hardie	Councillor Smail

Motion:

“Midlothian Council recognises the importance of transparency and accountability. The Council applauds Local Government in England which has allowed scrutiny of local authority spending by publishing all spending of over £500 online, detailing both the supplier used and the reason for the spending. Council agrees that Midlothian should investigate adopting this approach whereby all payments to suppliers over £500 are published online. This will allow more effective public scrutiny of spending and help avoid waste.

Council resolves to:

- 1. Investigate the feasibility and cost implications of adopting a similar approach whereby all spending over £500 will be published online, to include both the supplier used and the reason for the spend, thus providing transparency in relation to spending and public scrutiny thereof;*
- 2. Instructs the Director, Resources to report to the meeting of the Council on 12 February 2019 detailing the feasibility and cost implications of publishing, as far as permitted by law, spending of over £500 online and;*
- 3. Further instructs the Director, Resources to investigate and report back to a meeting of the Council by the 2019 summer recess other ways to make Midlothian Council more transparent and accountable to the public with regard to spending”.*

Summary of discussion
The Council heard from Councillor Hardie who formally moved the Motion which was seconded by Councillor Smail. In so doing Councillor Hardie with the consent of his seconder proposed an amendment to paragraph numbered 2 therein, insofar as changing the date of the meeting from 12 February to 26 March 2019, to allow officers more time to prepare the required report.
Decision
The Council unanimously supported the Motion as amended.
Action
Director, Resources

Motion No.	Motion Title	Proposed by:	Seconded by:
7.7	Freedom from Fear	Councillor Hackett	Councillor Milligan
Motion:			
<p><i>“This Council notes -</i></p> <ol style="list-style-type: none"> <i>1. That Usdaw (Union of Shop, Distributive and Allied Workers) runs an annual Respect For Shopworkers Week as part of their Freedom From Fear campaign;</i> <i>2. That this is held in the build-up to Christmas, during which events are put on to engage with the public around the theme ‘Keep Your Cool at Christmas’;</i> <i>3. The campaign as a whole seeks to highlight the abuse that workers suffer whilst simply going about their jobs;</i> <i>4. That as part of this campaign Usdaw also surveys their 430,000 members in an annual Freedom From Fear survey;</i> <i>5. This survey shows that during 2018, 6 in 10 shopworkers experienced verbal abuse, 37% were threatened by a customer and over 230 shopworkers were assaulted every day;</i> <i>6. The British Retail Consortium and the Association of Convenience Stores have both also noted rising abuse, threats and violence against shopworkers.</i> <p><i>The Council believes –</i></p> <ol style="list-style-type: none"> <i>1. Violent crime, threats and abuse are very real hazards for retail workers and the harassment of staff by customers is an all too common event;</i> <i>2. Abuse is not part of the job. Workers should never have to face abuse, threats or violence when doing their jobs;</i> <i>3. Employers have a legal and moral obligation to make the working environment as safe as possible for employees and staff should be given appropriate training on how to deal with certain situations;</i> <i>4. Failure to take the necessary steps to protect staff from harassment could result in the company being open to prosecution under health and safety laws and complaints of harassment should always be taken seriously;</i> <i>5. Good trade union organisation reduces the risk of bad work practices.</i> <p><i>The Council resolves –</i></p> <ol style="list-style-type: none"> <i>1. To publicly support Usdaw’s campaign and shop workers in the area with a statement of support and by posting on Council social media platforms using the hashtags #RespectShopworkers and to encourage individual Councillors to do the same;</i> <i>2. To encourage individual Councillors to engage with retail stores in their ward, talk to shopworkers and listen to their experiences;</i> <i>3. To use links with local Police to ensure retail crime is always treated seriously and the often severe impact on victims is appropriately acknowledged;</i> <i>4. To use links with local business and retail stores to make sure proper workplace procedures are in place and that front-line staff are appropriately supported”.</i> 			
Summary of discussion			
The Council heard from Councillor Hackett who formally moved the Motion which was seconded by Councillor Milligan.			
Decision			
The Council unanimously supported the Motion.			
Action			
Director, Resources; Communications; Elected Members			

8. Reports

Agenda No.	Report Title	Presented by:
8.1	Appointments to Committees/Representation on Outside Bodies – Report by Director, Resources	Acting Director, Resources
Outline of report and summary of discussion		
<p>The Council heard from the Acting Director, Resources who presented a report seeking nominations to fill various positions vacated as a result of Councillor Winchester intimating her intention to step down from them with immediate effect.</p> <p>Councillor Munro, seconded by Councillor Hackett, moved the following replacements:-</p> <ul style="list-style-type: none"> • Association of Public Sector Excellence (APSE) – Councillor Hardie • Community Safety and Justice Partnership Board – Councillor Lay-Douglas • Business Transformation Steering Group (BTSG) – Councillor Smail <p>Councillor Lay-Douglas, seconded by Councillor Hackett, moved that Councillor Munro be appointed to Lothian Joint Valuation Board.</p> <p>Councillor Imrie, seconded by Councillor Hackett, moved that Councillor Smail be appointed to South East Scotland Strategic Development Planning Authority (SESplan).</p> <p>There being no other nominations for the positions vacated by Councillor Winchester, and on a show of hands, 8 votes were cast for the Motions and none against.</p>		
Decision		
The Council agreed the appointments as narrated above.		
Action		
Director, Resources		

Report No.	Report Title	Presented by:
8.2	Short Life Working Group – Dalkeith Town Centre	Director, Resources
Outline of report and summary of discussion		
The Council heard from the Acting Director, Resources with regard to the continuance of the Short Life Working Group and the business remit thereof.		
Decision		
The Council unanimously agreed to approve the continuance of the Group for up to another 3 meetings to be held prior to the Council meeting in March 2019 and that the revised business remit of the Group would be to consider options for the		

regeneration of Dalkeith Town Centre and report back to Council on 26 March 2019.

Action

Director, Resources

Report No.	Report Title	Presented by:
8.3	Financial Strategy 2019-2020 to 2022-23 – Report by Head of Finance and Integrated Service Support	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

The Council heard from the Head of Finance and Integrated Service Support who spoke to the terms of the report circulated to Members. He advised that the report provided Council with a further update on the Financial Strategy and was the penultimate report before the Council meets on 12 February 2019 when it is required to determine Council Tax and set a balanced budget for 2019/20 which, in accordance with Section 93 of the Local Government Finance act 1992, was required to be done by 11 March 2019. The report included:-

- An updated assessment of the 2019/20 and future years Scottish Government Grant prospects;
- Updated budget projections for 2019/20 to 2022/23;
- A sensitivity analysis reflecting the potential impact of different pay and grant settlement scenarios;
- An update on the arrangements for the delegation of resources to the Midlothian Integration Joint Board;
- An update on the Change Programme impact on the projected budget shortfalls;
- The governance arrangements and remaining timetables for the 2019/20 budget and;
- An update on the 2018/19 position and General Fund Reserves

Mr Fairley continued by referring to the announcement by the Scottish Government on 12 December in relation to the level of grant funding for local government. He advised that COSLA had produced an analysis by way of a circular, copies of which had been circulated to Members prior to the start of the meeting, which showed a cut to the core local government revenue budget of 2% and that this was in line with the assumptions made in his report. He advised that as a result of the analysis, Table 10 within the report had been revised with copies also being circulated to Members (Appendix 1 hereto) and that this provided the most up-to-date assessment of the financial position. He further drew Members attention to the revised pay offer agreed by COSLA on 14 December which was higher than what was projected in the figures for the next financial year. He noted that the budget gap was £6.793m, equating to savings of £6.8m required by 1 April 2019.

The Council Leader, Councillor Milligan, by way of an amendment to the recommendations contained within the report, moved additional recommendations as per Appendix 2 hereto. The amendment was seconded by the Depute Council Leader, Councillor Muirhead. Councillor Milligan spoke to the terms and reasons for the amendment and asked for cross party support.

In response, Councillor Wallace advised that the SNP Group of Councillors would not be supporting the amendment because it asked for Council employees to be paid off.

Mr Fairley in response to a question from the Provost, provided a summary of the process followed with regard to reducing employee numbers and how it is funded.

On a vote being taken by way of a show of hands, 11 votes were cast for the recommendations contained within the report together with the additional recommendations moved by Councillor Milligan and 5 against.

Decision

The Council agreed to note the content of the report and:

- a) the position in respect of the Scottish Government Grant Settlement as set out in Section 3 of the report and the verbal update provided by Mr Fairley on the initial assessment of the Scottish Government 2019/20 draft budget;
- b) the updated projected cost of services, key assumptions and resultant budget shortfalls as set out in Section 5;
- c) the continuing uncertainties and the potential impact as outlined in the differing scenarios as set out in Section 6;
- d) the revised indicative allocation and requirement to delegate resources to the Midlothian Integration Joint Board and the ongoing work to support the development of the IJB's own financial plans;
- e) the updated projected impact of the Change Programme and projected future years Council Tax increases and the impact on the Financial Strategy as set out in the revised Table 10;
- f) that the projections at this time indicate a remaining budget gap of £5.808 million for 2019/20 rising to £23.324 million by 2021/21, though these are heavily dependent on the assumptions detailed in the report;
- g) that given the level of available contingent reserves it is still not considered prudent for the Council to meet additional spending pressures from the contingent reserve or to use the contingent reserve as part of the strategy to secure a balanced budget for 2019/20;
- h) the acute financial pressures and also the risks as set out in Section 11.2;
- i) endorse the letter (Appendix 2) and ask Group Leaders to write to the Minister in similar terms emphasising cross party concerns;
- j) agreed to a voluntary severance/early retirement scheme in line with existing Council policy except that any severance payments will be calculated on the statutory redundancy calculator;
- k) agreed to remit to the Chief Executive the arrangements for the voluntary severance/early retirement scheme including those groups of employees who would be within scope and;

l) request an update on the voluntary severance/early retirement scheme to be included in the Financial Strategy report which will be presented to the next meeting of the Council on 12 February 2019.
Action
Chief Executive; Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
8.4	General Services Capital Plan 2018/19 to 2021/22 – Report by Head of Finance and Integrated Service Support	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		
<p>The Head of Finance and Integrated Service Support presented a report which sought to provide an update on the General Services Capital Plan (i) incorporating information on further additions to the Capital Plan for approval (Section 2 of the report); (ii) projects now approved in principle with provisional budgets following approval of the Capital Investment Strategy on 13 November 2018 (Section 3 of the report); (iii) the gross and net debt outstanding position (Section 4 of the report) and (iv) the Capital Fund (Section 5 of the report).</p> <p>On a vote being taken by way of a show of hands, 11 votes were cast for the recommendations contained within the report and none against.</p>		
Decision		
<p>The Council agreed to approve:</p> <ul style="list-style-type: none"> a) the amendment to the existing budget for Hopefield Primary School and Shawfair Town Centre projects as noted in Section 2.1 of the report; b) the inclusion in the General Services Capital Plan of the projects listed in Section 2.2 of the report; c) in principle with provisional budgets the projects identified in Section 3 of the report and require that for each of these projects to receive full approval in the General Services Capital Plan, a report on each will be required to be presented to Council for approval and; d) the utilisation of £22.459m of the Capital Fund, as noted in Section 5 of the report, to support capital investment in the projects identified in Section 3. 		
Action		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
8.5	Voluntary Sector Grants 2019 – 2022 – Report by Director, Education, Communities and Economy	Director, Education, Communities and Economy
Outline of report and summary of discussion		
<p>The Council heard from the Director, Education, Communities and Economy, who introduced the report which advised of the voluntary sector grant awards</p>		

and variations to the administration of the grants programme, for the period 2019 – 2022.

Councillor Muirhead by way of an amendment to the recommendations of the report, moved with regard to the contingency fund, that appropriate officers engage with organisations who may not receive the grant they expect, to ascertain the effect it will have on their aims and objectives and how it will impact on Midlothian communities. Councillor Milligan seconded the amendment. Councillor Cassidy, with regard to paragraph 3.2 of the report, asked that the process be opened up to a cross party group as opposed to the suggestion within the report that this be delegated to the Leader and Depute Leader. Councillor Milligan advised that he was content that the matter be delegated to the Director thus removing the involvement of any Elected Member.

On a vote being taken by way of a show of hands, 13 votes were cast for the recommendations as amended by Councillor Muirhead's Motion with none against.

Decision

The Council agreed to:

- a) note the recommended voluntary sector awards for the period 2019 – 2022 as detailed in Appendix 1 of the report and;
- b) note the unallocated grants budget as detailed in Section 3.2 of the report can be used as a contingency fund for voluntary sector groups in exceptional circumstances; that appropriate officers engage with organisations who may not receive the grant they expect, to ascertain the effect it will have on their aims and objectives and how it will impact on Midlothian communities and; that recommendations made by the grant stream leads on a case-by-case basis be considered by the Director, Education, Communities and Economy thus removing Elected Member involvement.

Action

Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
8.6	Midlothian's Rapid Rehousing Transition Plan – Report by Joint Director, Health and Social Care	Joint Director, Health and Social Care
Outline of report and summary of discussion		
The Council heard from the Joint Director, Health and Social Care, who spoke to the terms of a report which provided an overview of the Rapid Rehousing Transition Plan which requires to be submitted to the Scottish Government by 31 December 2018. Stephen Clark, Housing Planning and Performance Manager, provided further information in relation to the £21m homeless fund announced by the Scottish Government and advised that he understood £32k from the fund would be allocated to Midlothian.		
Decision		
The Council agreed to:		

<ul style="list-style-type: none"> (a) note the actions being proposed to reduce the time it takes to source permanent housing for homeless households; (b) note the actions being proposed to reduce the use of bed and breakfast accommodation and; (c) approve the submission of the Rapid Rehousing Transition Plan to the Scottish Government.
Action
Joint Director, Health and Social Care

Sederunt: Prior to consideration of the following item, Councillors Parry and Wallace left the meeting and did not return (12.10 pm).

Report No.	Report Title	Presented by:
8.7	Impact of Universal Credit – 2018 Update – Report by Acting Head of Customer and Housing Services	Acting Head of Customer and Housing Services
Outline of report and summary of discussion		
<p>The Council heard from the Acting Head of Customer and Housing Services who presented a report providing an update on the key issues relating to the impact of Universal Credit to the Council during 2018.</p> <p>Thereafter, questions were put by Councillors and subsequently answered by Ms Milne; Stephen Clark, Housing Planning and Performance Manager and; Ken Pike, Revenues Manager.</p>		
Decision		
<p>The Council agreed to note:</p> <ul style="list-style-type: none"> a) the work done to-date, and continuing, relating to Universal Credit and; b) the risks outlined in the report. 		
Action		
Head of Customer and Housing Services		

Report No.	Report Title	Presented by:
8.8	Housing Allocation Policy Review – Report by Joint Director, Health and Social Care	Joint Director, Health and Social Care
Outline of report and summary of discussion		
<p>The Council heard from the Joint Director, Health and Social Care who spoke to the terms of a report advising of the lettings outcomes during 2016/17 and 2017/18 from the revised Housing Allocation Policy agreed in May 2016. It was noted that the findings would inform a review of the Housing Allocation Policy which would take place early 2019. He noted that the Council had agreed the Policy would be reviewed every 2 years and it would include appropriate consultation with tenants and housing list applicants.</p>		
Decision		

The Council agreed to:

- a) note the positive lettings outcomes following the review of the Housing Allocation Policy;
- b) note the implications of legislative change and the Rapid Rehousing Transition Plan on the Housing Allocation Policy;
- c) note that a review of the Housing Allocation Policy would commence with a consultation exercise being undertaken to facilitate effective engagement with tenants, housing applicants and other key stakeholders and;
- d) an Elected Member Seminar being held following the consultation exercise to detail further any proposed changes to the Housing Allocation Policy.

Action

Joint Director, Health and Social Care

Report No.	Report Title	Presented by:
8.9	Cessation of provision of food waste liners	Head of Commercial Operations
Outline of report and summary of discussion		
<p>The Council heard from the Head of Commercial Operations who spoke to the terms of a report which detailed the proposals to cease the free provision of food waste caddy liners.</p> <p>Thereafter, Councillor Hardie suggested that whilst communicating with households with regard to the cessation of free food waste caddy liners, the Council provide information on how to sign up to the mail preference service. He noted that paper waste made up a significant percentage of household waste. Mr Moffat advised that Councillor Hardie's suggestion would be looked into.</p>		
Decision		
<p>The Council agreed to approve the proposal to cease the provision of food waste caddy liners with effect from 1 January 2019.</p>		
Action		
Head of Commercial Operations		

Report No.	Report Title	Presented by:
8.10	School Estate Capacity and Pupil Intake Limits – School Session 2019/20 – Report by Acting Head of Education	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 school estate capacity, confirmed the requirement for additional school capacity to be provided by August 2019 and informed the Council of the pupil intake limits required for the school session starting in August 2019 and the implications for pupil placement.</p>		

Decision
<p>The Council agreed to:</p> <ul style="list-style-type: none"> a) approve the revised policy guidelines on admission to primary and secondary schools; b) note the intake limits for primary schools as per tables 1 and 2 at Section 3 of the report; c) note the intake limits for secondary schools as per table 3 at Section 3 of the report and; d) note progress with the works underway to meet the school capacity required in 2019/20 and that plans were still being developed for work at Lasswade High School and Woodburn Primary School as summarised in Section 5 of the report.
Action
Acting Head of Education

Report No.	Report Title	Presented by:
8.11	Development of an Out of School Care Policy – Director, Education, Communities and Economy	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 partnership work undertaken with Midlothian After School Club network to develop an Out of School Care Policy and supporting documents.</p>		
Decision		
<p>The Council agreed to:</p> <ul style="list-style-type: none"> a) note the work carried out following the decision of Council on 13 February 2018 and; b) approve the Out of School Care Policy as per Appendix 2 of the report presented. 		
Action		
Director, Education, Communities and Economy		

Report No.	Report Title	Presented by:
8.12	Single Midlothian Plan half year performance report April – September 2018/19 – Report by Chief Executive	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 provided a performance update on the work of the partnership in the first 6 months of the financial year 2018/19.</p>		
Decision		
<p>The Council noted the Single Midlothian Plan key priorities performance report for April to September 2018/19 as approved by the Community Planning Partnership Board.</p>		

Action
Chief Executive

Report No.	Report Title	Presented by:
8.13	Life Long Learning (LLL) – Report by Head of Finance and Integrated Service Support	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		
The Council heard from the Head of Finance and Integrated Service Support who spoke to the terms of a report which provided an update on the Motion approved by the Council on 26 June 2018 regarding the Lifelong Learning agenda.		
Decision		
The Council noted the terms of the report.		
Action		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
8.14	Approval of Nomination of Kings Park, Dalkeith for the Centenary Fields Initiative – Report by Head of Commercial Operations	Head of Commercial Operations
Outline of report and summary of discussion		
The Council heard from the Head of Commercial Operations who spoke to the terms of a report which arose as a result of a request to support and commit to a nationwide initiative led by the charity “Fields in Trust” in conjunction with the British Legion and Poppy Scotland to nominate parks and other greenspaces as Centenary Fields. He noted that the key aim of the Centenary Fields initiative was to provide legal protection to at least one greenspace in every local authority area in Scotland, England, Wales and Northern Ireland in commemoration of the sacrifice made by those who lost their lives in World War One. He advised that it was proposed that Kings Park in Dalkeith be the nominated park in Midlothian. He further advised that the area of the park in the immediate vicinity of the area’s principal war memorial would be the focus for the protected greenspace, and that the bowling green and pavilion along with the area to the south east would be omitted; the latter to allow for the development of a sports area as part of the proposed Kings Park Primary school development.		
Decision		
The Council agreed to: <ul style="list-style-type: none"> a) confirm the nomination of King’s Park, Dalkeith, for designation as a Centenary Field; b) approve the submission of an application to “Fields in Trust” for consideration and; c) request an update report in due course from the Director, Resources. 		
Action		
Director, Resources/Head of Commercial Operations		

Report No.	Report Title	Presented by:
8.15	Impact of Exiting the European Union – Update – Director, Education, Communities and Economy	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 a follow-up on previous assessments of the potential impacts on Midlothian of the decision to leave the European Union. It was noted that the report concentrated on the identification of risks facing the Council and the steps being taken to address them.		
Decision		
The Council agreed to:		
<ul style="list-style-type: none"> a) note the updated analysis of the potential impacts on Midlothian of the UK leaving the European Union and; b) ensure the risks to Midlothian brought on by the exit process are recorded and managed through the Corporate Risk Register. 		
Action		
Chief Executive; Directors and; Heads of Service		

Report No.	Report Title	Presented by:
8.16	East Lothian and Midlothian Public Protection Committee Annual Report 2017/18 – Report by Head of Adult Social Care and Chief Social Work Officer	Joint Director, Health and Social Care
Outline of report and summary of discussion		
The Council heard from the Joint Director, Health and Social Care who spoke to the terms of a report which introduced the East Lothian and Midlothian Public Protection Committee annual report 2017/18, agreed by the Joint Critical Services Oversight Group on 23 October 2018.		
Decision		
The Council noted the terms of the annual report.		
Action		
Head of Adult Social Care and Chief Social Work Officer		

Report No.	Report Title	Presented by:
8.17	MAPPA Annual Report 2017/18 – Report by Head of Adult Social Care and Chief Social Work Officer	Joint Director, Health and Social Care
Outline of report and summary of discussion		
The Council heard from the Joint Director, Health and Social Care who spoke to the terms of a report which introduced the MAPPA Annual Report for 2017/18, published on 9 November 2018.		
Decision		
The Council noted the terms of the report		

Action		
Head of Adult Social Care and Chief Social Work Officer		
Report No.	Report Title	Presented by:
8.18	East Lothian and Midlothian Public Protection Committee – Adult Support and Protection Biennial Report 2016/18 – Report by Head of Adult Social Care and Chief Social Work Officer	Joint Director, Health and Social Care
Outline of report and summary of discussion		
The Council heard from the Joint Director, Health and Social Care who spoke to the terms of the biennial report by East Lothian and Midlothian Public Protection Committee to the Scottish Government for 2016/18 which reflected the work undertaken.		
Decision		
The Council noted the terms of the biennial report and the progress made by the Committee during 2016/18.		
Action		
Head of Adult Social Care and Chief Social Work Officer		

The Provost extended his best wishes to all Elected Members and staff for Christmas and the New Year.

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 Hopefield Joint Campus Schools – Update – Report by Head of Property and Facilities Management

9.2 Straiton Land Option – Report by Head of Property and Facilities Management

The meeting concluded at 1.35 pm

APPENDIX 1

Table 10: Financial Strategy 2019/20 to 2022/23 – 18 December 2018

Revised following publication of Scottish Government draft budget for 2019/20

Cumulative	2019/20	2020/21	2021/22	2022/23
	£m	£m	£m	£m
Budget Shortfall as per report	9.591	19.861	28.993	39.797
Grant Settlement – circ 8/2018				
Variation from Projection	0.435	0.435	0.435	0.435
Non Domestic Rates Increase	0.120	0.120	0.120	0.120
	0.555	0.555	0.555	0.555
Impact of Revised Pay offer	0.430	0.430	0.430	0.430
Revised Budget Shortfall	10.576	20.846	29.978	40.782
Less: Change Programme				
IJB Allocation Table 5	(0.800)	(0.800)	(0.800)	(0.800)
Transformation Programme 8.2				
- Existing Programme	(1.130)	(1.425)	(1.540)	(1.540)
- Additions to Programme	(0.020)	(2.185)	(6.920)	(7.020)
Total Transformation Programme	(1.150)	(3.610)	(8.460)	(8.560)
Less: Resource Allocation Changes				
- Operational 8.4	(0.223)	(0.223)	(0.223)	(0.223)
- Policy 8.5	0.000	0.000	0.000	0.000
- Bottom Up/Cross Cutting Reviews 8.6	0.000	0.000	0.000	0.000
- Fees and Charges General 8.7	(0.150)	(0.300)	(0.450)	(0.600)
Total Resource Allocation Changes				
Council Tax Increase of 3%	(1.460)	(2.993)	(4.602)	(6.290)
Remaining Budget Gap	6.793	12.920	15.443	24.309
Cash Flat Scenario	3.690	6.713	6.130	11.889

COUNCIL MEETING 18 DECEMBER 2018

Labour Group Amendment **Item 8.3**

j) ask Council to endorse the attached letter and ask Group Leaders to write to the Minister in similar terms emphasising cross party concerns.

k) As a consequence of this settlement the Council will have to significantly reduce employee numbers. There is therefore little option but to also look to voluntary severance/early retirement to assist in achieving the reductions necessary. Accordingly, and taking cognisance of the acute financial pressures faced by the Council, I propose the following additional recommendation.

As a direct consequence of this settlement Council agrees to a voluntary severance/early retirement scheme in line with existing Council policy except that for this scheme any severance payments will be calculated on the statutory redundancy calculator. Council also agrees to remit to the Chief Executive the arrangements for such a scheme including those groups of employees who would be within scope. Council requests an update on the scheme be include in the Financial Strategy report presented to the next meeting of Council.

Derek Mackay MSP
 Cabinet Secretary for Finance, Economy and Fair Work
 The Scottish Government
 St. Andrew's House
 Regent Road
 Edinburgh
 EH1 3DG

14 December 2018

Dear Mr Mackay

Scottish Government draft budget for 2019/20 and the implications for Midlothian Council

I write to put on record my disappointment at the settlement for Local Government you announced on Wednesday and would welcome the opportunity to meet with you to fully explain the devastating impact this settlement will have on Midlothian.

The reality of your draft budget is a cut to the core local government budget of £237 million, equivalent to a 2% reduction in grant funding. It is simply unfair and confusing for our residents that you chose to present the budget as a cash increase for local government when you know full well that the settlement you announced includes some £373 million for new commitments.

Our residents will rightly ask why the local services they rely on are being decimated if local government apparently has more money and can increase Council Tax. I will have no hesitation in explaining that the real reason for the decimation of their services is the chronic underfunding by the Scottish Government.

Our latest budget projections indicate that even with the full 3% increase in Council Tax this settlement will require cuts in local services of over £8 million equating to nearly 4% of net expenditure. The position for Midlothian is particularly acute given the significant population increase.

If the settlement is not improved, I cannot stress strongly enough the catastrophic effect this will have on the provision of Council services. Here are just some examples of the cuts that the Council will need to consider in order to meet the demands placed on it by Scottish Government, coupled with the reductions in Scottish Government funding:

- **Further cuts to Education services could include reduction of Early Intervention & Prevention Services and reduced school DSM budgets.**
- **Reduction in support for the homeless.**
- **Further reductions in spending on road maintenance.**
- **Further cuts to spending on street lighting.**
- **Closure and reduced opening of sport, community and leisure facilities.**
- **Reduced opening times and closure of libraries.**
- **Reductions in the frequency of general waste collection.**
- **Reductions in the frequency of recycling collection.**
- **Significant reductions in street sweeping and litter collections.**
- **Significant reduction of grass cutting.**
- **Reduction in road winter maintenance budget.**
- **Reduction on removal of grants to the voluntary and statutory organisations.**

These are just some of the areas of cuts that are being presented to us by officers of the Council. As I have indicated to you before I cannot understand how a Government claiming to be anti-austerity, could even be considering imposing cuts like this at a time of growing demand for essential services especially given the effect they would have on vulnerable individuals.

I ask for your assurance that you will reconsider the settlement you announced on Wednesday and provide a fair settlement to Local Government. One, which represents a true partnership and gives Local Government the resources it needs to deliver essential services to the most vulnerable in our communities.

I am keen to meet with you, together with a representative from our local Trade Unions, to discuss the implications for the Council of your settlement announcement.

I look forward to hearing from you.

Yours sincerely

**COUNCILLOR DEREK MILLIGAN
MIDLOTHIAN COUNCIL LEADER**

Minute of Meeting



Performance, Review and Scrutiny Committee

Date	Time	Venue
30 October 2018	11.00am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor McCall	Chair
Councillor Alexander	
Councillor Baird	
Councillor Cassidy	
Councillor Russell	
Councillor Smail	
Councillor Wallace	
Councillor Winchester	

Also in Attendance:

Grace Vickers	Chief Executive
Mary Smith	Director Education, Communities and Economy
Alison White	Head of Adult Health and Social Care
Maria Lloyd	Acting Head of Education
Janet Ritchie	Democratic Services Officer

1 Apologies

- 1.1 Apologies were received from Councillors Parry, Johnstone, Hardie, Lay-Douglas and Munro.
- 1.2 In the absence of the Chair, Councillor McCall was appointed by the Committee and took the Chair.

2 Order of Business

The order of Business was as set out in 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 18 September 2018 was submitted and approved as a correct record.

5 Public Reports

Agenda No	Title	Submitted by:
5.1	Use and Impact of Pupil Equity Funding in Session 2017/18	Head of Education
Outline and summary of item		
<p>The purpose of this report which was approved at Cabinet on 16 October was to advise the Committee that Pupil Equity Funding (PEF) is additional funding from the Scottish Government's £750 million Attainment Scotland Fund, allocated directly to schools and targeted at closing the poverty related attainment gap. This funding is to be spent at the discretion of Head Teachers working in partnership with each other and their local authority. In 2017/18, Scotland's schools received a share of over £120 million, and in 2018/19 this has increased to over £122 million.</p> <p>The Head of Education presented this report to the Committee highlighting the main sections contained within the report. Thereafter Head of Education responded to questions and comments raised by the Committee.</p>		
Decision		
<p>The Performance Review and Scrutiny Committee:</p> <ul style="list-style-type: none">• Acknowledged and congratulated school staff and managers for the improvements in attainment of Curriculum for Excellence levels for those pupils in SIMD 1&2.• Noted the wide range of interventions adopted and progress made by schools with their use of the Pupil Equity Fund.• Acknowledged the barriers faced by schools in spending their Pupil Equity Funding.		

- Noted that schools will incorporate future PEF plans into their School Improvement Plans and publish them on their school websites as required by the Scottish Government.
- Requested a further update on progress at via Quarterly reporting cycle.

Action

Head of Education

Agenda No	Title	Submitted by:
5.2	Child Poverty Act (Scotland) 2017 and Council's Approach	Director Education, Communities and Economy

Outline and summary of item

The purpose of this report which was approved by Cabinet on 16 October 2018 was to inform the Committee of the Council's reporting obligations in the Child Poverty (Scotland) Act 2017 and provide an update on the Council's approach to reducing the impact of child poverty.

The Child Poverty (Scotland) Act 2017 sets out ambitious targets to reduce child poverty. In summary the Act;

- Enshrines in legislation an ambition to eradicate child poverty.
- Reinstates statutory income-based targets to reduce the number of children living in poverty.
- Places a duty on Scottish Ministers to develop a Child Poverty Delivery Plan, and to report annually on their progress towards delivering that plan.
- Places a duty on health boards and local authorities to produce annually a Child Poverty Action Report.

The Director presented this report to the Committee highlighting the main sections contained within the report.

Thereafter the Director responded to a question raised by the Chair on the uptake of free school meals.

Decision

The Performance Review and Scrutiny Committee noted the report.

- Noted the new reporting requirements of the Child Poverty (Scotland) Act. A child poverty Local Action Plan report must be submitted by June 2019.
- Noted the good practice that already exists in Midlothian.
- Supported the Child Poverty Working Group to work across the authority and with other relevant agencies to develop a new Local Action Plan.

Councillor Winchester and Councillor Russell left the meeting at 11.14 am during the discussion on the above report.

Agenda No	Title	Submitted by:
5.3	Annual complaints performance analysis for the year 2017/18.	Head of Adult Health and Social Care

Outline and summary of item

Changes to social work complaints handling have been brought about through the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016. These changes included provision for the Ombudsman to consider the merits of social work decisions as part of the Scottish Public Service Ombudsman's (SPSO) independent investigation of complaints.

The purpose of the Social Work Complaints Handling Procedure (SWCHP) was to provide a standardised approach to handling customer complaints about social work services, whether they are provided by local authorities (LAs) or by health and social care partnerships (HSCPs). In particular, the aim was to implement a consistent process to follow which made it simpler to complain, ensured staff and customer confidence in complaints handling and encouraged identification of, and making best use of lessons from complaints.

The Head of Adult and Social Care presented this report and responded to a comment raised by Councillor Smaill with regards to best practice.

Decision

The Performance Review and Scrutiny Committee:

- Noted the content of the Social Work Annual Complaints Performance Analysis in appendix 1.
- Noted that was being processed for publication.

Agenda No	Title	Submitted by:
5.4	Inspection of Support service in Cherry Road Resource Centre	Head of Adult Health and Social Care

Outline and summary of item

This report which was approved by Cabinet on 16 October 2018 outlined the outcome of the inspection carried out by the Care Inspectorate at the Council's resource centre for individuals with learning disabilities.

Cherry Road Resource Centre is a support service for individuals with learning disabilities. It was established for individuals with complex learning and physical disabilities to provide an environment where each individual can be develop a programme that is enjoyable, positive and meaningful for them.

Following the inspection, noted below are the evaluations for support services in Cherry Road, Resource Centre:

Quality of Care and Support	6 – Excellent
Quality of Environment	Not assessed
Quality of Staffing	Not assessed
Quality of Management and Leadership	5 – Very Good

The Head of Adult Health and Social Care presented this report highlighting the main sections contained within the report.

Decision

The Performance Review and Scrutiny Committee:

- Noted the content and recommendation in the inspection report.
- Passed on their gratitude to the staff and congratulated them on their hard work in achieving an excellent report.

Action

The Head of Adult Health and Social Care

Agenda No	Title	Submitted by:
5.5	Inspection of Midlothian Council Health & Social Care SVQ Assessment Centre	Head of Adult and Social Care
Outline and summary of item		
<p>This report provides information about the Scottish Qualifications Authority (SQA) Inspections of Midlothian Council's Approved Health & Social Care SVQ Assessment Centre in 2018.</p> <p>The Health & Social Care SVQ Assessment Centre was Approved by SQA in January 2017. From 2004-2014 there was a Joint SVQ Assessment Centre with Scottish Borders Council (who made alternative arrangements in 2014). From 2014-2017 Midlothian Council SVQ Assessment Team had a partnership arrangement with VQ Insight for the registration of candidates while preparing all the documentation for approval as a Centre. Since January 2017 a SVQ Management Board has governance of the Centre with representation from Managers in Health & Social Care, Children & Families, Education, Community Justice and Business Support Services.</p> <p>The Head of Adult Health and Social Care presented this report highlighting the positive inspection report and responded to questions and comments raised by the members of the Committee.</p>		
Decision		
<p>The Performance Review and Scrutiny Committee recognised:</p> <ul style="list-style-type: none"> • The positive SQA Inspection reports on the work achieved by the Health & Social Care SVQ Assessment Centre in delivering high quality qualifications to Midlothian Council staff • The hard work of the Health & Social Care SVQ Assessment Centre, in particular Carol McKay, SVQ Coordinator. 		
Action		
The Head of Adult Health and Social Care		

Agenda No	Title	Submitted by:												
5.6	Inspection of Midlothian Residential Service for Young People Report	Head of Children's Services												
Outline and summary of item														
<p>This report which was approved by Cabinet on 16 October 2018 outlined the outcome of the above unannounced inspection as carried out by the Care Inspectorate in July 2018. Midlothian Residential Services consists of two purpose built houses in Penicuik and Dalkeith with a third traditional house in Gorebridge. The houses in Penicuik and Dalkeith have five en-suite bedrooms and are registered to provide care to a maximum of ten young people both male and female aged 10 years to 21 years. At the time of the Inspection there was a time limited variation in place to provide care to one additional young person with severe and complex needs within the house at Gorebridge.</p> <p>Based on the findings of this Inspection the Care Inspectorate awarded the following grades:</p> <table style="margin-left: 40px;"> <tr> <td>Quality of care and support</td> <td style="text-align: center;">Grade 4</td> <td style="text-align: center;">Good</td> </tr> <tr> <td>Quality of Management and Leadership</td> <td style="text-align: center;">Grade 4</td> <td style="text-align: center;">Good</td> </tr> <tr> <td>Quality of Environment</td> <td style="text-align: center;">Not Assessed</td> <td></td> </tr> <tr> <td>Quality of Staffing</td> <td style="text-align: center;">Not Assessed</td> <td></td> </tr> </table> <p>The Director of Education, Communities and Economy presented this report to the Committee highlighting the main sections contained within the report.</p>			Quality of care and support	Grade 4	Good	Quality of Management and Leadership	Grade 4	Good	Quality of Environment	Not Assessed		Quality of Staffing	Not Assessed	
Quality of care and support	Grade 4	Good												
Quality of Management and Leadership	Grade 4	Good												
Quality of Environment	Not Assessed													
Quality of Staffing	Not Assessed													
Decision														
<p>The Performance, Review and Scrutiny Committee:</p> <ul style="list-style-type: none"> • Noted the content of the Inspection report. • Noted that the report would be submitted to November Council for noting purposes. • Acknowledged the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with the Midlothian Residential Services for Young People. • Passed on their gratitude to the staff for their hard work and congratulated them on a good report. 														
Action														
The Head of Children's Services														

6 Private Reports

No private reports were submitted for discussion.

7 Date of Next Meeting

The next meeting will be held on Tuesday 11 December 2018 at 11 am.

The meeting terminated at 11.31 am

Minute of Meeting



Planning Committee

Date	Time	Venue
20 November 2018	2.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie	Councillor Lay-Douglas
Councillor McCall	Councillor Milligan
Councillor Muirhead	Councillor Munro
Councillor Russell	Councillor Smail
Councillor Winchester	

1. Apologies

Apologies received from Councillor Johnstone, Parry and Wallace.

2. Order of Business

The Clerk confirmed that that order of business was as outlined in the agenda that had been previously circulated, with exception of agenda item 5.7 - .Application for Planning Permission for the Change of Use of Retail Unit to Hot Food Takeaway at 70 Lothian Road, Bonnyrigg (18/00654/DPP), which it was proposed should not be considered by Committee due to a procedural matter, and this was agreed.

3. Declarations of interest

Councillors Muirhead, Milligan, Lay-Douglas, Smaill, Cassidy and Alexander (non-pecuniary) all declared an interest in agenda item 5.5 - Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC) – on the grounds that, at the invitation of the applicants, they had all visited the application site, but at no time had offer an opinion on the current applications before Members.

Councillors Hackett (non-pecuniary) and Baird (business) both declared an interest in agenda item 5.4 - Application for 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, Dalkeith (18/00181/DPP). Councillor Hackett on the grounds that he knew socially someone who was an employee of one of the companies that were prospective occupants of one of the units and Councillor Baird on the grounds that the application related to the food and drink industry.

Councillor Curran sought guidance regarding his participation in consideration of the foregoing agenda item, as at the previous meeting he had proposed a course of action based on the information available at that time. The Monitoring Officer in response advised that as long as Members felt confident that they could approach the issue 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 Curran thanked the Monitoring Officer for the guidance, confirming that was indeed the case and that any decision he reached today would be based on the information currently available.

4. Minutes of Previous Meetings

The Minutes of Meeting of 9 October 2018 were submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Supplementary Guidance: Food and Drink and Other Non-Retail Uses in Town Centres	Peter Arnsdorf
Executive Summary of Report		
<p>With reference to paragraph 5.2 of the Minutes of 19 June 2018, there was submitted report, dated 8 November 2018, by the Director, Education, Communities and Economy, advising the Committee of the responses received to the public consultation on the proposed supplementary guidance on 'Food and Drink and Other Non-Retail Uses in Town Centres' and seeking agreement to the adoption of the Midlothian Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance.</p> <p>The report explained that the consultation period had run for six weeks from 28 August to 10 October 2018 with responses being received from six external parties - two Community Councils, two individual members of the public, a private business and Scotland's Town Partnerships. A summary of the consultation responses, together with details of the Council's proposed response and a track change copy of the draft Supplementary Guidance document showing proposed deletions and additions (shown in red) to the document arising from the consultation were appended to the report.</p>		
Summary of Discussion		
<p>The Committee, having heard from the Planning Manager who clarified the process for approving the Supplementary Guidance and also it's standing in terms of considering any applications for planning permission, welcomed the comments received as a result of the public consultation on the proposed Supplementary Guidance.</p>		
Decision		
<p>After further discussion, the Committee agreed:-</p> <ol style="list-style-type: none"> a) to adopt the Midlothian Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance (as amended following the consultation process); b) that the Midlothian Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment; c) to instruct the Planning Manager to undertake the required notification/ advertisement advising that the Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment; 		

- d) to instruct the Planning Manager to notify the Scottish Ministers of the Council's intention to adopt the Midlothian Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance; and
- e) to be advised of the outcome of the notification of the Scottish Ministers procedure.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.2	Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 8 November 2018, 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.

The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants was outlined in the Appendices to the report.

Decision

The Committee agreed:-

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2019; and
- (b) To note the updates for each of the applications.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.3	Appeal and Local Review Body Decisions	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 8 November 2018, by the Director, Education, Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in October 2018, and one appeal decision received from Scottish Ministers.

Appended to the report was a copy of the following appeal decision notice from the Scottish Government, Planning and Environmental Appeals Division:-

- Dated 17 October 2018, dismissing an appeal by EG Group Ltd/Buccleuch Property against refusal of planning permission for the erection of petrol filling station and shop; restaurant with drive thru, café with drive thru and associated works at land at Sheriffhall South, Melville Gate Road, Dalkeith (17/00537/DPP, dated 14 July 2017, refused by notice dated 18 May 2018).

Decision

The Committee:

- Noted the decisions made by the Local Review Body at its meeting on 16 October 2018; and
- Noted the outcome of the Appeal determined by the Scottish Ministers.

Action

Planning Manager

Sederunt

With reference to item 3 above, Councillor Baird, having declared an interest in the following item of business, left the meeting at 2.13 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.4	Application for 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, Dalkeith (18/00181/DPP).	Peter Arnsdorf

Executive summary of report

With reference to paragraph 5.8 of the Minutes of 9 October 2018, there was submitted report, dated 8 November 2018, by the Director, Education, Communities and Economy concerning the above application.

Summary of Discussion

Having heard from the Planning Manager, who responded to Members' questions/ comments, the Committee discussed at length the likely impact that the proposed development could potentially have on neighbouring town centres, most notably Bonnyrigg and Dalkeith, having particular regard to the supplementary guidance on 'Food and Drink and Other Non-retail Uses in Town Centres' which had been approved earlier (paragraph 5.1 above refers). The possible impact on the adjoining road network was also discussed, with volume of traffic and road safety issues being of particular concern and drawing a number of comments.

After further discussion, Councillor Milligan, seconded by Councillor Hackett, moved that in light of the concerns regarding the potentially detrimental impact on Bonnyrigg and Dalkeith town centres, and also the potentially adverse effect on the adjoining road network that planning permission be refused.

As an amendment, Councillor Hardie, seconded by Councillor Winchester, moved that planning permission be granted for the reasons, and subject to the conditions, detailed in the Director's report.

Thereafter, on a vote being taken, four Members voted for the amendment and eight for the motion, which accordingly became the decision of the meeting.

Decision

The Committee agreed to refuse planning permission for the following reasons:-

1. The impact of development on the vitality and viability of local town centres is a material consideration in the assessment of the application. The Planning Authority considers that the mix of uses, for the sale of food and drink for consumption on the premises and off the premises, is detrimental to Bonnyrigg and Dalkeith town centres; and is contrary to the aim of the "town centre first" approach to town centres set out in Scottish Planning Policy.
2. Road safety is a material consideration in the assessment of the proposal. Additional traffic, over and above traffic associated with existing uses and further consented development, entering and exiting the Tesco arm of Eskbank roundabout will result in queuing traffic and threaten the safe and effective operation of the roundabout.

Action

Planning Manager

Sederunt/Declaration of Interest

Councillor Baird re-joined the meeting at the conclusion of the foregoing item of business at 2.44 pm.

Thereafter, Councillor Milligan explained that as a Member of the NHS Lothian Board he was unsure if he required to declare an interest in the following item of business with the application site being a former NHS property. Having heard from the Monitoring Officer, Councillor Milligan declared a non-pecuniary interest and withdrew from the meeting at 2.45pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.5	Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 8 November 2018, by the Director, Education, Communities and Economy concerning the above applications.

Summary of Discussion

Having heard from the Planning Manager, who responded to Members' questions/ comments, the Committee discussed the position regarding the requirement for developer contributions towards infrastructure and affordable housing at length. With particular consideration being given to whether there was scope to potentially relax the current requirements in order to help secure the retention of the Grade C Listed former Rosslynlee Hospital building. The fact that additional land had been allocated for complementary enabling development was acknowledged, however, questions were raised regarding whether or not this was sufficient for the purpose for which it had been provided and also if, in the current financial climate, the Council was in a position not to secure the full developer contributions.

After further discussion, Councillor Hackett, seconded by Councillor Smail, moved that consideration of the matter be continued in order that further information could be circulated, in private if necessary, to Members addressing the foregoing issues.

In terms of Standing Order 11.3 (vii), the Chair directed that a vote be taken for and against the motion to continue consideration of the matter and if this was carried that would be the end of the matter. If however it fell then he would open the matter up for further more detailed discussion.

Thereafter, on a vote being taken, three Members voted against the motion and 10 for, which accordingly became the decision of the meeting.

Decision

The Committee agreed that consideration of the matter be continued in order that further information could be circulated, in private if necessary, to Members addressing the above issues. At the suggestion of the Chair, Councillor Imrie, it was further agreed that should the appropriate opportunity arise a Special meeting of the Committee could be arranged to consider the matter, failing that it would be brought back to the next meeting on 22 January 2019.

Action

Planning Manager/Democratic Services

Sederunt

At the conclusion of the foregoing item of business Councillor Milligan re-joined the meeting at 3.06 pm, at which point Councillor Baird left.

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of 4 Dwellinghouses at Airybank, Quarrybank, Cousland (18/00582/DPP and 18/00593/DPP).	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 8 November 2018, by the Director, Education, Communities and Economy concerning the above application.		
Summary of Discussion		
<p>The Committee, having heard from the Planning Manager who responded to Members' questions and comments, discussed the planning history of the application site and also the current development plan policies. In particular, consideration was given to the proposed dwellinghouses, their design, layout and size and the potential impact that they would have on the area. The need to ensure that the bat roost identified within the application site was properly protected; bats being a European Protected Species, was also discussed.</p> <p>Thereafter, Councillor Smaill, seconded by Councillor Imrie moved that the planning application be granted subject to appropriate conditions.</p> <p>As an amendment Councillor McCall, seconded by Councillor Alexander moved that planning permission be refused for the reasons detailed in the Director's report.</p> <p>On a vote being taken, six Members voted for the Motion and 7 Members voted for the amendment which accordingly became the decision of the meeting.</p>		
Decision		
<p>The Committee agreed that planning permission be refused for the following reasons:</p> <ol style="list-style-type: none"> <li data-bbox="209 1384 1412 1603">1. The proposed dwellinghouses by means of their scale, massing, form and design are incompatible with their edge-of village setting and the wider settlement of Cousland and will therefore have a detrimental impact on the character and appearance of the area contrary to policies DEV2 and STRAT2 of the Midlothian Local Development Plan 2017 and Scottish Planning Policy. <li data-bbox="209 1632 1412 1787">2. It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not have a detrimental impact on European Protected Species and is therefore contrary to policy ENV15 of the adopted Midlothian Local Development Plan 2017. 		
Action		
Planning Manager		

6. Private Reports

Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Planning Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 13 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973

Report No.	Report Title	Presented by:
6.1	Application for Planning Permission and Enforcement Considerations: Pathhead.	Peter Arnsdorf
Decision		
To approve the recommendations contained in the report.		

The meeting terminated at 3.20pm.

Minute of Meeting



General Purposes Committee

Date	Time	Venue
20 November 2018	11.05 am	Council Chamber, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Smail (Chair)	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie	Councillor Imrie
Councillor Lay-Douglas	Councillor Milligan
Councillor Muirhead	Councillor McCall
Councillor Munro	Councillor Parry
Councillor Russell	Councillor Winchester
Councillor Wallace	

In attendance:

Alan Turpie	Legal Services Manager
Verona MacDonald	Democratic Services Team Leader
Constable John Fortune	Police Scotland
Stephen Thomson	Principal Trading Standards Officer

1. Apologies

Apologies for absence were intimated on behalf of Councillors Alexander, Baird and Johnstone.

2. Order of Business

The Clerk advised that the order of business was as per the agenda circulated and an additional item raised by Councillor Cassidy, which the Chair had deemed as urgent, would be considered prior to consideration of the applications. It was further noted that, in terms of consideration of the applications on the agenda, that only the application relating to a Private Hire Car Driver licence and the request to revoke a Street Trader's Licence would be taken in private.

3. Declarations of interest

Councillor Curran indicated that he would be declaring an interest in the application on the agenda relating to a private hire car driver application on the basis of his business interests in the taxi trade and that he would also not take part in consideration of the request for revocation of a street traders licence on the basis that, when the application for a licence was considered and granted by the Committee, he had declared an interest at that time. Councillor Cassidy advised that he would be declaring an interest in the application for a Second Hand Car Dealers licence.

4. Minute of Meeting

The Minute of Meeting of 9 October 2018 was moved by Councillor Imrie, seconded by Councillor Cassidy and subsequently unanimously approved. The Chair was thereafter authorised to sign the Minute as an accurate record.

5. Public Reports

Title
Additional Item – Taxi Driver Topographical Test
Summary of discussion
Alan Turpie advised that Councillor Cassidy had submitted a request for an urgent matter to be discussed by the Committee. The Chair had subsequently accepted the request for consideration at the meeting.
Councillor Cassidy then addressed his request which arose as a result of an approach from 2 of his constituents. He advised that it was felt that the current process whereby taxi driver applicants were afforded the opportunity of sitting and passing the knowledge test only twice and then having to wait a period of one year before being permitted to re-sit the test, was felt to be prohibitive towards people trying to earn a living. He advised that, from what he was led to believe there were only another 2 Councils who had a similar rule. He advised that when he had raised the issue with the Legal Services Manager he was informed that there was likely to be a report before the Committee in January 2019 regarding the topographical test. However he felt that, in the interim, the Committee could decide to waive the current rule thus allowing applicants to sit the test as many times as they wished.

The Chair enquired whether there was a fee for sitting the test and the Legal Services Manager advised that the cost of sitting the current tests were included in the fee paid for the application. However, if the Committee decided to waive the current rule, the costs associated with this would need to be met by the applicant.

Thereafter, some Members expressed concern with regard to the matter being deemed urgent and others raised issues relating to the interpretation of conditions applicable to taxi and private hire vehicles particularly in relation to checks undertaken at the Taxi Examination Centre. Thereafter, the Legal Services Manager advised that aspects of the standard conditions insofar as they relate to the checks undertaken by the Taxi Examination Centre were to be discussed at a meeting with Centre representatives being held later in the week. He further advised that consultation would also take place with the taxi operators and whereas ideally he would like to report back in January that it was more important to report back having undertaken the necessary discussions and consultation.

After further discussion, Councillor Cassidy moved relaxation of the rule relating to the test to allow an applicant to re-sit without restriction on the basis that the full costs associated with the re-sit were met by the applicant. His Motion was seconded by Councillor Munro. On a vote being taken by a show of hands, 6 votes were cast against the Motion and 8 for the Motion which therefore became the decision of the Committee.

Decision

Agreed to relax the rule relating to the knowledge test for taxi car drivers to allow an applicant to re-sit without restriction on the basis that the full costs associated with this are met by the applicant.

Action

Director, Resources

Title

Application for a Metal Dealer's Licence and Application for a Second Hand Dealer's Licence – Louise McVey

Outline of report and summary of discussion

It was noted that the applicant, Mrs McVey, was present. It was further noted that one of the objectors, Loanhead and District Community Council, was represented by the Secretary of the Association, Mrs Gina Temple. The Chair noted that in respect of the application for a Metal Dealer's Licence written objections had also been lodged by S. Howard; M. Ling and J. Halsey and in respect of the application for a Second Hand Dealer's Licence, S. Howard and M. Ling were also objecting to it. For the assistance of the applicant and objector, the Chair summarised the process which would be followed by the Committee in determining the applications.

The Committee then heard from Mrs Temple on behalf of the Community Council. She advised that she also appeared for the residents whose concerns in relation to the applications were on the grounds of pollution and smell, traffic congestion, parking difficulties, the location being on the walking route for school children, difficulties experienced by fire engines trying to get down the road and restricted access to fire hydrants.

The Chair asked if the applicant would like to question Mrs Temple. The applicant advised that she was only aware of the objection from S. Howard and although she was aware of the other objections they related to the planning application which had already been determined. The Chair, having received advice from the Legal Services Manager, adjourned the meeting until 11.30 am to allow further investigation as to what objections the applicant had received notification of.

The meeting adjourned and resumed at 11.35 am. The Legal Services Manager advised that he had spoken to the applicant who was happy to proceed if the Hearing considered only the objection from S. Howard. Thereafter, Councillor Parry sought clarification as to why the Committee would proceed to consider the applications whilst accepting only one objection had been received when the Committee was aware that others had been lodged. She moved that the applications be continued to the January meeting of the Committee to allow for copies of the objections to be served on the applicant and to ascertain whether other objections had in fact been made by other residents. Her Motion was seconded by Councillor Wallace.

On a vote being taken by a show of hands, 6 votes were cast against the Motion and 7 for the Motion which therefore became the decision of the Committee.

Thereafter the applicant expressed her disquiet at the terms of the decision made and suggested that the application be continued to a meeting to be held prior to the next meeting of the Committee. The Legal Services Manager advised that both applications were well within the timescale set in the legislation for determining and that the decision taken by the Committee was therefore in accordance with the legislation. The Chair advised that should an opportunity arise whereby the applications could be considered at a Special meeting of the Committee prior to the end of the year this could be investigated but given the already heavy meeting schedule prior to the end of the year, it was unlikely.

Decision

Applications continued until the next meeting of the Committee.

Action

Director, Resources

Title

Application for a Second Hand Car Dealer's Licence – James Willison

Outline of report and summary of discussion

It was noted that the applicant, Mr Willison, was present. It was further noted that 2 objections had been received but neither objector was present. For the assistance of the applicant, the Chair summarised the process which would be followed by the Committee in determining the application.

The Committee then heard from the applicant. He advised that the majority of the information within the objections was inaccurate and that he had not sold a car since June. He advised that he did not intend to have cars outside his house with for sale signs and that all transactions were via internet adverts. He confirmed that any vehicles he was selling would be parked in the driveway at his house and not on the public road outside and therefore would not cause any inconvenience to his neighbours. He further advised that there would be no form of advertising at or near his property drawing attention to the second hand car business.

The Committee heard from Stephen Thomson of the Council's Trading Standards service who advised that whilst there was no objection to the application, the applicant had been advised that he required to have a licence and if granted, the business would be the subject of an annual inspection by Trading Standards.

Councillor Parry with reference to the terms of the objections questioned how the applicant could run a business from his property when the title deeds precluded him from doing so. The Legal Services Manager advised that this was a matter for the applicant and/or the owners of neighbouring properties and not a valid consideration for the Committee in terms of the legislation.

Councillor Milligan, seconded by Councillor Hardie, moved that the application be granted. On a vote being taken by way of a show of hands, 12 votes were cast for the Motion with one against.

Decision

Application granted

Action

Director, Resources

Sederunt: Councillor Parry left the meeting and did not return

Title

Application for a Late Hours Catering Licence – McDonald's Restaurant, Hardengreen, Dalkeith

Outline of report and summary of discussion

It was noted that the applicants, were represented by Lucy Thornton, Solicitor, Edinburgh. The restaurant manager was also present. It was further noted that 24 objections had been received from – A. and V. Dodds; G. and S. McDonald; S. Johnson; N. Saunders and V. Doneca; N. Johnson; K. and N. Joshi; E. Newman; S. Vernon and R. Beard; H. and W. Beasley; A. and J. Reid; C. Thompson; N. Gibb; K. Robson; D. Benn; A. Thompson; L. Johnston; K. Bryce; R. and E. Spinks; Eskbank and Newbattle Community Council; M. Rowley; C. and L. Dickson; L. Cockram; B. Miller; P. Docherty. It was further noted that 8 of the objectors were present and that one of the objectors, Janet Reid would speak on their behalf. It was also noted that a letter of support had been received from J. Pike. The applicant's agent confirmed receipt of the objections and letter of support.

The Chair summarised the process which would be followed by the Committee in determining the application.

The Committee then heard from Mrs Reid on behalf of the objectors. Mrs Reid advised that the public notification of the application had been inadequate because it had been erected on a boundary fence which was not adjacent to a footpath where the public has access. She advised that persons living in the vicinity of the restaurant were not aware of the application and that it was only as a result of a comment made at a Community Council meeting by one of the local Elected Members that people became aware of it. She further advised that despite not having a licence there was already in place a sign advertising the restaurant was open 24 hours. She continued by going through other relevant points raised in the letters of objection, namely, the increased disturbance to

nearby residents due to the additional road and foot traffic which would go through the housing estate. She advised residents were already greatly disturbed with engines being left on, cars being revved and people gathering in the car park at the Tesco supermarket which was adjacent to the restaurant building. She questioned why, given the location, a licence to eat 24 hours a day was required and described difficulties already experienced with the spread of litter and deliveries to the Tesco store.

Mr Bill Kerr-Smith, on behalf of the Community Council, advised that the application placed a huge burden on a small local community for the greater good of a wider community. He suggested that, in respect of other unrelated matters, the local community would be protected but that this consideration was not being afforded by the licensing process.

The applicant's agent advised that she did not have any questions for the objectors.

Councillor Hackett asked the objectors to describe the type of anti-social behaviour currently experienced. Mrs Reid advised that those living in the vicinity of the restaurant and Tesco supermarket already experienced fights at the bus stop, cars gathering and that the car park at the supermarket would be used by customers going to the restaurant. Councillor McCall enquired if residents had noticed a difference since the Tesco supermarket stopped operating on a 24 hour basis which she understood had been as a result of anti-social behaviour. Mrs Reid advised that the car park continued to be a gathering place for youths.

Lucy Thornton on behalf of the applicants, advised that the restaurant is located towards the bottom of the car park at a Tesco supermarket and would have its own small car park which would be accessed via a barrier from the car park at Tesco. She submitted the licence was required to satisfy demand from late night workers. She further advised that in the vicinity only a club opened at weekends and a miners club on a Saturday evening and that both were some distance from the restaurant. She then addressed the measures which would be put in place by management, namely, there would be between 6 and 10 staff including 2 managers until 1.00 am daily. From 1.00 am there would be one manager on duty. Each manager would be trained on how to deal with anti-social behaviour and one manager would be designated to security; the expected customer standards whereby customers not behaving to the set standards would be asked to leave; the Staff Safe system operated by McDonalds whereby customers are advised that they are being recorded and when introduced in other restaurants, it led to a reduction in anti-social behaviour; extended litter patrols up to 200 metres beyond the restaurant, that all restaurant packaging would be branded and litter patrols would pick up all litter not just branded litter; the noise impact assessment had indicated there would be no increase in noise; the applicant was anticipating no more than 15 cars per hour at the restaurant; there would be no deliveries to the restaurant between the hours of 11 pm and 5 am daily; additional lighting would be installed around the restaurant. She then addressed the notification requirement of the application. She advised that 2 notices were displayed, one near the filling station and the other near to the car park at the Tesco supermarket. She submitted that this satisfied the notification requirements in the legislation. She confirmed that the restaurant manager would work with local residents and take on board their concerns with a view to resolving them.

The objectors were then given the opportunity to question the applicant's agent. Mrs Reid, on behalf of the objectors, stated that the barrier referred to would not prevent cars from getting in and that the objections lodged were in relation to a 24 hour licence which was not suitable for the locality.

Thereafter, further questions were put by Members and subsequently answered by Ms Thornton who in answering a question from Councillor Milligan confirmed that, if necessary, her clients would comply with a condition preventing deliveries to the premises during the hours of the licence. On a further question from Councillor Milligan, Ms Thornton advised that her clients had not planned to have licensed door stewards on duty but it was something they would be willing to consider in the future. Councillor Cassidy, with regard to the advice given by Ms Thornton about noise impact and anticipated customers in cars, stated that he questioned the accuracy of the information provided given that at present many people travel back to Bonnyrigg after a night out and if they knew a McDonalds was open, they would go through Hardengreen to get to it. Councillor Hackett questioned the information provided regarding anti-social behaviour and in responding Ms Thornton advised that her clients could only use their experiences elsewhere where anti-social behaviour happened in the early evening and from younger customers. She submitted that her clients hoped late night revellers would not cause difficulties.

The applicant's agent and objectors were given the opportunity to sum-up.

Thereafter, Councillor Hardie, seconded by Councillor Winchester, moved grant of the application and on a vote being taken by a show of hands, 8 votes were cast for the Motion and 5 against.

Decision

Application granted.

Action

Director, Resources

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:-

Application for a Private Hire Car Driver's Licence – R. MacLeod

Request for Suspension of a Street Trader's Licence – L. Thomson

The Meeting terminated at 1.50 pm

Minute of Meeting



Cabinet

Date	Time	Venue
27 November 2018	11.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

Religious Representatives:

Mr Vic Bourne	
Mrs Elizabeth Morton	

1 Apologies

No apologies had been received.

2 Order of Business

The Order of Business was as detailed on 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 16 October 2018 were submitted and approved as a correct record.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Regional Education Improvement Collaborative: Update on the South East Improvement Collaborative (SEIC).	Acting Head of Education
Outline of report and summary of discussion		
<p>The purpose of the report was to update Cabinet on the progress to date and the plan going forward made by the South East Improvement Collaborative (East Lothian, Edinburgh, Fife, Midlothian and Scottish Borders).</p> <p>The report advised that the resource to deliver the pace of change within the South East Improvement Collaborative had been challenging. However, moving forward there would be staffing to support each collaborative in leading specific areas across the Local Authorities. Each of the Local Authorities would be allocated a generic Quality Improvement Officer (QIO) who would help with the overview and development of the collaborative. This person would be hosted in Midlothian but paid for by the SEIC monies allocated as detailed in an appendix to the report.</p> <p>Midlothian would also host 2 other posts of a Quality Improvement Officer (QIO) and an Education Support Officer (ESO). Their main role would be to lead the Professional Learning and Leadership work stream across all five Local Authorities.</p> <p>All 3 posts would be part of the wider SEIC team but would be hosted in Midlothian to support improved collaboration and sharing of good practice. These posts would be paid for by the SEIC and all 3 posts would be hosted via hot desk facilities within Fairfield House.</p> <p>Additional IT resources would be required for the staff. This cost would be met by the SEIC grant as detailed within an appendix to the report. Maria Lloyd was heard in amplification of the report after which there was a general discussion on this matter.</p>		
Decision		
<p>(a) To endorse the SEIC Plan;</p> <p>(b) To note that Midlothian Council would lead the SEIC on the work stream for Professional Learning and Leadership and would therefore host 2 staff namely 1 QIO and 1 ESO to take this area forward for all 5 Local Authorities;</p>		

- (c) To note that another 1 generic QIO post would also be hosted at Midlothian Council to support the general work of the SEIC;
- (d) To note all costs for these posts and the IT requirements to support these posts were being met by the SEIC grant award;
- (e) To receive an update on progress at Cabinet in June 2019;
- (f) That a generic email address be created and used by staff to make comments or ask questions related to SEIC (SEIC@midlothian.gov.uk), enabling the Council to be consistent with all the other Local Authorities who had established a similar email address already.

Action
Acting Head of Education

Agenda No.	Report Title	Presented by:
5.2	Report for Scottish Ministers on Compliance with Climate Change Duties for 2017/18	Director Education, Communities and Economy

Outline of report and summary of discussion
The purpose of the report was to inform Cabinet of the Council's statement of Compliance with Climate Change Duties for 2017/18, a copy of which was available in the CMIS Member's Library and to recommend its submission to Scottish Government by the due date of 30 November 2018. Mary Smith and Peter Arnsdorf were heard in amplification of the report.

Decision
(a) To approve the proposed response as the Council's Report on Compliance with the Public Bodies Climate Change Duties for 2017/18;
(b) To submit the response to the Scottish Ministers by 30 November 2018; and
(c) To refer the report to the Performance Review and Scrutiny Committee for its information.

Action
Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.3	Adult Social Care Quarter 2 Performance Report 2018/19	Joint Director, Health and Social Care

Outline of report and summary of discussion
The Quarter 2 Performance Report 2018/19 for Adult Social Care was submitted. The Joint Director, Health and Social Care highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

Decision
(a) That all future Quarterly reports include Service Risk Information; and
(b) To otherwise note the content of the report.

Agenda No	Report Title	Presented by:
5.4	Children's Services Quarter 2 Performance Report 2018/19	Director, Education, Communities and Economy
Outline of report and summary of discussion		
The Quarter 2 2018/19 Performance Report for Children's Services was submitted. The Director, Education, Communities and Economy highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
Decision		
(a) That all future Quarterly reports include Service Risk Information; and		
(b) To otherwise note the content of the report.		

Agenda No	Report Title	Presented by:
5.5	Customer and Housing Services Quarter 2 Performance Report 2018/19	Joint Director, Health and Social Care
Outline of report and summary of discussion		
The Quarter 2 Performance Report 2018/19 for Customer and Housing Services was submitted. The Joint Director, Health and Social Care highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
Decision		
(a) That all future Quarterly reports include Service Risk Information; and		
(b) To otherwise note the content of the report.		

Agenda No	Report Title	Presented by:
5.6	Communities and Economy Quarter 2 Performance Report 2018/19	Joint Director, Health and Social Care
Outline of report and summary of discussion		
The Quarter 2 Performance Report 2018/19 for Communities and Economy was submitted. The Joint Director, Health and Social Care highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
Thereafter the Joint Director, Health and Social Care responded to questions and comments raised by the members of the Cabinet.		
Decision		
(a) That all future Quarterly reports include Service Risk Information; and		
(b) To otherwise note the content of the report.		

Agenda No	Report Title	Presented by:
5.7	Education Q2 Performance Report 2018/19	Director, Education, Communities and Economy
Outline of report and summary of discussion		
<p>The Quarter 2 Performance Report 2018/19 for Education was submitted. The highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>Thereafter the Director, Education, Communities and Economy responded to questions and comments raised by members of the Cabinet.</p>		
Decision		
<p>(a) That all future Quarterly reports include Service Risk Information; and</p> <p>(b) To otherwise note the content of the report.</p>		

Agenda No	Report Title	Presented by:
5.8	Commercial Operations Q2 Performance Report 2018/19	Acting Director, Resources
Outline of report and summary of discussion		
<p>The Quarter 2 Performance Report 2018/19 for Commercial Operations was submitted. The Acting Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p>		
Decision		
<p>(a) That all future Quarterly reports include Service Risk Information; and</p> <p>(b) To otherwise note the content of the report.</p>		

Agenda No	Report Title	Presented by:
5.9	Finance and Integrated Service Support Quarter 2 Performance Report 2017/18	Acting Director, Resources
Outline of report and summary of discussion		
<p>The Quarter 2 Performance Report 2018/19 for Finance and Integrated Service Support was submitted. The Acting Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p>		
Decision		
<p>(a) That all future Quarterly reports include Service Risk Information; and</p> <p>(b) To otherwise note the content of the report.</p>		

Agenda No	Report Title	Presented by:
5.10	Property and Facilities Management Quarter 2 Performance Report 2018/19	Acting Director, Resources
Outline of report and summary of discussion		
<p>The Quarter 2 Performance Report 2018/19 for Properties and Facilities Management was submitted. The Acting Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>Thereafter the Director Resources responded to questions and comments raised by members of the Cabinet.</p>		
Decision		
<p>a) That all future Quarterly reports include Service Risk Information; and</p> <p>(b) To otherwise note the content of the report.</p>		
Action		
Acting Director, Resources		

Agenda No	Report Title	Presented by:
5.11	Midlothian Council Quarter 2 Performance Report 2018/19	Chief Executive
Outline of report and summary of discussion		
<p>The Quarter 2 Performance Report 2018/19 for Midlothian Council was submitted detailing the delivery of Midlothian Council's priorities through the Community Planning Partnership and the Single Midlothian Plan. The Council Transformation Strategy and Individual Service Plans outlined how Midlothian Council would deliver its contribution to the Single Midlothian Plan.</p> <p>The Chief Executive advised the Cabinet of some of the highlights since the Q1 Midlothian Council report which included:</p> <ul style="list-style-type: none"> • The Financial Recovery Plans in place which had been presented to Council and the commitment to robust financial monitoring to achieve an underspend by the end of the financial year. • The launch of the 'making a difference ideas' campaign and the first 11 excellent ideas received from staff will be taken forward. • The 19/20 Budget consultation process was also launched with public meetings taking place last week. • The appointment of Annette Lang to the seconded post approved by the Business Transformation Board to take forward the strategic service redesign across the Council. • The plans to take forward automation and data analytics. 		
Decision		
To note the content of the report.		

Agenda No	Report Title	Presented by:
5.12	Q2 Performance Report 2018/19 - Balanced Scorecard Indicators	Chief Executive
Outline of report and summary of discussion		
The Quarter 2 2018/19 Performance Report for the Balanced Scorecard Indicators was submitted. 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. The Chief Executive was heard in amplification of the Report.		
Decision		
To note the report.		
Action		
Chief Executive.		

Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 6 and 11 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Agenda No	Report Title	Presented by:
6.1	Irrecoverable Debt Write-Off	Head of Finance and Integrated Service Support
Decision		
Cabinet approved the Irrecoverable Debt Write-Off as detailed in the report.		

Agenda No	Report Title
6.2	Minutes of Meeting of the Midlothian Joint Consultative Group of 20 March 2018
Decision	
Cabinet noted the Minutes of Meeting of the Midlothian Joint Consultative Group of 20 March 2018	

The meeting terminated at 12.55pm.

Minute of Meeting



Local Review Body

Date	Time	Venue
27 November 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Lay-Douglas	Councillor Milligan
Councillor Muirhead	Councillor Munro

1 Apologies

Apologies for absence were received from Councillors Baird and Smail.

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 16 October 2018 was submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – Unit 1, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith [18/00369/DPP].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.3 of the Minutes of 16 October 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mrs Janice Paterson, Premier Pilates and Fitness Studio Ltd, 40/1 Hardengreen Industrial Estate, Dalhousie Road, Eskbank seeking a review of the decision of the Planning Authority to refuse planning permission (18/00369/DPP, refused on 25 July 2018) for the change of use from office/light industry (class 4) to a fitness studio (class 11) at Unit 1, 40 Hardengreen Business Park, Dalhousie Road, 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 – Units 7 and 8, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith [18/00402/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 16 October 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mrs Janice Paterson, Mind Body and Beauty Ltd, Hardengreen Business Park, 7 Dalhousie Road, Eskbank seeking a review of the decision of the Planning Authority to refuse planning permission (18/00402/DPP, refused on 25 July 2018) for the change of use from office (class 4) to a mixed use of fitness studio (class 11) and beauty salon (class 2) at Units 7 and 8, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visits on Monday 26 November 2018 participated in the review process, namely Councillors Alexander, Cassidy, Curran, Lay-Douglas, Milligan, Muirhead and Munro.

Councillor Imrie whilst present during the respective debates had been unable to attend the site visits and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – Land Adjoining Meyerling, Howgate, Penicuik [18/00218/DPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 15 November 2018 by the Director, Education, Communities and Economy, regarding an application from Shona Mackay, Format Design, 146 Duddingston Road West, Edinburgh seeking, on behalf of their client Mr V Crolla, a review of the decision of the Planning Authority to refuse planning permission (18/00218/DPP, refused on 1 June 2018) for the erection of four dwellinghouses; formation of access road and associated works at land adjoining Meyerling, Howgate, Penicuik

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon.

The Local Review Body had made an accompanied visit to the site on Monday 26 November 2018.

Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case.

Thereafter, oral representations were received firstly from the applicant agent, Mr Bob Tait, Format Design and then from Mhairi-Anne Cowie, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB, in giving consideration to the merits of the case based on all of the information provided both in writing and in person at the Hearing, discussed the proposed development, in particular the lack of Policy support for the development of housing on the proposed application site. The LRB also considered issues regarding the adequacy of the access to the site, the impact that the proposed development would have both on the locality and the existing neighbouring properties and also concerns regarding issues of precedent, with the difficulties this could potentially create in the event of other applications for similar developments in the countryside being received.

Decision

Following further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

- 1. The proposal for four dwellinghouses does not comply with the housing group policy where only one house per five units may be supported.*
- 2. The proposed site does not comply with the establish principles and criteria for accommodating a new house in a housing group as it is not on a gap site within the housing group nor is it adjoining two other boundaries of the group.*
- 3. It has not been demonstrated that the proposed dwellinghouses are required in connection with an established countryside activity and it has not been justified in connection with policy RD1.*
- 4. For the above reasons the proposed development does not comply with the terms of policy RD1 of the adopted Midlothian Local Development Plan 2017.*
- 5. The layout of the proposal has a suburban character and is not reflective of the character of the rural surroundings. Therefore the proposed development is contrary to policy ENV7 of the adopted Midlothian Local Development Plan 2017.*
- 6. The proposed two storey house is positioned on an elevated area which is particularly prominent in views from the west and it has not been demonstrated that the position and design of this proposed house could successfully fit into the landscape without having a significant adverse impact on the character or appearance of the area, nor would it enhance the character and appearance of the existing group of buildings. Therefore the proposed development is contrary to policy ENV7 of the adopted Midlothian Local Development Plan 2017.*

7. *The proposed vehicular access, and subsequent potential intensification in use, would have a significant adverse impact on the safety of road users on the A6094 by way of its below standard visibility for all vehicles existing the site and the forward visibility of vehicles travelling behind those turning into the site, particularly from the southbound carriageway. These concerns have not been sufficiently allayed by the proposals.*
8. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed access can be constructed without having a significant adverse impact on the character and appearance of the surrounding area and therefore the proposed access is contrary to policies RD1 and ENV7 of the adopted Midlothian Local Development Plan 2017.*

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – 20 Pendreich Terrace, Bonnyrigg [18/00566/DPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 15 November 2018 by the Director, Education, Communities and Economy, regarding an application from Douglas Mack, FEM Building Design, 8 Plantain Grove, Lenzie, Glasgow seeking, on behalf of their clients Mr & Mrs K Toles, a review of the decision of the Planning Authority to refuse planning permission (18/00566/DPP, refused on 10 September 2018) for the erection of single storey extension and front and rear dormer extensions at 20 Pendreich Terrace, Bonnyrigg.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon.

The Local Review Body had made an accompanied visit to the site on Monday 26 November 2018.

Summary of Discussion

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 proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed development would have as a result of its scale and design, there being considerable debate over whether it complimented the character of the surrounding area or not; it being acknowledged that a number of other properties in the area had extensions of varying shapes and sizes.

After further discussion, Councillor Muirhead, seconded by Councillor Curran, moved to dismiss the review request, and uphold the decision to refuse planning

permission for the reasons detailed in the case officer's report, on the basis that officers work with the applicant and their agent to bring back a revised scheme.

As an amendment, Councillor Cassidy, seconded by Councillor Alexander, moved that on balance given the particular circumstance involved, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Director, Education, Communities and Economy's report.

On a vote being taken, two Members voted for the motion and four for the amendment, which accordingly became the decision of the meeting.

Decision

The LRB agreed to grant planning permission for the following reason:

The proposed extension by means of its design and form will complement the host dwellinghouse and will not have a detrimental impact on the amenity of the neighbouring properties. Furthermore, the proposed extension is comparable in scale to extensions on neighbouring/nearby properties.

subject to the following conditions:

1. The colour of the tiles on the dormers shall match the colour of the roof tiles on the existing building.

Reason: *To help integrate the dormers with the existing building in order to reduce their impact on the character of the house and visual amenity of the surrounding area.*

2. The window on the west elevation of the extension shall be glazed with obscure glass which thereafter shall not be replaced with clear glass.

Reason: *In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.*

Action

Planning Manager

The meeting terminated at 2.41 pm.

Minute of Meeting



Audit Committee

Date	Time	Venue
Tuesday 11 December 2018	11.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

Peter Smail (Chair)
Councillor Hardie
Councillor Milligan
Councillor Muirhead
Peter de Vink (Independent Member)

In attendance:

Grace Vickers	Chief Executive
Kevin Anderson	Acting Director Resources
Mary Smith	Director of Education, Communities and Economy
Allister Short	Joint Director of Health and Social Care
Gary Fairley	Head of Finance and Integrated Service Support
Stephen Reid	Ernst and Young, External Auditors
Jill Stacey	Chief Internal Auditor
Chris Lawson	Risk Manager
William Fortune	Senior Analyst
Janet Ritchie	Democratic Services Officer

1. Welcome and Apologies

- 1.1 Apologies were received from Mike Ramsay (Independent Chair) and Councillor Parry.
- 1.2 In the absence of the Chair, Councillor Smail was appointed as Chair by the Committee, nominated by Councillor Milligan and seconded by Councillor Hardie.

2. Order of Business

The order of business was as set on the Agenda.

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

- 4.1 The minute of 25 September 2018 was submitted and approved as a correct record subject to the following amended paragraph under Item 5.2:

'Mr Peter de Vink expressed his concerns regarding the risk exposure which was associated with the approach taken by the Council to Treasury Management'.

- 4.2 The Action log was submitted and the following agreed:
- a) To note that Annual Governance Statement 2017/18 (2018/19 Areas for Improvement) was on the Agenda for discussion.
 - b) To note the update provided by the Joint Director of Health and Social Care relating to Follow-up Review of Audit Recommendations on the use of Egress by care providers and on staff debt and it was agreed to close this action.
 - c) To otherwise note the actions which were closed at the last meeting.

5. Public Reports

Title	Presented by:
Data Analytic Presentation	Chief Executive
Outline of report and summary of discussion	
The Chief Executive introduced William Fortune, Senior Analyst who provided the Committee with a presentation on the new Dashboards. The Dashboard system was a front line system which pulled up to date information from various sources into one place.	

This new system would allow Managers to retrieve information and allow them to drill down to extract specific information on data stored e.g. Sickness Absence, Staff Mileage and Staff Earnings. The information pulled through was from data already stored but this information could be expanded on as required.

The Joint Director of Health and Social Care also provided examples on the ease of retrieving real time data quickly from the NHS Lothian system.

Thereafter Officers responded to questions and comments from the Committee.

Report No.	Report Title	Submitted by:
5.1	Financial Monitoring 2017/18 and Financial Strategy 2018/19 to 2021/22	Acting Director Resources
Outline of report and summary of discussion		
<p>There was a report presented to the Audit Committee by the Head of Finance and Integrated Services Support bringing the Committee's attention to the reports previously presented to Council in relation to the Financial Strategy 2018/19 to 2021/22 and Financial Monitoring 2017/18. The report refers to the following reports:</p> <ul style="list-style-type: none"> • Financial Monitoring 2018/19 – General Fund Revenue • General Services Capital Plan 2018/19 • Housing Revenue Account • Financial Strategy 2019/20 to 2022/23 • Capital Investment Strategy 		
Decision		
The Audit Committee noted the content of the Report.		

Report No.	Report Title	Submitted by:
5.2	Treasury Management Mid-Year Review Report 2018/19	Acting Director Resources
Outline of report and summary of discussion		
<p>There was a report presented to the Audit Committee by the Head of Finance and Integrated Services Support bringing the Committee's attention to the Treasury Management Mid-Year Review 2018/19 approved by the Council at its meeting on 13 November 2018.</p> <p>The Head of Finance and Integrated Services Support provided the Committee with a brief outline of the report highlighting the main sections contained within the report.</p>		

He advised the Committee that The Prudential Code recommended that the main Treasury Management reports are presented to the Audit Committee in advance of Council and that the dates for future Audit Committee meetings had been arranged to take this into consideration.

Thereafter he responded to comments and questions raised by Members of the Committee in particular with regards to the management of the Local Authority's borrowing, investment and cash flows, its banking, money market and capital market transactions and the effective control of the risks associated with those activities. The Head of Finance and Integrated Services Support noted the comments from the members of the Committee which he would take into account when preparing the Treasury Management Strategy for the Audit Committee's consideration in January and then on to Council for approval.

The Chief Internal Auditor advised that as part of the Audit Committee self-evaluation 2017/18 exercise that a briefing would be beneficial to Members on some of the technical aspects of the Treasury Management Strategy and it was therefore proposed that a briefing would be presented at the January meeting.

Decision

The Audit Committee:

- Agreed that a briefing would be presented to the members of the Audit Committee in January 2019 in relation to the Treasury Management Strategy.
- To otherwise note the content of the report.

Action

Head of Finance and Integrated Services Support, Chief Internal Auditor and Democratic Services.

Report No.	Report Title	Submitted by:
5.3	Procurement Service Delivery Framework and Procurement Strategy 2018 – 2023	Acting Director Resources
Outline of report and summary of discussion		
<p>There was a report presented to the Audit Committee by the Head of Finance and Integrated Services Support bringing the Committee's attention to the most recent reports considered and approved by the Council in relation to Procurement Service Delivery Framework and Procurement Strategy Framework 2018 – 2023.</p> <p>The Head of Finance and Integrated Services Support advised the Committee on the purpose of these two key procurement reports and highlighted some of the main sections contained within them. Thereafter Officers responded to questions and comments raised by the Committee.</p>		
Decision		
The Audit Committee noted the content of the report.		

Report No.	Report Title	Submitted by:
5.4	Final Internal Audit Report – Following the Public Pound	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of this audit was to review the controls in place to ensure compliance with the Code of Guidance on Funding External bodies and Following the Public Pound (FTPP) 1996, published by COSLA (Convention of Scottish and Local Authorities) and best practice guidance.</p> <p>The Final Internal Audit Report – Following the Public Pound Report dated 21 November 2018 was presented by the Chief Internal Auditor advising the Committee of the adequate governance arrangements in place and highlighted the recommendations contained within the report.</p>		
Decision		
The Audit Committee noted the content of the report.		

Report No.	Report Title	Submitted by:
5.5	Final Internal Audit Report – Tyne Esk LEADER Programme	Chief Internal Auditor
Outline of report and summary of discussion		
<p>The purpose of the Audit was to follow-up on the recommendations made in the 2017/18 audit of the Tyne Esk LEADER Programme to ensure that the recommendations have been implemented adequately. This follow-up review contributed to the governance arrangements of the programme, helped to ensure compliance with the programme's various reporting and administrative requirements, and formed the basis of the annual internal audit coverage of the programme for the period 16 October 2017 to 15 October 2018 as required by the Service Level Agreement (SLA) with the Scottish Government.</p> <p>The Final Internal Audit Report of the Tyne Esk LEADER Programme was presented by the Chief Internal Auditor updating the Committee on the audit testing of the sample projects and the positive improvements since previous years.</p> <p>Thereafter Officers responded to questions and comments raised by Members of the Committee.</p>		
Decision		
The Audit Committee noted the content of the report.		

Report No.	Report Title	Submitted by:
5.6	Update on Progress with Implementation of Internal Audit Recommendations arising from the May 2018 Report	Chief Executive
Outline of report and summary of discussion		
<p>The purpose of the report dated 28 November 2018 was to provide an update to the Audit Committee on Management's progress with implementation of Internal Audit Recommendations arising from the May 2018 report.</p> <p>The Chief Executive highlighted the main sections contained within the report and that Appendix 1 to the report outlined the progress of the Internal Audit Recommendations arising from the May 2018 Report.</p>		
Decision		
<p>The Audit Committee considered the progress made by Management against the Internal Audit Recommendations arising from the May 2018 Report.</p>		

Report No.	Report Title	Submitted by:
5.7	Update on Corporate Governance 2018/19 Areas of Improvement	Chief Executive
Outline of report and summary of discussion		
<p>The purpose of the report dated 28 November 2018 was to provide an update to the Audit Committee on the Council's progress with the implementation of Actions associated with Areas of Improvement in its Annual Governance Statement 2017/18</p> <p>The Chief Executive advised the Committee that it was agreed at the Audit Committee meeting on 25 September 2018 that an update would be provided on Corporate Governance 2018/19 Areas of Improvement progress on a quarterly basis.</p>		
Decision		
<p>The Committee considered the progress made by Management against the Corporate Governance 2018/19 Areas of Improvement, and noted that the next update to the Audit Committee would be included within the Annual Governance Statement 2018/19 as part of standard practice.</p>		

Report No.	Report Title	Submitted by:
5.8	Internal Audit Mid-Term Performance Report 2018/19	Chief Internal Auditor
Outline of report and summary of discussion		

The purpose of this report was to inform the Audit Committee of the progress Internal Audit has made, in the first 6 months of the year to 30 September 2018, towards completing the Internal Audit Annual Plan 2018/19. It also summarises the statutory obligations for Internal Audit and requirements of the Public Sector Internal Audit Standards.

The Chief Internal Auditor highlighted that the Internal Audit Annual Plan 2018/19 had been approved by the Audit Committee on March 2018 and she provided the Committee with a brief outline of the content of this report.

The Chief Internal Auditor also updated the Committee on the proposal to defer three of the planned Assurance audit activities to the 2019/20 plan and the changes proposed to the Internal Audit Annual Plan 2018/19 would therefore require approval by the Committee.

Decision

The Audit Committee:

- Noted the progress Internal Audit had made with activity in the Internal Audit Annual Plan 2018/19 by the mid-year point; and
- Approved the revised Internal Audit Annual Plan 2018/19 as set out in Appendix 1 that reflected the proposals set out in this report and was achievable within current staff resources.

Report No.	Report Title	Submitted by:
5.9	Shared Internal Audit Services between Midlothian and Scottish Borders Councils	Chief Executive

Outline of report and summary of discussion

The purpose of this report was to gain approval to the proposal to continue with shared Internal Audit services between Midlothian and Scottish Borders Councils which will also create the opportunity for a wider exploration of joint working activities and benefits.

The Chief Executive highlighted the main sections contained within the report and the recommendations as detailed in section 7.

Decision

The Audit Committee:

- Endorsed the continuation of the Shared Internal Audit Services as a permanent arrangement to provide greater certainty and allow for longer term planning of work and teams, recognising that either Council could still decide to opt out/revert back at any time subject to an appropriate period of notice.
- Noted that there would be a wider exploration of joint working associated with the above in both the short and longer term across the Councils.

Report No.	Report Title	Submitted by:
5.10	Risk Management Update 1 July 2018 – 30 September 2018	Risk Manager
Outline of report and summary of discussion		
<p>The Risk Manager presented a report dated 5 December 2018 providing the Audit Committee with the 2018/19 Quarter 2 strategic risk management update, covering the period 1 July 2018 to 30 September 2018. It being noted that the Audit Committee had previously requested regular reports on the Council's Strategic Risks. The Strategic Risk Profile sought to provide a strategic look at the current issues and future risks and opportunities facing the Council.</p> <p>Thereafter the Risk Manager confirmed in response to a question raised by the Chair that the Risk Assessment would be updated on completion of the roads investigation.</p>		
Decision		
<p>The Audit Committee noted:</p> <ul style="list-style-type: none"> • The addition of (Early Years Expansion) and Cyber Security in the strategic profile as set out in the attached appendix. • The Quarter 2 2018/19 Strategic Risk Profile report and considered the current response to the issues, risks and opportunities highlighted. 		

Report No.	Report Title
5.11	Local Government in Scotland Financial Overview 2017/18
Outline of report and summary of discussion	
<p>This report reflected a similar situation to last year as Councils face an increasingly complex range of challenges and continuing pressure on finances. Challenges included increasing demand across many of the wide range of services councils deliver to local communities. Demand had to be met against tightening budgets in many service areas along with uncertainty stemming from external factors such as EU withdrawal.</p> <p>The Head of Finance and Integrated Services Support highlighted the main sections contained within the report in particular the Summary section which outlined 7 key messages.</p> <p>There followed a general discussion during which it was agreed that this Report be presented to the January 2019 meeting with a supporting report outlining Midlothian's position.</p>	
Decision	
<p>The Audit Committee agreed to resubmit this report to the January 2019 meeting together with a report prepared by Officers.</p>	

Action

Head of Finance and Integrated Services Support and Democratic Services

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

An Informal Audit Session would take place at 10 am on Tuesday 29 January 2019 prior to the commencement of the Audit Committee at 11.00 am on that day.

The Clerk advised the Committee that Mike Ramsay, Independent Chair had intimated his apologies for the meeting scheduled for 29 January 2014. It was therefore agreed that Councillor Smail would take the Chair at this meeting.

The meeting terminated at 12.55 pm



Community Asset Transfer Committee

Date	Time	Venue
11 December 2018	10am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Alexander	Councillor Cassidy
Councillor Hackett	Councillor Hardie
Councillor Muirhead	Councillor Winchester

In attendance:

Kevin Anderson, Acting Director, Resources	William Venters, Principal Solicitor
Jane McLeish, Solicitor	Stephen Bermingham, Senior Communities Officer
Verona MacDonald, Democratic Services Team Leader	Catherine Duns, Communities Officer

1. Apology

None

2. Order of Business

The order of business was confirmed by the Clerk as that which was outlined in the agenda circulated.

3. Declarations of interest

None

4. Minute of Previous Meeting

None

5. Reports

Report No.	Report Title
5.1	Election of Chair
Summary of discussion	
Noting that this was the first meeting of the Committee, the Clerk invited nominations for the position of Chair. Councillor Muirhead was nominated by Councillor Cassidy, seconded by Councillor Alexander. There being no other nominations, Councillor Muirhead was unanimously elected as Chair.	

Report No.	Report Title	Presented by:
5.2	Application from Loanhead After School Club (LASC) – Report by Acting Director, Resources	Acting Director, Resources
Outline of report and summary of discussion		
The Acting Director, Resources spoke to the terms of a report circulated with the agenda.		
Thereafter, questions were put by Members to officers relating to:- (i) whether the gardening group who use the area of land had been consulted about the application; (ii) clarification as to the relationship between the “Link” and LASC; (iii) whether the current use of the land included young children; (iv) if restrictions relating to who could use the land and at what times were proposed by LASC; how the area would be enclosed and whether this would restrict access and/or lead to a loss of the facility to local groups or individuals.		
The Committee then heard from William Venters, Principal Solicitor who, in light of the terms of the discussion, suggested that the Committee was seeking clarity with regard to how the area of land would be managed whilst in use and that this required to be obtained from the applicant, LASC.		
Councillor Winchester, seconded by Councillor Alexander, moved that the application be continued to allow the applicant to provide clarity on the points of concern raised by the Committee. By way of an amendment, Councillor Hardie, seconded by Councillor Cassidy, moved that the Committee had sufficient information to permit a decision to be taken.		

On a vote being taken by way of a show of hands, 4 votes were cast for the Motion and 2 for the amendment.

Decision

Continued to a future meeting to be held before the end of January 2019 to allow the applicant to provide clarity with regard to how access to the land will be managed whilst in use by LASC. The Committee noted that this may be best presented in a Management Plan.

Action

Director, Resources

The meeting terminated at 10.35 am.

