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OF
MINUTES PRESENTED TO
MIDLOTHIAN COUNCIL
ON
28 MARCH 2017**

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Minute of Meeting



Cabinet

Date	Time	Venue
10 January 2017	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Johnstone	Councillor Bryant
Councillor Parry	
Councillor Rosie	

Religious Representatives:

Mr V Bourne	
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1 Apologies

Apologies were received from Councillor Constable and Rev. R. Halley.

2 Order of Business

The Clerk advised Item No 6.1 on the Agenda entitled “Dog Control” had been withdrawn from consideration at this meeting.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of the Meetings of the Cabinet of 22 November 2016 were submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Education Scotland Inspection Report: Community Learning and Development in Midlothian Council	Head of Education

Outline of report and summary of discussion

The report presented the findings of the Education Scotland inspection of community learning and development in Midlothian Council which was published on 13 December 2016. The inspection focused on both the strategic leadership across Midlothian and place-based delivery within the communities of Dalkeith, Woodburn, Gorebridge, Mayfield and Easthouses. A copy of the inspection report was attached as appendix to the report.

The inspection grading was given using a six point scale: excellent, very good, good, satisfactory, weak and unsatisfactory. Midlothian were evaluated as Very Good in all four indicators.

Those within scope of this inspection were all those deemed to be delivering learning and development activities whether they were public sector or third sector including small community groups and religious organisations where appropriate. In Midlothian a wide group of local people, staff from across all three Council Directorates, Police, NHS, Community Councils and third sector groups were subject to scrutiny through this process.

The inspectors identified the follow strengths:

- An ethos of shared endeavour.
- Strong and clear leadership across the partnership.

- Ambitious and enthusiastic staff and volunteers.
- The range of targeted learning programmes leading to life-changing impacts.

Detailed verbal feedback was given on each of the quality indicators and summarised in the formal inspection report. The inspectors discussed with partners how they might continue to improve their work including:-

- Continue to develop systems to track skills for learning, life and work across partners.
- Consider how learner pathways can be sustained as resources change.

The Head of Education was heard in amplification of the report.

Several Members along with Mr Bourne were heard highlighting that this was an outstanding Inspection report and congratulating all involved.

Decision

(a) To note the content of the report;

(b) To recognise and celebrate the quality, range and life changing impact of the learning and development taking place; and

(c) To support the recommended areas of action to ensure that the learning and development offered across Midlothian moves from very good to excellent, progress will be reported through existing Council and Community Planning Partnership performance reporting mechanisms.

Action

Director Education, Communities and Economy/ Head of Education

Agenda No	Report Title	Presented by:
5.2	Procedure for Reporting of Complaints Progressed to the Scottish Public Services Ombudsman.	Chief Executive

Outline of report and summary of discussion

The purpose of the report was to seek approval for a proposed approach to be applied to all complaint outcomes from the Scottish Public Services Ombudsman about Midlothian Council

The Scottish Public Services Ombudsman (SPSO) provided a 'one-stop-shop' for individuals making complaints about organisations providing public services in Scotland. They were the final stage for handling complaints.

The aim was not only to provide justice for the individual, but also to share the learning from complaints in order to improve the delivery of public services in Scotland. Their complaints standards authority promoted good complaints handling in bodies under their jurisdiction.

The eight “Complaints Performance Indicators” which Councils were required to report on were;

- complaints received per 1000 of population
- closed complaints
- complaints upheld, partially upheld and not upheld
- average times
- performance against timescales
- number of cases where an extension is authorised
- customer satisfaction
- learning from complaints

The report highlighted that there were obvious lessons to be learned where service failures were identified and remedial action could be taken to ensure that similar mistakes were avoided in the future. However, close monitoring of service user complaints and feedback could highlight opportunities for operational improvements even where the service was initially delivered properly.

An appendix to the report provided an appropriate framework for a consistent approach to SPSO complaint outcome compliance. The Chief Executive was heard in amplification of the report.

Decision

(a) To approve the procedure for monitoring compliance and performance in relation to complaints made directly to SPSO as set out in an Appendix to the report;

(b) Agree the framework for a consistent approach to SPSO complaint outcome compliance; and

(c) To refer the report to the Performance, Review and Scrutiny Committee for their interest.

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 item, as contained in the Addendum hereto, as there might be disclosed exempt information

as defined in paragraph 11 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Meeting of the Joint Consultative Group of 20 September 2016 – Noted.

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

The meeting terminated at 11.10am.

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Minute of Meeting



Planning Committee

Date	Time	Venue
10 January 2017	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Bryant (Chair)	Councillor Baxter
Councillor Beattie	Councillor Coventry
Councillor Johnstone	Councillor Milligan
Councillor Montgomery	Councillor Pottinger
Councillor Rosie	Councillor Russell
Councillor Wallace	Councillor Young

1 Apologies

Apologies received from Councillors Bennett, Constable, de Vink, Imrie, Muirhead and Parry.

2 Order of Business

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

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 30 August 2016 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Planning Performance Framework Annual Report 2015/16	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 December 2016, by the Head of Communities and Economy, providing an update on the progress of work undertaken on the Planning Performance Framework (PPF) for Midlothian and advising of the feedback received from the Scottish Government on the Council's submitted Planning Performance Framework for 2015-16.

The report advised that in the feedback report on the fifteen 'performance markers' (a copy of which was appended to the report), four had been rated as "green" giving no cause for concern; four were rated "amber" where areas for improvement had been identified; and five had been rated "red" where specific attention was required.

Summary of Discussion

The Committee, having heard from the Planning Manager who responded to Members' questions, acknowledged that the feedback report provided a helpful independent 'audit' of performance and progress, as well as some clear indications of areas for improvement, albeit there remained some nervousness nationally about the use of the 'traffic light' grading system and its ability to take account of particular local circumstances.

With regards to those areas rated “red”, measures were already in place to address many of the issues that had been raised, for example, the Council’s Processing Agreement template was being reviewed with a view to it being published on the Council’s website early in 2017, procedures were also now in place to reduce the number of legacy cases/stall sites, to seek earlier discussions with applicants with regards developer contributions, and to conclude the legal agreement process within six months of the date of a resolution to grant planning permission.

With regards the Midlothian Local Development Plan (MLDP), Scottish Ministers had appointed a team of three reporters, who were currently in the process of conducting an initial examination of the Plan. This should hopefully conclude late spring/early summer, following which there may be hearings on some specific subjects, although it was hoped to be able to resolve the majority of any issues by way of written submissions.

Decision

After further discussion, the Committee noted:-

- (a) the feedback received from Scottish Government to the Council’s submitted Planning Performance Framework for 2015/16;
- (b) the specific actions being undertaken to address specific matters of concern; and
- (c) the current position with, and likely timescales for progression of, the MLDP.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.2	Use of the Planning System to Support and Promote Public Policy: Correspondence from COSLA and Scottish Government	Ian Johnson

Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 31 May 2016, there was submitted report, dated 4 January 2017 by the Head of Communities and Economy, updating the Committee on correspondence received from COSLA and the Scottish Government in response to concerns raised by the Committee in relation to the operation of the planning system and its role in promoting public policy. This followed a Scottish Government Reporter’s planning appeal decision, granting planning permission for a hot food takeaway in close proximity to the Lasswade High School Centre where the Council operated a policy promoting healthy life styles and healthy eating, in accordance with Scottish Ministers policies on health living.

Summary of Discussion

The Committee heard from the Head of Communities and Economy, who in speaking to the report, advised that the Scottish Government had just issued 'Places, people and planning' a consultation paper on the future of the Scottish planning system, which would be the subject of a report to the next Planning Committee meeting.

Members' in discussing the report, expressed disappointment that the responses received from both COSLA and the Scottish Government failed to address the concerns that they had raised, although the letter from the Chief Planners Office did contain some useful advice which would be taken on board in finalising the Midlothian Local Development Plan.

Whilst the need for a planning appeal system was acknowledged, the way in which appeals were currently being conducted drew considerable comment. The feeling being that insufficient weight appeared to be being given to the views of the Council, local Members and other local representations in reaching the determinations. This was leading to appeal decisions such as the one in Bonnyrigg and others in Penicuik, for example, which failed to take cognisance of particular local circumstances. The view of the Committee was that the Council would be much better placed, and more locally accountable, to determine such appeals.

Decision

After further discussion, the Committee:-

- (a) welcomed the consultation paper on the future of the Scottish planning system, which it was noted would be the subject of a further report;
- (b) to write directly to the appropriate Scottish Ministers regarding concerns about aspects of the current planning appeal system; and
- (c) To otherwise note the report.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.3	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 21 December 2016 by the Head of Communities and Economy, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

Decision	
(a)	To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2017; and
(b)	To note the updates for each of the applications.

Action	
Head of Communities and Economy	

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

Executive Summary of Report
<p>There was submitted report, dated 21 December 2016, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meetings in September, October and November 2016, and advising of the outcome of two appeal determined by Scottish Ministers.</p> <p>Appended to the report were copies of the following appeal decision notices from the Scottish Government, Planning and Environmental Appeals Division:-</p> <ul style="list-style-type: none"> dated 18 November 2016, upholding an appeal by Mr P Sweeney against refusal of advertisement consent for the display of non-illuminated signage (retrospective) at 21 The Square, Penicuik (16/00407/ADV) and granting advertisement consent subject to the standard conditions for the display of advertisements specified in the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984; and dated 12 December 2016, dismissing an appeal by Mr G Forsyth and Mr P Vaughan against refusal to grant a certificate of lawfulness for the use of outbuilding and adjacent outdoor space as boarding kennels at The Smithy, Mossend, Gorebridge (16/00368/CL) and refusing to issue the certificate sought.

Summary of Discussion
<p>The Committee, having heard from the Planning Manager, discussed the Reporter's decision to grant retrospective advertisement consent for the display of non-illuminated signage at 21 The Square, Penicuik. Members were concerned, not only by the potential implications arising from the decision itself, but also that insufficient weight appeared to be being given by the Reporters to the views of the Council, local elected Members and other local representations in reaching their determination. The feeling being that the Council would be much better placed, and more locally accountable, to determine such matters.</p>

Decision

- (a) To note the decisions made by the Local Review Body at its meetings on 6 September, 26 October and 29 November 2016; and
- (b) To note the outcome of the appeals determined by Scottish Ministers

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Pre Application Consultation - Proposed Residential Development at Land to the East of the Junction of Greenhall Road and Barleyknowe Road, Gorebridge (16/00830/PAC)	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 3 January 2017, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development at land to the east of the junction of Greenhall Road and Barleyknowe Road, Gorebridge (16/00830/PAC).

The report advised that in accordance with the pre application consultation procedures approved by the Committee at its meeting on 7 October 2014 (paragraph 3, Page 4-199 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

Summary of Discussion

Having heard from the Planning Manager, Members expressed concern regarding the prominent nature of the proposed development site which was highly visible, and which was not included in either the existing or emerging Local Plan. Questions were also raised regarding ground conditions/stability issues, which could have a major impact on any potential development at this particular location. Other issues included the close proximity to the neighbouring primary school and also the ability of the local road network, particularly the Greenhall Road/ Barleyknowe Road junction, to cope with the volume of additional vehicular movements likely to be generated should such a development proceed.

Decision

- (i) To note the provisional planning position set out in the report;

- (ii) To note the comments made by Members; and
- (iii) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

Action

Head of Communities and Economy/Democratic Services

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of a Research and Imaging Facility and associated outbuilding, generator and sub-station; and Associated Works at Land at Easter Bush South, Easter Bush, Roslin (16/00472/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 December 2016, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

The Committee, having heard from the Planning Manager, discussed a suggestion that consideration be given to possibly linking transport improvements for cyclists and pedestrians into the Council's Sustainable Travel Plan to see if they could be offered a more direct route to the proposed development.

Decision

That planning permission be granted for the following reason:

By virtue of its scale, location, design and use the proposal complies with policies RP1, RP2, RP3 and RP4 of the Midlothian Local Plan and policies STRATS, ECON2 and IMP2 of the Proposed Midlothian Local Development Plan 2014.

subject to:

- (a) the prior signing of a legal agreement to secure the provision of developer contributions towards A701 Relief Road and A702 Link; and A701 public transport, walking and cycling improvements. The legal agreement shall be concluded prior to the issuing of the planning permission. The applicants will be given a 6 month time period to work with Midlothian Council to conclude the agreement with the sanction of the Committee reconsidering the application and potentially refusing permission if the applicant does not conclude the agreement; and

(b) the following conditions:-

1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i notwithstanding that delineated on docketed drawings, existing and finished ground levels and floor levels for all buildings, open spaces, SUDS and roads in relation to a fixed datum;
 - ii proposed new planting in areas of open space, including trees, shrubs, hedging, wildflowers and grassed areas;
 - iii location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - iv schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - v programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed within six months of the buildings being completed or occupied, whichever is sooner. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
 - vi drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - vii proposed car park configuration and surfacing; and
 - viii proposed cycle parking facilities.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (v). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policy DP2 of the Midlothian Local Plan and national planning guidance and advice.*

2. Development shall not begin until details, and if requested samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. The use of the buildings erected on the site shall be for uses within Class 10 (Non-Residential Institution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 unless otherwise approved by the planning authority.

Reason: *To ensure that the uses of the buildings are for the purposes applied for in order to meet the structure Plan Strategic economic land requirements.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission for the Erection of Retail Unit, Formation of Access and Car Parking at Land South West of Tesco Superstore, Dalkeith (16/00618/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 December 2016, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

Having heard from the Planning Manager, the Committee discussed the potential impact that the proposed store would have on the vitality and viability of both Dalkeith and Bonnyrigg town centres. It being felt that a retail development of this nature would be much better suited to a town centre location. Concerns were also expressed regarding the appropriateness of the proposed site for such a development, the loss of landscaping along the sites boundary and the overall design of the proposed building. The apparent reliance on the adjoining supermarket was also of concern giving the pressures that supermarkets were currently facing, as was the additional traffic likely to be generated, which would add to an already extremely busy road network in the area.

Decision

After further discussion , the Committee agreed that planning permission be refused for the following reasons:

1. The application site is not one of the acceptable types of locations for retail development, as specified in the sequential town centre first approach identified in the Scottish Planning Policy and policy SHOP5 of the adopted Midlothian Local Plan. It has not been demonstrated, to the satisfaction of the Planning Authority, that the site is appropriate for the proposed use, in that the site complies with the sequential town centre first approach, and that

there are no other more sustainable or suitable sites which could accommodate the development more appropriately.

2. It has not been demonstrated, to the satisfaction of the Planning Authority, that the operation of the proposed retail unit would not undermine the vitality and viability of either Dalkeith or Bonnyrigg town centres.
3. For the above reasons the proposal is contrary to Scottish Planning Policy, policy 3 of the Strategic Development Plan and policy SHOP5 of the adopted Midlothian Local Plan.
4. The application site is not located within a neighbourhood shopping centre and, therefore, the development is contrary to policy SHOP7 of the adopted Midlothian Local Plan.
5. As a result of its size and design, finishing materials, position on the site and lack of opportunities for landscaping the proposed development will have a significant detrimental impact on the visual amenity of the area, contrary to the terms of Scottish Government policy on Creating Places and policy RP20 of the adopted Midlothian Local Plan.
6. The proposed development would result in the loss of landscaping, which is important in the definition of the settlement boundary where it abuts the A7 road. The hedge and trees also provide effective screening of the nearby superstore and the large area of associated car parking. There is inadequate room within the site to accommodate sufficient landscaping to mitigate for this loss. The impact on the hedge and trees and lack of replacement planting will have a detrimental impact on visual amenity and as such the proposed development is contrary to policies RP5, RP7 and DP2 of the adopted Midlothian Local Plan.

Action
Head of Communities and Economy

The meeting terminated at 3.07pm.

Minute of Meeting



General Purposes Committee

Date	Time	Venue
15 November 2016	2 pm	Council Chamber

Present:

Councillor Andrew Coventry (Chair)	Councillor Baxter
Councillor Bennett	Councillor Bryant
Councillor Constable	Councillor Imrie
Councillor Montgomery	Councillor Parry
Councillor Pottinger	Councillor Rosie
Councillor Russell	Councillor Young
Councillor Wallace	

In attendance:

Alan Turpie	Legal Services Manager
Inspector Smith	Police Scotland
Verona MacDonald	Democratic Services Team Leader
Paul Aitken	Solicitor, Midlothian Council
Chief Inspector Simpson	Police Scotland

1. Apologies

- 1.1 Apologies were received from Councillors de Vink, Johnstone, Milligan and Muirhead.

2. Order of Business

- 2.1 The order of business was confirmed as outlined in the agenda circulated. Paul Aitken advised that the Chair had consented to an additional item which would be raised under the Private Reports section relating to an application previously dealt with by the Committee.

3. Declarations of interest

There were no Declarations of Interest intimated.

4. Minutes of Previous Meetings

- 4.1 On the Motion of Councillor Parry, seconded by Councillor Young, the Minutes of Meeting of 4 October 2016 were approved as a correct record.

5. Public Reports

Report No.	Report Title	Presented by:
5.1	Suitability of Electric Cars Report by Director, Resources	Alan Turpie
Outline of report and summary of discussion		
Alan Turpie spoke to the terms of the Report and explained that the Committee was being asked to consider whether electric and hybrid vehicles should be licensed as Private Hire Cars or Taxis and to agree any consequential changes to the licensing conditions pertaining to private hire cars should the Committee agree to licence such vehicles.		
He advised that the technology relating to electric vehicles had advanced considerably since the licensing conditions were last reviewed. Electric and hybrid vehicles are cheaper to run and reduce emissions and air pollution. He noted that Midlothian Council is one of only 7 local authorities in Scotland who do not allow electric or hybrid vehicles to operate as private hire or taxi cars. Should the Committee be minded to allow electric and hybrid vehicles to operate as taxi and private hire cars Condition 14 of the standard licensing conditions pertaining to private hire cars would need to be replaced to accommodate such vehicles.		
Decision		
The Committee agreed to:		
(a) allow electricity powered vehicles including hybrid to be licensed as taxi and private hire cars;		
(b) amend Condition 14 for private hire cars to read "The vehicle must have an engine capacity with a "Power to Weight" ratio equal to or greater than 0.0690 hp per kg".		
Action		
Director, Resources		

Report No.	Report Title	Presented by:
5.2	Street Naming and Numbering – Policy and Procedure – Report by Director, Resources	Verona MacDonald
Outline of report and summary of discussion		
<p>Verona MacDonald spoke to the terms of the Report which sought to introduce a Council policy for street naming and numbering in Midlothian. She advised that in terms of Section 97 of the Civic Government (Scotland) Act 1982, the Council is the responsible authority for the naming of streets and the numbering of properties and in terms of the Scheme of Administration, these functions are remitted to the Director, Resources and carried out at no cost to developers and/or property owners.</p> <p>She explained that the majority of applications received relate to new developments such as larger developments by national house-builders or single houses, proposed by individuals. Occasionally, a street renaming or renumbering exercise may also be required to avoid or ease confusion and/or duplication.</p> <p>Presently there is no approved policy and procedure for undertaking the service and the proposed Policy, annexed to the Report aims to set out a framework for street naming in Midlothian. Furthermore, the Council does not currently charge for the service and a review of the service provided by other Councils in Scotland had identified that a number of them charge a fee relative to the administrative cost of providing the service. She confirmed that any income generated would contribute towards the Council's responsibility to where possible maximise its income thus ensuring best value for the public purse whereby tasks undertaken in this regard are met from money generated by applications.</p> <p>Thereafter, questions were put by several Councillors relating to the process of identifying suitable and appropriate street names. Verona MacDonald advised that it was not envisaged that the current process would change and that she understood the Provost welcomed suggestions from elected members. She mentioned that the Policy and Procedure document included the drawing-up of a list of suitable names to enable a quicker turnaround of applications and suggested that the list could be circulated to elected members for their feedback. Members indicated that this would be welcomed.</p>		
Decision		
<p>The Committee unanimously agreed:-</p> <p>(a) to approve the Policy and Procedure for Street Naming and Numbering contained in Appendix I of the Report including the level of charges for carrying out the function, with effect from 1 April 2017 and;</p> <p>(b) that the charges levied be included in the annual review of charges made by the Council for services provided, undertaken by the Director, Resources as part of the annual budget setting process.</p>		
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 items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

6.1 Application for a Private Hire Car Driver's Licence – W. McKinney

6.2 Application for a Private Hire Car Driver's Licence – S. Mitchell

6.3 Application for a Window Cleaner's Licence – A. Pearson

Additional Item – Application for a Licence for a House in Multiple Occupancy
– Inveravon House, Loanhead

The Meeting terminated at 2.37 pm

Minute of Meeting



Appeals Committee

Date	Time	Venue
Wednesday 1 June 2016	9.00 am	Committee Room, Midlothian House, Dalkeith, EH22 1DN

Present:

Councillor Johnstone (Chair)	Councillor Rosie
Councillor Russell	Councillor Wallace

1. Apologies

Apologies were received from Councillors Constable (Chair), Bennett, Coventry, Milligan and Muirhead.

In the absence of Councillor Constable, Councillor Johnstone was appointed to Chair this meeting.

2. Order of Business

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

3. Declarations of interest

There were no declarations of interest submitted.

4. Minutes of Previous Meetings

The minutes of the meeting of 26 January 2016 were submitted and approved as a correct record.

5. Private Reports

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 paragraph 1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Appeal Against Dismissal
Employee in Resources Division – Dealt with in accordance with the remit of the Appeals Committee.

The meeting terminated at 2.20pm.

Minute of Meeting



Local Review Body

Date	Time	Venue
24 January 2017	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Bryant (Chair)	Councillor Baxter
Councillor Beattie	Councillor Bennett
Councillor Constable	Councillor de Vink
Councillor Imrie	Councillor Rosie

1 Apologies

Apologies received from Councillors Milligan and Montgomery.

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 29 November 2016 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – (a) 5 Thornyhall, Dalkeith [16/00575/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.2 of the Minutes of 29 November 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Ms G Hay, 5 Thornyhall, Dalkeith seeking a review of the decision of the Planning Authority to refuse planning permission (16/00575/DPP, refused on 30 September 2016) for the Alteration of Existing Conservatory Roof at that address and granting planning permission.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.2	(b) 7 Cochrina Place, Rosewell [16/00568/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 29 November 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from FEM Building Design Services, 8 Plantain Grove, Lenzie, Glasgow, seeking on behalf of their client Mrs A Ainsworth, a review of the decision of the Planning Authority to refuse planning permission (16/00568/DPP, refused on 30 September 2016) for the Erection of an Extension at 7 Cochrina Place, Rosewell and granting planning permission.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following item of business, only those LRB Members who had attended the site visits on 19 October 2015 and had been present at the subsequent LRB meeting on 20 October 2015 participated in the review process, namely Councillors Bryant, Baxter, Bennett, Constable, de Vink and Imrie.

Councillors Beattie and Rosie whilst present during the debate had been unable to attend the site visit/previous meeting and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered at a Previous Meeting – Former Arniston Gas Works Site, Gorebridge [15/00335/PPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5(a) of the Minutes of 20 October 2015, there was submitted report, dated 10 January 2017, by the Head of Communities and Economy regarding a review request from RFA Ltd, 3 Walker Street, Edinburgh, seeking on behalf of their client Mr A McCulloch, a review of the decision of the Planning Authority to refuse planning permission in principle (15/00335/PPP, refused on 30 June 2015) for the erection of 10 dwellinghouses, formation of access and associated works at the Former Arniston Gas Works, Gorebridge.

The report reminded Members that the LRB had agreed to uphold the review request and where minded to grant planning permission in principle, subject to suitable conditions, and the prior signing of a legal agreement to secure developer contributions towards, education provision, children's play provision, the Borders Rail Line, town centre improvements and community facilities.

The report advised that despite repeated attempts to engage with the applicants, a legal agreement to secure the required developer contributions had still not been concluded.

Summary of Discussion

Having heard from the Planning Adviser, who responded to Members questions, the LRB considered the position that had been reached and also possible options to take matters forward.

After discussion, Councillor Baxter, seconded by Councillor Constable, moved that the applicants be provided with a further month in which to conclude the legal agreement, failing which, and without further referral to the LRB the review be dismissed and planning permission refused for the reasons outlined in the planning officers' decision.

As an amendment, Councillor Imrie, seconded by Councillor Bennett, moved that the Chair write, on behalf of the LRB, to remind the applicants of the need to conclude the required legal agreement without further delay, and that the Review Request, together with their response would be considered at the next LRB on Tuesday 7 March 2017, with a view to a decision being taken on how best to progress matters.

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

Decision

To agreed that the Chair write, on behalf of the LRB, to remind the applicants of the need to conclude the required legal agreement without further delay, and that the Review Request, together with the applicants response be considered further at the next meeting of the Local Review Body on Tuesday 7 March 2017, with a view to a decision being taken on how best to progress matters.

Action

Head of Communities and Economy/LRB Chair/Democratic Services

Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visit on Monday 23 January 2017 participated in the review process, namely Councillors Bryant (Chair), Baxter, Beattie, Bennett, Constable, Imrie and Rosie.

Councillor de Vink whilst present during the debate had been unable to attend the site visit and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – 66 Newbattle Abbey Crescent, Dalkeith [16/00508/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 10 January 2017, by the Head of Communities and Economy regarding an application from Mrs L Seath, 66 Newbattle Abbey Crescent, Dalkeith seeking a review of the decision of the Planning Authority to refuse planning permission (16/00508/DPP, refused on 4 October 2016) for the Erection of Store Building and Fence at that address.

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

The Local Review Body had made an unaccompanied visit to the site on Monday 23 January 2017.

Summary of Discussion

Having heard from the Planning Adviser, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the likely impact of the fence on the 'open plan' form of the estate. The LRB acknowledged that over the years there had been a number of other similar developments within the estate and that perhaps the policy position required to be revisited. With regards the current application, it was felt that on balance the individual circumstances of the application site meant that the proposed fence and store building would be acceptable.

Decision

To agreed to uphold the review request, and grant planning permission for the following reason:

The proposed timber building and fence by means of their scale, form and design are compatible with its location and the host building and will not have a significant impact on neighbouring and nearby properties or on the character of the area. The Newbattle Abbey Crescent housing estate has evolved to a position where it is acceptable to enclose rear and side gardens with timber fencing. Furthermore the proposed fence will not obstruct the visibility of the neighbouring property to a greater extent that which already exists.

subject to the following conditions:-

1. The replacement fence shall comprise a 1.8m high vertical boarded timber fence details of the colour finish of which shall be submitted to the Planning Authority and the fence shall not be erected until this detail is approved in writing by the Planning Authority.
2. Details of the materials and external finishes of the store building shall be submitted to the Planning Authority and the store shall not be erected until these details have been approved in writing by the Planning Authority.

Reason for conditions 1 and 2: For the avoidance of doubt as to what is approved in order to safeguard the visual amenity of the surrounding area.

Action
Head of Communities and Economy

The meeting terminated at 2.30 pm.

Minute of Meeting



Performance, Review and Scrutiny Committee

Date	Time	Venue
24 January 2017	11.00am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Milligan (Chair)	
Councillor Baxter	Councillor Beattie
Councillor Bennett	Councillor Imrie
Councillor Muirhead	Councillor Pottinger
Councillor Russell	Councillor Wallace

Also in Attendance:

Kenneth Lawrie	Chief Executive
Grace Vickers	Head of Education
Mary Smith	Director Education, Communities and Economy
Peter Arnsdorf	Planning Manager

1 Apologies

Apologies received from Councillors de Vink, Montgomery and Young.

2 Order of Business

The order of Business was as set out on the Agenda

3 Declarations of interest

No declarations of interest were intimated.

4 Minutes of Previous Meetings

The minutes of the following meetings were submitted and approved as a correct record:

- 4.1 Performance, Review and Scrutiny Committee of 29 November 2016
- 4.2 Special Performance, Review and Scrutiny Committee of 30 November 2016 (1)
- 4.3 Special Performance, Review and Scrutiny Committee of 30 November 2016 (2)
- 4.4 Performance, Review and Scrutiny Sub Committee of 2 May 2016

5 Public Reports

Agenda No	Title	Presented by:
5.1	Newbyres Village Care Home	Chief Executive
Outline and summary of item		
The Chief Executive explained that this item was added to the Agenda with the intention of the Sub Committee meeting in advance of this meeting. The Chief Executive apologised to the Committee that the Report had not been circulated to the members before today and would ensure it was distributed before the meeting of the Sub Committee.		
Decision		
The Report on the Remit of the Performance Review and Scrutiny Sub Committee (Newbyres) to be added to the Agenda of the next meeting of the Performance, Review and Scrutiny Committee.		
Action		
Chief Executive/Democratic Services Team		

Agenda No	Title	Submitted by:
5.2	Education Scotland Inspection Report: Community Learning and Development in Midlothian Council – Report by Head of Education	Head of Education
Outline and summary of item		
<p>With reference to the Minutes of Cabinet dated 10 January 2017, there was submitted a report by Head of Education dated 10 January 2017 providing Members with the findings of the Education Scotland Inspection of Community Learning and Development in Midlothian Council which was published on 13 December 2016.</p> <p>Grace Vickers, The Head of Education presented the report to the Committee highlighting the inspection focussed on both the strategic leadership across Midlothian and place-based delivery within the communities of Dalkeith, Woodburn, Gorebridge, Mayfield and Easthouses.</p> <p>Thereafter several members of the Committee commented on the very good report and wished to pass on their Congratulations to the staff.</p>		
Decision		
<ul style="list-style-type: none"> • To note the content of this report. • To recognise and to celebrate the quality, range and life changing impact of the learning and development taking place. • To support the recommended areas of action to ensure that the learning and development offered across Midlothian moves from very good to excellent and that progress will be reported through existing Council and Community Planning Partnership performance reporting mechanisms. • To Congratulate the Staff 		
Action		
Head of Education		

Agenda No	Title	Submitted by:
5.3	Procedure for Reporting of Complaints Progressed to the Scottish Public Services Ombudsman	Chief Executive
Outline and summary of item		
<p>With reference to the minutes of Cabinet dated 10 January 2017, there was submitted a report by The Chief Executive dated 22 November 2016.</p> <p>The Cabinet in respect of the Report had agreed on 12 January 2016 the following</p>		

recommendations:

- a) To approve the procedure for monitoring compliance and performance in relation to complaints made directly to SPSO as set out in Appendix 2;
- b) To agree the framework for a consistent approach to SPSO complaint outcome compliance; and
- c) To refer the report to the Performance, Review and Scrutiny Committee for their interest.

The Chief Executive presented the Report to the Committee and thereafter responded to questions and comments from the Members.

Decision

To note the report

Agenda No	Title	Submitted by:
5.4	Report for the Scottish Ministers on Compliance with Climate Change Duties for 2015-16	Head of Communities and Economy
Outline and summary of item		
<p>With reference to the minutes of the Performance Review and Scrutiny Committee of 29 November 2016 and the Cabinet of 22 November, there was submitted a Report dated 14 November 2016 informing the Committee of the Council's Statement of Compliance with Climate Change duties for 2015/16. Mr Arnsdorf responded to questions raised by Councillor Baxter, partly answering some questions and committed to providing fuller responses to the remaining questions.</p> <p>The Performance Review and Scrutiny Committee of 29 November agreed the following:</p> <ul style="list-style-type: none"> • To note the terms of the Report forming the basis of the Council's submission, which had now been lodged to Scottish Ministers? • To continue the matter to the next meeting of the Committee to be held on 24 January 2017, for submission of fuller responses to the questions. <p>Mr Arnsdorf presented the Report to the Committee which provided responses to the outstanding questions raised at its meeting on 29 November 2016. Councillor Baxter commented that he was satisfied with the responses given and would look forward to future reports.</p> <p>Thereafter the Chief Executive responded to a question raised the Members in relation to Reports presented to Cabinet and not always referred automatically onto Performance Review and Scrutiny Committee.</p>		

Decision

To note the points of clarification outlined in the Report.

6 Private Reports

No private reports submitted for discussion

The meeting terminated at 11.20 am

Minute of Meeting



Special Meeting Performance, Review and Scrutiny Committee

Date	Time	Venue
21 February 2017	1.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Muirhead (Chair)	Councillor Baxter
Councillor Beattie	Councillor Bennett
Councillor de Vink	Councillor Imrie
Councillor Montgomery	Councillor Pottinger
Councillor Russell	

Also in Attendance:

Allister Short	Head of Primary Care & Older People's Services
Alan Turpie	Legal Services Manager
Janet Ritchie	Democratic Services Officer

1 Welcome, Introductions and Apologies

In the absence of the Chair of the Committee, Councillor Muirhead was nominated by the Committee and took the Chair.

Apologies were received from Councillors Milligan, Coventry and Young.

2 Order of Business

The order of Business was as set out on the Agenda.

3 Declarations of Interest

No declarations of interest were intimated

4 Minutes of Previous Meeting

No previous minutes were submitted.

5 Reports

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 information as defined in paragraph 1 and 11 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

5.1 Newbyres Village Care Home Sub Committee Remit

The meeting terminated at 13.10 pm.

Minute of Meeting



Audit Committee

Date	Time	Venue
Tuesday 13 December 2016	11.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

Peter Smaill (Independent Chair)	
Councillor Baxter	Councillor Bryant
Councillor de Vink	Councillor Milligan
Councillor Muirhead	

In attendance:

Stephen Reid	Ernst & Young LLP
Kenneth Lawrie	Chief Executive
John Blair	Director Resources
Mary Smith	Director Education, Communities and Economy
Graham Herbert	Internal Audit Manager
Elaine Greaves	Internal Audit Manager
Chris Lawson	Risk Manager
Heather Mohieddeen	Senior Auditor
James Polanski	Auditor
Amber Ahmed	Auditor
Ian Johnson	Head of Communities and Economy
Kevin Anderson	Head of Housing and Customer Services
Ricky Moffat	Head of Commercial Services
Janet Ritchie	Democratic Services Officer

1. Apologies

- 1.1 Apologies were received from Councillor Parry and Michael Thomas

2. Order of Business

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

3. Declarations of interest

The Chair declared that he has been adopted as the Conservative Unionist candidate for Midlothian East in the forthcoming local elections in May 2017.

4. Minutes of Previous Meetings

- 4.1 The minutes of the Audit Committee meeting of 20 September 2016 were approved as a correct record.

- 4.2 Matters Arising from previous Minutes:

Councillor Byrant referred to section 5.1 for comments with regards to the decision paragraphs (c) the position in relation to bad debt and (d) PPP commitments.

The Director Resources confirmed that with regards to the PPP commitments there is a management team proposal included in the Revenue Budget proposals for the next financial year which has been circulated to Members and with regards to bad debt this is reported routinely within the quarterly financial monitoring.

5. Reports

Report No.	Report Title	Submitted by:
5.1	Midlothian Council External Audit Framework overview	External Auditors, Ernst & Young LLP
Outline of report and summary of discussion		
<p>There was a report submitted to the Audit Committee from the External Auditors dated December 2016 providing details of the evolving focus of the public sector external audit, the external auditor's approach over the term of their appointment and the initial areas of focus for the Council. The annual audit plan will be presented to the Audit Committee in March 2017 upon completion of the initial planning process.</p> <p>Stephen Reid, External Auditor, presented the report to the Committee summarising the audit framework contained within the report.</p> <p>Thereafter responded to questions raised by members of the committee which</p>		

included:

- The Accounts Commission's new model for Best Value audits and the work with Audit Scotland to support the review of Best Value at the Council.
- The number of Local Authorities that Ernst & Young audit as well as Midlothian Council are: 3 Local Authorities in Scotland, 3 Integrated Joint Boards and 1 Pension Fund and in England approximately 60 Local Authorities.
- The External Auditor explained that around significant risk under auditing standards you are required to identify and report on areas which represent a higher likelihood that there could be a material misstatement in the Financial Statement. This would include any risks of management overrides.

Decision

- To note the Report.
- To note that a risk assessment would be undertaken and included in the External Auditor's Report to be brought back to the next meeting of the Audit Committee and this could be discussed in more detail from a Midlothian Council perspective.

Action

EY, External Auditors

Report No.	Report Title	Submitted by:
5.2	Risk Management, Update for 1 April 2016 – 30 June 2016	Chris Lawson, Risk Manager
5.3	Risk Management, Update for 1 July – 30 September 2016	Chris Lawson, Risk Manager

Outline of report and summary of discussion

The Risk Manager presented the 2016/17 quarter 2 and quarter 3 reports to the Audit Committee providing strategic risk management updates for the periods 1 April to 30 June 2016 and 1 July to 30 September 2016.

Thereafter responded to questions raised by the Members including:

- The geological risk and if a more detailed geological assessment is required.
- The risks associated with BREXIT.
- The Risk Registers are used by Internal Audit when developing their annual internal audit plan. The Internal Audit Section also undertakes their own assessment of the risks facing Midlothian Council.

Decision

To note the quarter 2 and 3 /2016/17 Strategic Risk Profile report and to consider the current response to the risks and opportunities highlighted.

Report No.	Report Title	Submitted by:
5.4	Maintaining Midlothian's Roads Update Report	Head of Commercial Operations
Outline of report and summary of discussion		
<p>The report dated 17 November 2016 was presented to the Audit Committee by the Head of Commercial Operations highlighting some of the key issues raised in the Audit Scotland 'Maintaining Scotland's Roads Update report' published in August this year. The report examines the changes in the condition of the road network since 2011, the current spend on roads maintenance and how the road maintenance service is managed.</p> <p>Thereafter responded to questions raised by the Committee which included:</p> <ul style="list-style-type: none"> • The number of Insurance Claims received with regards to defective roads which was reported as low level in comparison to other Local Authorities, • The amount spent on the roads network and the reason this is higher than other Councils. • Guidelines on spending with regards to road repairs. • Difference on the road deterioration and the weather conditions. • The quality of Midlothian roads that are used by public transport and how this is monitored. 		
Decision		
<ul style="list-style-type: none"> • Additional analysis was required on the spending on roads in Midlothian and why it is so expensive per kilometre. • To otherwise note the Report 		
Action		
Head of Commercial Services		

Report No.	Report Title	Submitted by:
5.5	Anti Fraud and Corruption, Anti Bribery and Whistle blowing Policies	Internal Audit Manager
Outline of report and summary of discussion		
<p>The report dated 23 November 2016 was presented to the Audit Committee by the Internal Audit Manager on the Anti Fraud and Corruption, Anti Bribery and Whistle blowing Policies. These policies are reviewed regularly by the Internal Audit Section with assistance from Legal and Human Resources and updated with new national guidance as set out in the report. A separate Anti Bribery policy has been created following a recommendation from CIPFA.</p>		
Decision		
<ul style="list-style-type: none"> • To Note the Anti Fraud and Corruption, Anti Bribery and Whistle blowing policies. 		

<ul style="list-style-type: none"> To note that the Anti Fraud and Corruption and Anti Bribery policies will be submitted to Cabinet for approval following consultation with the Trade Unions.
Action
Internal Audit Manager

Report No.	Report Title	Submitted by:
5.6	Audit Scotland Report - National Fraud Initiative 2014/15	Internal Audit Manager
Outline of report and summary of discussion		
<p>The Audit Scotland Report – National Fraud Initiative 2014/15 dated 8 November was presented to the Audit Committee by the Senior Auditor. The report provides a summary of how the Audit Scotland report relates to the work undertaken within Midlothian Council; to review the actions taken within Midlothian to address recommendations made in the Audit Scotland Report and to allow the Audit Committee to consider and comment on the draft self assessment questionnaire contained within the Audit Scotland report.</p>		
Decision		
To note the Report.		

Report No.	Report Title	Submitted by:
5.7	Corporate Fraud – Annual Report	Internal Audit Manager
Outline of report and summary of discussion		
<p>The Corporate Fraud Annual Report dated 17 October 2016 was presented by the Senior Auditor providing the Audit Committee with an update on the activities of the Corporate Fraud team over the past year and to seek input from the Audit Committee on areas where this resource could be used further.</p> <p>Thereafter a discussion took place regarding the systems in place to identify fraud and the processes for prosecution.</p>		
Decision		
<ul style="list-style-type: none"> To provide an update to the next meeting over the recovery of the 2 Council houses referred to in the report and whether any legal action was considered. To otherwise note the content of the report. 		
Action		
Internal Audit Manager / Head of Housing and Customer Services		

Report No.	Report Title	Submitted by:
5.8	Progress Update Report	Internal Audit Manager
Outline of report and summary of discussion		
<p>The Progress Update Report dated 21 November was presented by the Internal Audit Manager providing the Audit Committee with a summary of the work undertaken by the Internal Audit since April 2016 and an update on the progress with the current audit plan which was approved by the Audit Committee on 15 March 2016.</p>		
Decision		
<ul style="list-style-type: none"> • To note the work completed by the Internal Audit Section since April 2016. • To note the progress with the current plan. • To note the suggested amendment to the audit plan. • To note that the Internal Audit Manager will continue to provide updates if there is a risk of non delivery of the plan. 		

Report No.	Report Title	Submitted by:
5.9	Internal Audit Recommendations	Internal Audit Manager
Outline of report and summary of discussion		
<p>The Internal Audit Recommendations Report dated 16 November was presented by the Internal Audit Manager informing the Audit Committee of the number of recommendations raised by Internal Audit over the last 4 years and the Council's performance in addressing these issues by the agreed implementation dates.</p> <p>Thereafter the Head of Communities and Economy responded to a question raised by the Committee which included:</p> <ul style="list-style-type: none"> • Developer's contributions and the processes in place in securing the contributions and they are spent appropriately. • Income lost due to incorrect wording in agreements. • Explanation of the actions with 0% progress noted which are low priority and are not significant risks. 		
Decision		
<ul style="list-style-type: none"> • To note the content of the report. • To note that Internal Audit will continue to monitor for completion of the outstanding issues and will provide reports to the Audit Committee. 		
Action		
Internal Audit Team		

Report No.	Report Title	Submitted by:
5.10	Internal Audit Report – Welfare Reform Universal Credits	Internal Audit Manager
Outline of report and summary of discussion		
<p>The Internal Audit Report on Welfare Reform Universal Credits dated November 2016 was presented by the Internal Auditor to the Audit Committee which reviewed the adequacy of the controls in place over the implementation of Universal Credits.</p> <p>Thereafter the Head of Housing and Customer Services responded to concerns raised by the Committee with regards to Housing Benefits overpayments and these are currently not being recovered by the DWP from Universal Credit claimants and the high risk of rent arrears increasing as payments are made directly to claimants rather than the Council and the impact of this on housing.</p>		
Decision		
To note the content of the report.		

Report No.	Report Title	Submitted by:
5.11	Internal Audit Report – Tyne Esk LEADER	Internal Audit Manager
Outline of report and summary of discussion		
<p>The Internal Audit Report Tyne Esk LEADER dated 24 November was presented by the Internal Auditor to the Audit Committee which reviewed the internal controls in place for the administration of the Tyne Esk LEADER Programme.</p> <p>Thereafter the Head of Communities and Economy responded to a question raised by the Committee regarding clarity on the management costs.</p>		
Decision		
To note the content of the Report.		

Report No.	Report Title	Submitted by:
5.12	Financial Monitoring 2016/17 and Financial Strategy 2017/18 to 2021/22	Director Resources
Outline of report and summary of discussion		
<p>The report dated 16 November 2016 was presented to the Audit Committee by the Director Resources bringing to the committee's attention reports presented to Council on 8 November 2016 by the Head of Finance and Integrated Service Support, in relation to Financial Monitoring and Financial Strategy. The report refers to the following reports:</p> <ul style="list-style-type: none"> • Financial Monitoring 2016/17 – General Fund Revenue • General Services Capital Plan 2016/17 • Housing Revenue Account 		

- Financial Strategy 2017/18 to 2021/22
- Treasury Management Mid-Year Review Report

Thereafter the Director Resources responded to questions raised by the Committee on the deposits made with the German bank, 'Heleba'.

Decision

- To provide a link to the Treasury Management Investment Strategy when issuing the minute:
[Treasury Management Investment Strategy 2016/17 and Prudential Indicators – Midlothian Council 8 March 2016.](#)
- To provide a briefing note on the Heleba Investment.
- To otherwise note the reports.

Action

Director Resources

6. Private Reports

No private reports were submitted to this meeting.

The meeting terminated at 12:23 pm

Minute of Meeting



Police and Fire and Rescue Board

Date	Time	Venue
21 February 2017	11.05am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Parry (Chair)	Councillor Baxter
Councillor de Vink	Councillor Montgomery
Councillor Muirhead	Councillor Wallace

In attendance:

Midlothian Council	
Kevin Anderson, Head of Customer and Housing Services	Verona MacDonald, Democratic Services Team Leader
Police Scotland	
Chief Superintendent Ivor Marshall	Chief Inspector Kenny Simpson
Scottish Fire and Rescue Service	
David Farries, Area Manager	Steve Gourlay, Group Manager
Tam McGrath, Group Manager	

1. Welcome, Introductions and Apologies

It was noted that no apologies had been received.

2. Order of Business

The order of business was confirmed as outlined in the agenda circulated.

3. Declarations of interest

No declarations of interest were intimated.

4. Minute of Previous Meeting

The Minute of the Meeting held on 15 November 2016 was approved as a correct record.

5. Reports

Agenda No.	Report Title	Presented by:
5.1	Scottish Fire and Rescue Service – Midlothian Local Performance Plan – Quarter 3 2016-17	Scottish Fire and Rescue Service
Outline of report and summary of discussion		
<p>David Farries, by way of introduction, advised that Tam McGrath and Stephen Gourlay would present the Quarter 3 Report to the Board. He advised that the Service continued to work on the local plan and incorporating it into the Single Midlothian Plan albeit this was proving difficult taking into account the terms of the Community Empowerment legislation. He advised the budget allocation was now known and would result in further challenges for the Service. He welcomed the increase in capital budget which would in some way offset the decreases made in past financial years. He continued by advising that youth engagement activities had been added to the plan because they were considered to be worthwhile to counteract anti-social behaviour. He mentioned the countrywide standardising of duty patterns and advised that this would not lead to any decrease of service in Midlothian.</p> <p>Thereafter, Tam McGrath and Stephan Gourlay spoke to the terms of the Quarter 3 Report noting the performances within the 5 objectives making up the main focus for local service delivery in the Local Fire and Rescue Plan for Midlothian 2014-2017, namely, (1) Reduction of Accidental Dwelling Fires; (2) Reduction in Fire Casualties and Fatalities; (3) Reduction of Deliberate Fire Setting; (4) Reduction in Road Traffic Collisions; (5) Reduction of Unwanted Fire Alarm Signals together with the Fire Safety Enforcement Audits and Home Fire Safety Visits delivered in Midlothian.</p> <p>It was noted that during the quarter there had been no fatalities from accidental dwelling fires. Attention was also drawn to the work undertaken within schools to tackle unwanted fire alarm signals and the desire to expand youth engagement and; the difficulties faced by the Service in finding and/or targeting the most at risk people in the community.</p>		

Following a question by Councillor de Vink seeking a view on the use of chinese (sky) lanterns, Stephen Gourlay advised that whereas the Service nationally did not have an official stated view, clearly something which goes up in the air and is on fire is a hazard and locally the Service would be supportive of any initiatives to prevent the hazard. The Chair advised she would be happy to intimate the terms of a Motion passed by Midlothian Council on 8 November 2016 to the Fire and Rescue Service and to the Police.

Thereafter, questions were put by Councillors Montgomery, de Vink and Muirhead and subsequently answered by Mr McGrath and Mr Gourlay. It was further agreed that the statistical information omitted from the report relating to the East and West Midlothian Wards would be provided to the Council's Democratic Services Team for electronic distribution to Board Members.

Decision

The Board agreed:-

- (a) to note the terms of the Quarter 3 report;
- (b) that the Chair intimate the terms of the Council Motion of 8 November 2016 relating to Chinese (sky) lanterns to the Fire and Rescue Service and Police Scotland and;
- (c) that the statistical information omitted from the report relating to the East and West Midlothian Wards be provided by the Fire and Rescue Service and distributed electronically to Board Members as soon as possible.

Report No.	Report Title	Presented by:
5.2	Police Scotland Midlothian Scrutiny Report Quarter 3 2016-17	Police Scotland
Outline of report and summary of discussion		
<p>Ivor Marshall introduced the Report providing a divisional overview of some of the current issues affecting Police Scotland. He advised that the National Service Report would be released very shortly and informed Members that Police spend only 20% dealing with crime with the other 80% dealing with vulnerable people/a social service. He expressed the Chief Constable's desire to build a sustainable operating model with a continued emphasis on localism which sits at the heart of what the Police service does. He stated that the Service work closely with the Fire and Rescue Service and the local authority to embed local policing plans within local outcome plans. He advised that the figures continued to show an increase in violence across the division and that this trend had been noticed in other parts of the country also, with one of the reasons for the increase being the manner in which matters were recorded. He acknowledged the figures for housebreaking and confirmed that support for tackling this had now been requested from other areas in the country where specialist knowledge and experience existed. Lastly he took the opportunity to extend an invitation to Members to visit the Police Contact Centre at Bilston and being the last meeting of the Board prior to local government elections, formally recorded his thanks to Members for their consideration since its inception.</p> <p>Kenny Simpson then spoke to the terms of the Report and highlighted performance in meeting the targets set for each of the priorities, namely, Tackling Substance Misuse; Protecting People; Reducing Violence; Making our Roads Safer;</p>		

Reducing Antisocial Behaviour; Tackling Serious and Organised Crime; and Reducing Housebreaking. He advised that so far the reporting year had been challenging; that officers had spent considerable time trying to engage with groups of youths whilst failing to get much by way of positive responses from parents/carers; that whilst the figures under tackling serious and organised crime were off target, there had been a couple of successful enforcement days recently with substantial Class A drugs and firearm recoveries. He advised it was important to the community who provide information to be assured that the information was being acted upon. In relation to housebreaking he advised that it was a complex picture and recognised nationally that there was an element of travelling criminals operating in the east of the country. Considerable Police resources had been expended on it but indicators still showed that people are somewhat lax about security.

Questions were then put by Members and subsequently responded to relating to matters including the number of police officers in the area; the age and gender profile of persons committing crimes; the locations of and information available in the public domain about the mobile safety camera van; when the local plan would be adopted and; targeted housebreakings to steal motor vehicles.

Decision

The Board agreed:-

- (a) to note the content of the Report and;
- (b) that current Board Members together with new Members of the Board elected after local government elections in May, should they so wish, visit the Contact Centre at Bilston at a suitable time after May 2017.

Report No.	Report Title	Presented by:
5.3	Community Policing Team Midlothian Activity Summary October, November, December 2016	Police Scotland
Outline of report and summary of discussion		
<p>Kenny Simpson spoke to the terms of the Report which summarised the activities of the Community Policing Team during the quarter of October to December 2016.</p> <p>Thereafter, in response to questions raised by Councillors Montgomery and Wallace, Ivor Marshall advised that the division can bid for additional resources and obtain these if the need and demand is considered to be greater than other bids. He confirmed that having officers locally and available is definitely the best preventative approach for the area and when the Council paid for these resources this is what they received.</p>		
Decision		
The Board noted the terms of the Report.		

The Chair expressed her thank you to Members for serving on the Board.

It was noted that the next meeting of the Board would be held on 30 May 2017 at 10.00 am with the first part of the meeting dedicated to training for Members.

The meeting terminated at 1.10 pm.