

Proposed Schedule of Meeting Dates for 2021/2022 and Remit for Developer Contributions Committee

Report by Executive Director Place

Report for Decision

1 Recommendations

The Short Term Elected Members' Working Group for Standing Orders makes the following recommendations to Council to:-

- (a) Approve the schedule of meeting dates for 2021 and 2022 as shown at **Appendix B**;
- (b) determine whether in light of the decision to hold meetings virtually, Elected Members who are not substantive Members of a Committee should routinely be sent calendar invitations to allow them to attend to observe the proceedings;
- (c) approve the remit for the Developer Contributions Committee as shown at **Appendix C** and appoint 6 Elected Members to serve on the Committee;
- (d) remove the Petitions Committee from the schedule of meeting dates with meetings of this Committee taking place as and when there is business to transact and;
- (e) include the Developer Contributions Committee within the schedule of meeting dates (as shown at Appendix B).

Council should also note (c), (d) and (e) above will require amendments to the Scheme of Administration which is currently being revised by the Short Term Elected Members' Working Group for Standing Orders.

2 Purpose of Report/Executive Summary

In 25 June 2019, the Council requested the proposal to establish a Developer Contributions Committee be included with the review remit of the Short Term Elected Members Working Group for Standing Orders. In August 2020, the Council further extended the remit of the Working Group to include consideration of the draft Schedule of Meeting Dates for 2021 up to local government elections in 2022.

At a meeting of the Working Group on 2 November 2020, Members agreed the draft remit for the Developer Contributions Committee as set out in Appendix C. It was further agreed that this Committee should meet on a 6

weekly basis and be included within the Schedule of Meeting Dates, with the first meeting taking place on 2 February 2021. The Working Group also agreed to recommend the Schedule of Meeting Dates for 2021 and 2022 as set out in Appendix B and that future schedules should be family friendly and where possible avoid main school holidays. It was further agreed that, given the past low level of business for the Petitions Committee, it be removed from the Schedule with meetings taking place as and when there is business to transact.

Date: 4 November 2020

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3 Background

- 3.1** The Council currently operates on a six weekly cycle of meetings with breaks incorporated for the summer recess, Christmas/New Year and wherever possible school holidays.
- 3.2** The proposed schedule of meetings for 2021 and 2022 is shown at **Appendix B**.
- 3.3** Members are reminded that a review of the Council's Governance arrangements is pending and should there be any change as a result of this work a further report would be brought to Council.
- 3.4** Members are also reminded that the facility also exists under Standing Orders for special meetings to be called if and when required.
- 3.5** Other issues Members may wish to take into account in considering the proposed schedule of meetings are:-
 - Digital by default is at the core of the Midlothian Route Map Through and Out of the Crisis, so meetings should continue to be held virtually wherever possible;
 - Arrangements for the access of the public and press to virtual meetings;
 - The need for meetings such as BTSG during the summer recess

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

None

4.2 Digital

None

4.3 Risk

The current Schedule ends in December 2020.

The availability of the schedule of meeting dates contributes to the mitigation of risk by:

- facilitating forward planning for meetings;
- contributing to the governance framework which allows the Council to conduct its business; and
- providing a timetable to which officers can work to ensure that reports are submitted timeously.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

This report does not recommend any change to policy or practice and therefore does not require an Equalities Impact Assessment.

4.4 Additional Report Implications

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Background information/Links/Proposed Schedule of Meeting Dates for 2021 and 2022

Appendix C – draft remit of the Developer Contributions Committee as determined by the Short Term Elected Members Working Group for Standing Orders

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☒ Modern
- ☐ Sustainable
- ☒ Transformational
- ☒ Preventative
- ☐ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☒ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value but the absence of a schedule of meetings may result in delays in the ability to carry out proper scrutiny.

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities

A.6 Impact on Performance and Outcomes

The absence of a schedule of meetings will impact on Midlothian Council's performance and outcomes

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting Sustainable Development

Not applicable

APPENDIX B

Background Papers/Resource Links – Report dated 12 September 2018 entitled “Short Life Working Group Schedule of Meeting Dates 2019 and 2020”

Proposed Schedule of Meetings Dates for 2021 and 2022

January 2021

Monday 11	10.00	Combined Local Review Body and Planning Site Visits
Monday 11	13.00	Local Review Body
Tuesday 12	10.00	General Purposes Committee
Tuesday 12	13.00	Planning Committee
Thursday 14	14.00	Midlothian Integration Joint Board Development Workshop
Tuesday 19	11.00	Cabinet
Monday 25	11.00	Business Transformation Steering Group
Tuesday 26	11.00	Audit Committee

February 2021

Tuesday 2	10.00	Developer Contributions Committee
Tuesday 2	11.00	Performance, Review and Scrutiny Committee
Tuesday 2	14.30	JCG
Tuesday 9	11.00	Midlothian Council
Thursday 11	14.00	Midlothian Integration Joint Board
Monday 15	11.00	Police and Fire and Rescue Board
Tuesday 16	10.00	Local Review Body Site Visits
Tuesday 16	13.00	Local Review Body
Monday 22	10.00	Planning Site Visits
Tuesday 23	10.00	General Purposes Committee
Tuesday 23	13.00	Planning Committee

March 2021

Tuesday 2	11.00	Cabinet
Thursday 4	14.00	Midlothian Integration Joint Board Audit & Risk Committee
Monday 8	11.00	Business Transformation Steering Group
Tuesday 9	11.00	Audit Committee

Thursday 11	14.00	Special Midlothian Integration Joint Board
Tuesday 16	10.00	Developer Contributions Committee
Tuesday 16	11.00	Performance, Review and Scrutiny Committee
Tuesday 16	14.30	JCG
Tuesday 23	11.00	Midlothian Council
Tuesday 30	10.00	Local Review Body Site Visits
Tuesday 30	13.00	Local Review Body

April 2021

Monday 5	10.00	Planning Site Visits
Tuesday 6	10.00	General Purposes Committee
Tuesday 6	13.00	Planning Committee
Thursday 8	14.00	Midlothian Integration Joint Board
Tuesday 13	11.00	Cabinet
Monday 26	11.00	Business Transformation Steering Group
Tuesday 27	10.00	Developer Contributions Committee
Tuesday 27	11.00	Performance, Review and Scrutiny Committee

May 2021

Tuesday 4	11.00	Audit Committee
Tuesday 4	14.30	JCG
Tuesday 11	11.00	Midlothian Council
Thursday 13	14.00	Midlothian Integration Joint Board Development Workshop
Monday 17	10.00	Combined Local Review Body and Planning Site Visits
Monday 17	13.00	Local Review Body
Tuesday 18	10.00	General Purposes Committee
Tuesday 18	13.00	Planning Committee
Tuesday 25	11.00	Cabinet
Monday 31	11.00	Police and Fire and Rescue Board

June 2021

Thursday 3	14.00	Midlothian Integration Joint Board Audit & Risk Committee
Monday 7	11.00	Business Transformation Steering Group
Tuesday 8	10.00	Developer Contributions Committee
Tuesday 8	13.00	Performance, Review and Scrutiny Committee

Thursday 10	14.00	Midlothian Integration Joint Board
Monday 14	10.00	Combined Local Review Body and Planning Site Visits
Monday 14	13.00	Local Review Body
Tuesday 15	10.00	General Purposes Committee
Tuesday 15	13.00	Planning Committee
Tuesday 22	11.00	Audit Committee
Tuesday 22	14.30	JCG
Tuesday 29	11.00	Midlothian Council

July

SUMMER RECESS

August 2021

Tuesday 24	11.00	Midlothian Council
Thursday 26	14.00	Midlothian Integration Joint Board
Monday 30	11.00	Police and Fire and Rescue Board
Monday 30	14.00	Planning Site Visits
Tuesday 31	10.00	General Purposes Committee
Tuesday 31	13.00	Planning Committee

September 2021

Thursday 2	14.00	Midlothian Integration Joint Board Audit & Risk Committee
Monday 6	11.00	Business Transformation Steering Group
Tuesday 7	11.00	Cabinet
Thursday 9	14.00	Special Midlothian Integration Joint Board
Tuesday 14	10.00	Local Review Body Site Visits
Tuesday 14	13.00	Local Review Body
Tuesday 21	10.00	Developer Contributions Committee
Tuesday 21	11.00	Performance, Review and Scrutiny Committee
Tuesday 28	11.00	Audit Committee
Tuesday 28	14.30	JCG

October 2021

Tuesday 5	11.00	Midlothian Council
Monday 11	10.00	Planning Site Visits

Tuesday 12	10.00	General Purposes Committee
Tuesday 12	13.00	Planning Committee
Thursday 14	14.00	Midlothian Integration Joint Board
Monday 18	11.00	Business Transformation Steering Group
Tuesday 19	11.00	Cabinet
Tuesday 26	10.00	Local Review Body Site Visits
Tuesday 26	13.00	Local Review Body

November 2021

Tuesday 2	10.00	Developer Contributions Committee
Tuesday 2	11.00	Performance, Review and Scrutiny Committee
Monday 8	11.00	Police and Fire and Rescue Board
Tuesday 9	14.30	JCG
Thursday 11	14.00	Midlothian Integration Joint Board Development Workshop
Tuesday 16	11.00	Midlothian Council
Monday 22	10.00	Planning Site Visits
Tuesday 23	10.00	General Purposes Committee
Tuesday 23	13.00	Planning Committee
Monday 29	11.00	Business Transformation Steering Group
Tuesday 30	11.00	Cabinet

December 2021

Thursday 2	14.00	Midlothian Integration Joint Board Audit & Risk Committee
Monday 6	10.00	Local Review Body Site Visits
Monday 6	13.00	Local Review Body
Tuesday 7	11.00	Audit Committee
Tuesday 7	14.30	JCG
Thursday 9	14.00	Midlothian Integration Joint Board
Monday 13	10.00	Developer Contributions Committee
Monday 13	11.00	Performance, Review and Scrutiny Committee
Tuesday 14	11.00	Midlothian Council

January 2022

Monday 10	10.00	Combined Local Review Body and Planning Site Visits
Monday 10	13.00	Local Review Body

Tuesday 11	10.00	General Purposes Committee
Tuesday 11	13.00	Planning Committee
Tuesday 18	11.00	Cabinet
Monday 24	11.00	Business Transformation Steering Group
Tuesday 25	11.00	Audit Committee

February 2022

Tuesday 1	10.00	Developer Contributions Committee
Tuesday 1	11.00	Performance, Review and Scrutiny Committee
Tuesday 8	14.30	JCG
Tuesday 15	11.00	Midlothian Council
Monday 21	11.00	Police and Fire and Rescue Board
Tuesday 22	10.00	Local Review Body Site Visits
Tuesday 22	13.00	Local Review Body

March 2022

Tuesday 1	11.00	Audit Committee
Monday 7	11.00	Business Transformation Steering Group
Tuesday 8	11.00	Cabinet
Monday 14	10.00	Planning Site Visits
Tuesday 15	10.00	General Purposes Committee
Tuesday 15	13.00	Planning Committee
Tuesday 22	11.00	Performance, Review and Scrutiny Committee
Tuesday 22	14.30	JCG
Tuesday 29	11.00	Midlothian Council

APPENDIX C

Proposed remit of Developer Contributions Committee

Composition:
<p>The Developer Contributions Committee will comprise 6 Elected Members, currently on the following basis:</p> <ul style="list-style-type: none"> • 2 Labour Members • 2 SNP Members • 2 Conservative Members <p>The Committee will have a Chair from its composition, determined by the membership of the Committee.</p>
Business:
<p>The Committee will be responsible for the following:-</p> <p>The exercise of the powers and duties of the Council pursuant to Section 75 of the Town and Country Planning (Scotland) Act 1997 and Section 69 of the Local Government (Scotland) Act 1973 (which includes developer contributions in respect of the Council's own developments where relevant):-</p> <ol style="list-style-type: none"> To authorise the Heads of Terms* on behalf of the Council in respect of Planning Obligations where officers are minded to agree those Heads of Terms and where the Local Planning Authority or Local Review Body have resolved to be minded to approve a planning application subject to a planning obligation being completed (and in so doing have agreed the items of infrastructure for which contributions/provisions are sought) To authorise the Heads of Terms* on behalf of the Council in respect of a proposed modification/variation to an existing planning obligation that would materially alter the level of contribution/infrastructure provision to be provided and which officers are minded to approve To receive reports detailing the value of agreements entered into by the Council, the value of contributions held towards infrastructure projects, the value of contributions paid to the Council, the value of contributions applied to infrastructure projects in a financial year, contributions at risk of potential expiry. To receive reports in relation to guidance, procedure, appeals, case law and new legislative provisions relating to planning obligations <p>*having regard to the Planning Obligations and Good Neighbour Agreements (Scottish Government Circular 03/2012 and any subsequent replacement) which advises that planning obligation should only be sought where the following 5 tests are met:</p> <ul style="list-style-type: none"> • necessary to make the proposed development acceptable in planning terms (paragraph 15) • serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans • relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19) • fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23) • be reasonable in all other respects (paragraphs 24-25) <p>and Local Development Plan policies, relevant statute and case law</p>
Frequency of meetings:
<p>The Committee will normally meet on a 6 weekly cycle (subject to breaks for the summer recess, Christmas/New Year holidays and school holidays).</p>

The Council will decide on the schedule of meetings for the Committee, usually on a rolling annual basis which will be published.

Quorum:

The quorum for meetings will be 3 Councillors.

Minutes:

The Minutes of the Developer Contributions Committee will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Committee for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings may be recorded subject to the exemptions contained within the Local Government (Scotland) Act 1973.