

# Midlothian Council Minute Volume



**Presented to the Meeting  
of Midlothian Council  
on Tuesday, 15 December 2020**

## **1 Minutes of Meetings submitted for Approval**

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Midlothian Council 17 November 2020	3 - 30
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## **2 Minutes of Meetings submitted for Consideration**

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

Police and Fire and Rescue Board 31 August 2020	31 - 36
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General Purposes Committee 13 October 2020	37 - 38
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Planning Committee 13 October 2020	39 - 42
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Cabinet 20 October 2020	43 - 48
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Local Review Body 27 October 2020	49 - 52
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## **3 Minutes of Meetings submitted for Information**

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### **Approved Minutes of Outside Organisations to which Council appoints representatives**

No Minutes submitted for Information.

# Minute of Meeting



## Midlothian Council

Date	Time	Venue
17 November 2020	11.10 am	Virtual Meeting via MS Teams

### Present:

Provost Smaill (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:

Dr Grace Vickers, Chief Executive	Kevin Anderson, Executive Director Place
Morag Barrow, Joint Director, Health and Social Care	Gary Fairley, Chief Officer, Corporate Solutions
Alan Turpie, Monitoring Officer	Mike Broadway, Democratic Services Officer
Verona MacDonald, Democratic Services Team Leader	Grace Scanlin of EY (Item 8.1 only)

## 1. Welcome and Apologies for Absence

The Provost welcomed everyone to the meeting. Intimation of apologies for absence were made on behalf of Councillors Alexander and Johnstone and; Mr Bourne and Mrs Morton, Religious Representatives to the Cabinet.

## 2. Order of Business

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The Provost confirmed the order of business was as per the agenda circulated. He further referred to the late Motion circulated separately but in advance of the meeting. He advised that having considered the terms of the Motion he was satisfied as to its urgency and therefore had agreed to it being presented for consideration. He noted the late Motion would be considered as Item 7.4.

## 3. Declarations of interest

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Councillor Hackett advised he was an employee of UNISON and would be declaring an interest in Item 8.11.

## 4. Deputations

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None received.

## 5. Minute of Previous Meeting

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5.1 The Minute of meeting of Midlothian Council of 6 October 2020 was unanimously approved and the Provost was authorised to sign it as a true record of the meeting.

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

Meeting	Date of Meeting
Local Review Body	18 February 2020
Audit Committee	18 August 2020
General Purposes Committee	1 September 2020
Planning	1 September 2020
Cabinet	8 September 2020
Business Transformation Steering Group	14 September 2020
Midlothian Integration Joint Board	27 August 2020
Special Midlothian Integration Joint Board	10 September 2020

## 6. Questions to the Leader of the Council

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None received.

## 7. Notices of Motion

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Motion No.	Motion Title	Proposed by:	Seconded by:
7.1	Landrat S. Pusch, Heinsburg	Provost	Depute Provost
<b>Motion:</b>			
The Motion was in the following terms:-			
<i>“Midlothian Council congratulates Landrat Stephan Pusch, the head of Midlothian's twinning partner Heinsberg, on being awarded the Order of Merit by the German Parliament; for his work and that of his Council in handling the Coronavirus crisis.</i>			

*Heinsberg by reason of its geographical position and a carnival event in February 2020, was one of the worst affected parts of Germany in the early phase of Covid-19 in terms of number of infections (1,246 by 29 March), and remains an important case study for the recovery phase.*

*Further, Council requests that the Provost write to Landrat Pusch congratulating him accordingly and offering sympathy to those who have suffered as a result of this pandemic, which affects us all."*

#### **Summary of discussion**

The Provost spoke by way of background to the Motion with contributions also from the Depute Provost and Councillor Wallace.

#### **Decision**

The Motion was unanimously approved

<b>Motion No.</b>	<b>Motion Title</b>	<b>Proposed by:</b>	<b>Seconded by:</b>
<b>7.2</b>	<b>Reform of Accounting Policy for Pothole Repairs</b>	<b>Councillor Munro</b>	<b>Councillor Smail</b>
<p>The Motion was in the following terms:-</p> <p><i>"That Midlothian Council write to Kate Forbes MSP, Cabinet Secretary for Finance; Hazel Black, Head of Local Authority Accounting and LASAAC/CIPFA requesting an urgent review of the current restrictive accounting rules which discourage quality pothole repairs.</i></p> <p><i>Under current LASAAC/CIPFA rules only a full road rebuild cost can be spread over time, typically 20 years. There is thus a bias towards the cheapest one-year repairs with poor durability, which fail quickly, but least impact the Roads Budget in the short term.</i></p> <p><i>Where appropriate, partial and more thorough reconstruction giving an intermediate life of up to ten years would be preferable, but under the existing rules this more expensive (but better value) must nevertheless be totally written off to the General Account in the year of repair.</i></p> <p><i>In line with the recent move to recognising asset life, and not inflexible artificial accounting rules, the Scottish Government is encouraged to amend the current anomalous regime to the benefit of motorists, cyclists, delivery businesses and other road users"</i></p>			
<b>Summary of discussion</b>			
Councillor Munro addressed the terms of the Motion which was seconded by Councillor Smail.			
<b>Decision</b>			
The Motion was unanimously approved			

<b>Motion No.</b>	<b>Motion Title</b>	<b>Proposed by:</b>	<b>Seconded by:</b>
<b>7.3</b>	<b>Penicuik Astro-turf</b>	<b>Councillor McCall</b>	<b>Councillor Hardie</b>
<b>Motion:</b>			
<p>The Motion was in the following terms:-</p> <p><i>"Council notes the decision made at the meeting on 25 June 2019 to renew the Penicuik Astro-Pitch and that a report on the condition of the pitch stated that it was 'poor' and 'extensive repair and replacement required'.</i></p> <p><i>Council is alarmed to learn that a child was seriously injured while playing on the astro.</i></p> <p><i>Council further notes with great disappointment that no work has yet been carried out thus far and requests that officers take immediate action to rectify this situation".</i></p>			
<b>Summary of discussion</b>			
<p>Councillor McCall outlined the background to the Motion which was seconded by Councillor Hardie. The Council Leader, Councillor Milligan advised that, whilst regrettable, the injury to the child was not caused by the playing surface but vandalism to the perimeter fencing. He further understood the full replacement costs would be met by developer contributions and referenced Page 143 of the agenda document pack. The Executive Director Place advised there had been no provision within the Capital Plan for replacement of these surfaces but in light of the</p>			

Council decision in 2019, the works were costed but delayed due to construction work and sport activity restrictions during the Covid Pandemic lockdown and the school and housing programmes being prioritised at the end of lockdown. However, a Project Manager had now been appointed for the Penicuik and Poltonhall pitches and the programme of works anticipated would be finalised by the end of the week and could be shared with Elected Members. He further advised repairs had been carried out to the perimeter fence.

**Post Meeting note:** *The Project Plan is to be finalised following a further final site inspection at Penicuik and the Project Manager will then have this work out to tender in 2 weeks and we anticipate tenders are returned and awarded by January.*

*We need to understand lead times for ordering and supply of the materials and any supply chain concerns from Covid or Brexit effects. A lead time of around 12 weeks is anticipated but shall share a programme once this is confirmed.*

#### Decision

The Motion was unanimously approved

Motion No.	Motion Title	Proposed by:	Seconded by:
<b>7.4</b>	<b>Emergency Motion - Environmental Fund</b>	<b>Councillor Curran</b>	<b>Councillor Cassidy</b>
<b>Motion:</b>			
The Motion was in the following terms:-			
<i>"Midlothian Council notes that the Members environmental fund is currently sitting unallocated within the capital budget.</i>			
<i>These funds should be put to use urgently to support initiatives through this emergency COVID-19 period and dealing with its consequences, and Midlothian Council are best placed to act quickly to provide that urgent support.</i>			
<i>Midlothian Council therefore agrees to distribute these funds to Councillors on an equal basis to be reallocated by Councillors to initiatives within their wards which meet the Council's Capital Expenditure Guidance and the "Following the Public Pound" requirements."</i>			
<b>Summary of discussion</b>			
Councillor Curran spoke to the terms of the Motion and advised the total unallocated fund was £720k and should the Motion be passed, prior to any commitments being made, to ensure the proposals meet the Council's Capital Expenditure Guide and the requirements of "Following the Public Pound", Members would require to discuss potential projects with the Chief Officer Corporate Solutions. Councillor Cassidy seconded the Motion.			
<b>Decision</b>			
The Motion was unanimously approved			

## 8. Reports

Report No.	Report Title	Report by:
<b>8.1</b>	<b>External Audit Annual Audit Report 2019/2020</b>	<b>EY, External Auditors</b>
Grace Scanlin of EY spoke to the terms of a report which summarised the key findings and conclusions of the audit work undertaken.		
Thereafter, the Provost raised queries with regard to the Council's shareholding in Lothian Buses and the procurement process. In response Ms Scanlon advised EY		

had taken on board concerns raised at the Audit Committee about the share valuation and passed them to Audit Scotland. She was unsure as to what the City of Edinburgh Council as the majority shareholder in Lothian Buses had listed in its annual accounts. Regarding procurement, she noted work, triggered by an internal audit report, had been undertaken. She advised of the higher degree of risk where internal controls were not operating properly but concluded expenditure was not understated. The Council Leader acknowledged the positive aspects of the report which he felt indicated the Council was moving in the right direction with Elected Members working together to achieve set objectives. Councillor Cassidy welcomed the report as being positive but raised a couple of issues he felt needed addressed – an independent valuation of property and equipment and contracts being allowed to roll on after the end date. In response, Ms Scanlin advised she was aware a report would be presented to the Audit Committee regarding contracts. She further mentioned the establishment of the Integrity Group and that she had attended a meeting of it last week.

Thereafter, the Provost thanked Ms Scanlin for her presentation.

#### Decision

The Council agreed to note the terms of the report

#### Action

Chief Officer Corporate Solutions

Report No.	Report Title	Report by:
<b>8.2</b>	<b>Scotland's Strategic Framework response to Covid-19 Pandemic</b>	<b>Executive Director Place</b>
<b>Outline of report and summary of discussion</b>		
<p>The Executive Director Place spoke to the terms of a report which advised of the authority's initial allocation to Tier 3 within the level based approach to restrictions which underpin the Strategic Framework.</p> <p>The Leader advised of discussions with the Deputy First Minister and City of Edinburgh and East Lothian Councils from which he believed the Scottish Government were reluctant to have one of the Councils move to Tier 2. He advised discussion would continue and whilst it was important to get businesses open again this had to be safe and sustainable. Councillor Parry noted funding announced to assist persons isolating appeared to have gaps and asked what percentage of people applying for the self-isolate payment were successful and whether those unsuccessful are directed to the Scottish Welfare Fund and also whether the Council promotes both schemes. In response, the Executive Director advised he did not have the figures to hand but could provide them to Councillor Parry. He acknowledged the case discrepancies of the prescribed government system but advised where payments were due, staff tried to turn these around in a 24 hour period. The Provost asked for the figures to be provided to all Elected Members and it was thereafter agreed that the information would be added to the Minute as a post-meeting Note.</p>		
<b>Decision</b>		
<p>The Council agreed to note (a) the terms of the report and (b) that the Executive Director Place would add to the Minute of the Meeting a post-meeting Note listing the information sought.</p>		
<b>Post Meeting note:</b>		
<ul style="list-style-type: none"> <li>The number of Social Isolation applications received is 58</li> </ul>		

- *Social Isolation processing timescale - same as crisis grants with decisions made by the end of the working day following the day on which all of the information required to determine eligibility is received.*
- *The successful No. 10*
- *The refused No. 47 + 1 outstanding*
- *Unsuccessful claimants are directed to the Scottish Welfare Fund if suffering financial hardship*
- *We have advertised the SSIG on our website but caution of advertising more widely as most claimants do not meet the criteria and causes frustration and failure demand. A local authority advertised the grant using social media and received 60 applications on the first day but none of which qualified. Attached FAQs as appendix to this Minute*

#### Action

Executive Director Place

Report No.	Report Title	Report by:
<b>8.3</b>	<b>Best Value Assurance Report Update</b>	<b>Chief Executive</b>
The Chief Executive spoke to the terms of the report which provided an update on Best Value and the Improvement Action Plan previously presented.		
Decision		
<p>The Council noted the:-</p> <ul style="list-style-type: none"> <li>a) terms of reference for BTB has been updated to deal with future year savings with the existing change and transformation programme savings for the current year being monitored and reported to the quarterly Financial Monitoring meetings - the reports are then presented to Council as part of the financial monitoring updates and to formalise this change, a closure report for the existing programme is submitted to BTSG;</li> <li>b) the performance team has now changed to the Continuous Improvement Team and will drive continuous improvement, utilising the customer service excellence standard;</li> <li>c) transformation of services as a result of Covid-19 was approved at the June meeting and is called the Midlothian Route Map through and out of the crisis which will ensure a strategic and future focus for BTB/BTSG. This is also complimented by the Nesta Listen and Learn report and;</li> <li>d) the intention to review/close a number of the actions, as outlined in appendix C to the report, currently shown in the Best Value Assurance Report Improvement Action Plan which have been superseded as a result of the Covid-19 pandemic.</li> </ul>		
Action		
Chief Executive, Executive Directors and Chief Officers		



Report No.	Report Title	Report by:
8.4	<b>Proposed Schedule of Meeting Dates for 2021 and 2022 and Remit of Developer Contributions Committee</b>	<b>Executive Director Place</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Executive Director Place who spoke to the terms of a report which outlined recommendations from the Short-Life Elected Member Working Group on Standing Orders.</p> <p>Thereafter, Councillor Imrie, with regard to the recommendations about the Developer Contributions Committee, stated he felt during the discussion in June 2019, Members expressed the desire to become involved at an early stage to determine projects they would wish to see progress. Rather than establishing a new Committee, he suggested this would be better served with an area committee style approach whereby the 3 Ward Members would meet with the Planning Officer, at as early a stage as possible in order not to delay matters, to discuss and agree projects to be funded through developer contributions. He formally moved this and his amendment was seconded by Councillor Cassidy who further requested that this be on the proviso that where political parties are not represented in a Ward, the party is permitted to have a representative join and participate fully in the discussions with the Planning Officer and Ward Members. Councillor Hardie contributed by pointing out often planned expenditure did not happen in the same Ward as the development and the procedure would need to recognise this. The Leader commented that whatever mechanism is put in place, recommendations would need to be reported to Council for a final decision and he also felt Elected Members would benefit from further training regarding the developer contribution process.</p> <p>Thereafter, having noted there was no opposition to the amendments by Councillor Imrie and Cassidy and recommendations (a), (b) and (d) – which included an amendment to the current Scheme of Administration, for which there was the required support in terms of Standing Order 3.2, the Provost suggested the Short Life Working Group on Standing Orders be asked to consider the procedure for Elected Member involvement in the developer contribution process and report back to Council. By way of a show of hands, all 16 Elected Members present indicated their support to this.</p>		
<b>Decision</b>		
<p>The Council agreed:-</p> <ul style="list-style-type: none"> <li>(a) to approve the schedule of meeting dates for 2021 and 2022 as shown at Appendix B to the report (excluding the Developer Contribution Committee);</li> <li>(b) 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;</li> <li>(c) to 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 make the necessary amendments to the Scheme of Administration to take account of this and;</li> <li>(d) defer to the Short Life Working Group on Standing Orders consideration and drafting of a procedure for Elected Member involvement in the developer contribution process in line with the amendment by Councillors Imrie and Cassidy narrated above, with a report thereon coming before Council as soon as possible.</li> </ul>		
<div>Executive Director Place</div> <div>Page 9 of 52</div>		

Report No.	Report Title	Report by:
<b>8.5</b>	<b>Covid-19 Financial Update</b>	<b>Chief Officer Corporate Solutions</b>
<b>Outline of report and summary of discussion</b>		
<p>The Chief Officer Corporate Solutions spoke to the terms of the report which provided an update specifically on the financial and funding aspects arising from the Covid-19 pandemic and complemented the financial monitoring reports also on the agenda. He advised Members should note the financial position remained fluid as the impact and consequences of the pandemic both for Council services and communities across Midlothian continued to evolve.</p>		
<p>The Council agreed to:-</p> <ul style="list-style-type: none"> <li>a) note the update provided in Section 4 of funding provided/projected to be provided by the Scottish Government to support local government's response to COVID-19 and the current position in respect of funding and financial flexibilities;</li> <li>b) note the update provided in Section 5 of the additional expenditure and loss of income projected to be experienced by the Council as a consequence of the pandemic, the net impact of which is incorporated in the financial monitoring update report also on the agenda for the meeting;</li> <li>c) approve the allocation of additional grant funding support to supplement service budgets and so partially mitigate the financial pressures arising as a result of the pandemic and;</li> <li>d) note the material assumptions on which the reported position is predicated, including a revised estimate of funding from the income loss scheme; that education recovery costs will be contained within Scottish Government funding and other flexibilities and; that council tax collection rates are sustained.</li> </ul>		
<b>Action</b>		
Chief Officer Corporate Solutions		

Report No.	Report Title	Report by:
<b>8.6</b>	<b>Financial Monitoring 2020-21 General Fund Revenue</b>	<b>Chief Officer Corporate Solutions</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Chief Officer Corporate Solutions who spoke to the terms of a report which provided information on the projections of performance against service revenue budgets in 2020/21 and material variances against budget. The projected budget performance figures shown in Appendix 1 to the report result in a projected net overspend of £0.485 million for the year which is 0.21% of the revised budget and a £0.705 million improvement on the quarter 1 position reported to Council in August. He advised the report also incorporated the financial impact of the Covid-19 pandemic as outlined in the Covid-19 financial update report considered earlier on the agenda and provided a projection of the general fund balance at 31 March 2021.</p>		
<p>Thereafter, Councillor Parry asked for the average time a void property remained unallocated and raised concerns regarding the consequences to the Council of loss of income and to persons on the housing waiting list. Mr Fairley advised he</p>		

did not have this information to hand but would arrange to provide it to Councillor Parry. The Executive Director Place advised that there had been improvements in the turnaround of void properties but issues outwith the Council's control such as utility connections continued to have an impact. He further advised of his intention to take proposed changes to the system to BTSG. Further contributions on the subject were made by Councillors Cassidy, Baird, McCall and Muirhead. The Provost thereafter suggested the information sought by Councillor Parry be provided to all Elected Members. The Leader also suggested that, once the information requested is available, officers may wish to organise an Elected Members Briefing or Seminar.

**Note:** later in the meeting, Mr Anderson reported that during the comfort break, he had obtained up-to-date information regarding void properties which counted from the date keys are handed back to when a new tenant is given keys. He advised that temporary properties had been re-let within 21 days (down from 51 last year) and other properties re-let within 19 days (down from 55 last year).

#### Decision

The Council noted the content of the report and the projected financial position and the work which is in place to secure improvement. It was agreed that a review of the deliverability of savings targets for the current year as a consequence of the pandemic be progressed and reflected in the next monitoring report. It was further noted that officers may wish to organise an Elected Members Briefing or Seminar in relation to the information requested and agreed to be provided to Members.

#### Action

Executive Director Place; Chief Officer Corporate Solutions

**Sederunt:** At 12.55 the Provost advised of a 15 minute comfort break and asked Members to return at 13.10. At 13.13 the meeting resumed with the same Elected Members present

Report No.	Report Title	Report by:
8.7	<b>General Services Capital Plan 2020-21 Quarter 2 Monitoring and 2021-22 to 2024-25 Budgets</b>	<b>Chief Officer Corporate Solutions</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Chief Officer Corporate Solutions who spoke to the terms of a report which provided an update of the General Services Capital Plan (incorporating at Section 3 of the report information on further additions to the Capital Plan for approval); information on the projected performance against budget for 2020/21 (at Section 4); forecasted expenditure and income for the for 2020/21 through to 2024/25 (at Section 5) and the Capital Fund (at Section 6).		
<b>Decision</b>		
The Council unanimously approved the:-		
<ul style="list-style-type: none"> <li>(a) inclusion of the projects (as set out in Section 3.1 of the report);</li> <li>(b) adjustment to the project expenditure and income budgets in the General Services Capital Plan (as set out in Section 3.2) and;</li> <li>(c) revised expenditure and funding levels in the General Services Capital Plan 2020/21 to 2024/25 (as detailed in appendices 1 and 2).</li> </ul>		
<b>Action</b>		
Chief Officer Corporate Solutions		

Report No.	Report Title	Report by:
<b>8.8</b>	<b>Housing Revenue Account Revenue Budget and Capital Plan 2020-21</b>	<b>Chief Officer Corporate Solutions</b>
<b>Outline of report and summary of discussion</b>		
<p>The Chief Officer Corporate Solutions spoke to the terms of a report which provided a summary of expenditure and income to 25<sup>th</sup> September 2020 for the Capital Plan and a projected outturn for both the Housing Revenue Account (HRA) and Capital Plan for 2020/21.</p> <p>Thereafter, Councillor Wallace referred to the figure of £6.5m for repairs and advised this seemed to be a considerable sum in comparison to the number of houses. Mr Fairley advised it equated to approximately £900 per house and included in this figure is the cost of repairs to void properties, annual gas servicing and also reactive repairs. The Executive Director Place also advised average repair costs, when compared to neighbouring authorities, is considered reasonable and further information in this regard can also be provided at the Elected Members briefing or Seminar (as outlined in Item 8.6 above). Councillor Curran advised repairs included the rolling programme and all fire detection requirements. In response, Councillor Wallace suggested reporting should make it clear what is included in general repairs and any works undertaken which fall into the category of an upgrade should be listed separately. In response Mr Fairley confirmed he could have a look at doing this by way of splitting reactive repairs and planned maintenance/upgrades. Councillor Baird also suggested that benchmarking should take place against other organisations such as housing associations and the private sector. The Executive Director – Place reported that benchmarking for service improvement is carried out annually.</p>		
<b>Decision</b>		
The Council noted the content of the report.		
<b>Action</b>		
Chief Officer Corporate Solutions		

**Sederunt: At 1.28 pm, prior to the following item, Councillor Parry left the meeting and did not return**

Report No.	Report Title	Report by:
<b>8.9</b>	<b>Midlothian Council's Housing Services Assurance Statement 2020</b>	<b>Executive Director Place</b>
<b>Outline of report and summary of discussion</b>		
<p>The Executive Director Place spoke to the terms of a report which advised that to comply with the Scottish Housing Regulator's (SHR) Regulatory Framework, the Council must approve and submit an Annual Assurance Statement (AAS) each year providing assurance that it is meeting legislative and regulatory standards for social housing in Scotland. He drew attention to an error in the spreadsheet attached to the report but confirmed the Statement was correct.</p> <p>Thereafter, Councillor Curran, as Housing Spokesperson, requested the Executive Director put in place the mechanism to notify him as soon as possible should any breaches occur. The Provost suggested that this be extended to the relevant local Members.</p>		
<b>Decision</b>		
<p>The Council approved the Annual Assurance Statement for submission to the Scottish Housing Regulator by the revised deadline date of 30 November 2020 and requested the Executive Director Place put in place the mechanism to notify the</p>		

Housing Spokesperson and relevant Ward Members as soon as possible, should any breaches occur.

**Action**

Executive Director Place

Report No.	Report Title	Report by:
<b>8.10</b>	<b>Local Housing Strategy 2021 – 2026 Consultative Draft</b>	<b>Executive Director Place</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Executive Director who spoke to the terms of the report which provided information for consideration in respect of the draft consultative Local Housing Strategy 2021 - 26 and the planned engagement activity.		
<b>Decision</b>		
The Council noted the draft consultative Local Housing Strategy (LHS) 2021 – 2026 and approved the proposed consultation and engagement plan set out in Section 3.7 of the report.		
<b>Action</b>		
Executive Director Place		

**Declaration of Interest: At 12.46 prior to the following item – Councillor Hackett being an employee of UNISON, declared an interest in the following item, left the meeting and did not return**

**Sederunt: Councillor Milligan and the Chief Executive left the meeting to attend an urgent meeting and did not return**

Report No.	Report Title	Report by:
<b>8.11</b>	<b>UNISONS Plug the Gap in Local Government Finance Campaign</b>	<b>Executive Director Place</b>
<b>Outline of report and summary of discussion</b>		
The report advised of a request from UNISON for a campaign it is pursuing and for the Council to decide what action it wished to take.		
Councillor Wallace moved that UNISON should be requested to present the campaign to the December Council meeting by way of a request to be heard as a deputation. His Motion was seconded by Councillor McCall and with no other Member being otherwise minded this became the decision.		
<b>Decision</b>		
The Council agreed that UNISON be advised that they should present the campaign to the December Council meeting by way of a request to be heard as a deputation.		
<b>Action</b>		
Executive Director Place		

The meeting concluded at 13.42



## **SELF-ISOLATION SUPPORT GRANTS**

### **Frequently Asked Questions – 10 November 2020**

#### **1. About Self-Isolation Support Grants**

##### **1.1. Why are Self-Isolation Support Grants (SISG) necessary?**

The Scottish Government has committed to providing a grant of £500 to workers who are in receipt of low income benefits and who will experience reduced earnings as a result of being required to self-isolate to prevent the spread of COVID- 19. This will support those who would otherwise struggle to be able afford to comply with the requirement to self-isolate.

##### **1.2. What support will the SISG provide?**

It will provide workers with the financial support they need to meet their basic needs during the 14 day period in which they are unable to work. These payments are designed to help ensure people who have tested positive for COVID-19, and their close contacts, self-isolate for the required period to stop the onward spread of the virus. They are also designed to encourage individuals who are eligible for this payment to get tested if they have symptoms. This is important to help stop the transmission of COVID-19 and avoid further economic and societal restrictions.

##### **1.3. Who is eligible?**

People who:

- have been required to self-isolate by Test and Protect Scotland;
- are employed or self-employed;
- are unable to work from home and will face a reduced earnings as a result of self-isolating (we are working with local authorities to ensure that it is as easy as possible for people to demonstrate this); and
- are currently receiving, or have been awarded but not yet received a payment of Universal Credit or legacy benefits.

People who are not eligible for the Support Grant may still apply to their local authority for a crisis grant through the existing Scottish Welfare Fund.

##### **1.4. Is the standard payment £500?**

The value of the grant is fixed at £500 regardless of how much income is lost.



### **1.5. Which legislative provisions are enabling delivery of the grants?**

The legislative requirements governing the provision of Crisis Grants, set out in the Welfare Funds (Scotland) Regulations 2016, will apply to these awards. The statutory guidance for the Scottish Welfare Fund has been updated to include a new section which provides guidance on dealing with applications for the Self-Isolation Support Grant.

### **1.6. Will there be national communications?**

A campaign including Newspaper and Television Radio adverts has been prepared.

### **1.7. What other support can people access?**

Local authorities will provide pro-active offers of support to people who are asked to self-isolate through telephone contact. Individuals who require support to self-isolate are referred to services and support mechanisms including access to food, access to essential medication, eligibility for the SISG and any other local services that they require. People who are asked to self-isolate can still call the National Assistance helpline on 0800 111 4000 to speak to their local authority about any support required, and links to local support services and emotional support.

### **1.8. How much will this cost?**

The cost of the scheme overall will depend on the number of people who are required to self-isolate. It is difficult for us to forecast this because it depends on the progress of the virus and the actions all of us take to contain it. Our current estimate is that the payments could cost £12m for the remainder of this financial year. The UK Government has now stated that currently there will be no additional consequential funding on top of consequentials provided to date despite a similar support scheme being announced in England. We will continue to press them for further support so people will not be forced into hardship because they are doing the right thing by isolating and stopping the transmission of the virus.

### **1.9. When is the Self-Isolation scheme expected to close?**

It is currently planned that the scheme will be open until 31<sup>st</sup> March 2021.

### **1.10. Will this work with the Protect Scotland app?**

We know that the vast majority of people who receive a notification through the Protect Scotland app are also contacted by our Test and Protect team. The Protect Scotland app ensures the anonymity of users by design and a further technological



solution will be required to enable users of the app who receive notifications to be included within the SISG and other outbound calls offering support measures.

We are working to develop this. Until this is available, applicants whose only contact is through the Protect Scotland App will not be eligible to receive SISG awards. Anyone contacted by the App who is symptomatic is asked to self-isolate and arrange a test. At this point, they will be engaged with services and will be included within Test and Protect.

## **2. How Will the SISG Scheme Be Administered**

### **2.1. Who will administer the grants?**

People can apply to their local authority using the existing application processes for the Scottish Welfare Fund. These allow a variety of channels to make an application, depending on the local authority, including applying online and by telephone. During the current pandemic applications by post or in person may not be available.

### **2.2. Why not Social Security Scotland?**

The existing Scottish Welfare Fund is administered by local authorities. Other wrap-around support for people who are self-isolating will also be provided by local authorities too – so it makes sense to align both of these forms of support. There is also a clear legal framework already in place for the Welfare Fund which we can use to implement the SISG scheme quickly.

### **2.3. Why not administer in the same way as in England?**

There is no existing national provision equivalent to the Scottish Welfare Fund in England, so new arrangements have been necessary there through individual local authorities. The existing infrastructure for the Scottish Welfare Fund will let us put this new support in place quickly, and take advantage of the existing expertise of local authorities in supporting their communities.

### **2.4. What are the processing timescales?**

The timescales for processing applications for Crisis Grants set out in legislation will apply to applications for SISG awards. The Scottish Government is content that decisions should be made by the end of the working day following the day on which all of the information required to determine eligibility is received. Local Authorities should, however, obtain their own advice on matters relating to the interpretation of legal obligations.

## **2.5. Will there be decision making templates provided for consistency?**

Local authorities can choose to use or adapt their existing SWF templates. Standard examples are currently being developed.

## **2.6. Will there be a requirement to give a right of appeal against a decision?**

The existing regulations, guidance and procedures governing reviews of decisions on Scottish Welfare Fund applications will apply to applications for SISG awards.

## **2.7 Can applicants for NRPF appeal their decision?**

There is not a formal appeal process as there is for SWF decisions, but legal advice is awaited on how these decisions could be disputed.

## **2.8. How will demand for the scheme be monitored, and uptake recorded?**

We will initially collect management information on a weekly basis to gauge demand for this scheme before we begin more formal monthly monitoring. Guidance is being provided to local authorities on the provision of information, based on existing arrangements for SWF data, using a supplementary reporting form which will include details of the numbers of claims made, approved and rejected, and the total value of awards.

# **3. Applications**

## **3.1. Will a national short application form be provided?**

Applications procedures for Scottish Welfare Fund awards are set by local authorities themselves. They can use their existing SWF application processes and forms for SISG awards or develop their own procedures and forms. Discussions are taking place with Local Authorities on a short standard Self-Isolation Grant Application form which they will be able to use.

## **3.2. Do applicants need to apply themselves or can others apply on their behalf?**

It will be possible for others to apply on someone's behalf, for example if they have a disability which prevents them doing so themselves. However, all payments will be made to the applicant's bank account.

## **3.3. Is there a time limit when people can apply?**

Claims must be made within the applicant's 14 day self-isolation period. A claim cannot be made outside of this period. Awards made to meet a financial need which

is no longer current would not fall within the purposes for which the Scottish Welfare Fund can be used as set out in legislation.

**3.4. Is there a time limit for those who have been self-isolating from 28 September?**

For this limited group, an application can be accepted until 26th October. After that date they cannot apply retrospectively.

**3.5. Is there a limit on the number of claims that an applicant can make?**

No. Individuals can claim more than once as long as they meet the eligibility criteria for each individual claim, including being asked by Test and Protect to self-isolate each time. The application process should be the same for each claim.

**3.6. Could an individual apply for a second time for the same (extended) period i.e. if an individual is asked to self-isolate again before their first 14 day period of isolation is over?**

A claim cannot be made more than once for the same period if periods of self-isolation overlap. There must be a break between one claim period and another. The initial 14 day self-isolation period must be completed first, before a new claim can be made. Any continuous period of more than 14 days will only enable one Self-Isolation Grant. Provision outside that may lie with other social security benefits.

**3.7. If a claim overlaps with another self-isolation period, how is that to be handled?**

A claim cannot be made more than once for the same period if periods of self-isolation overlap. Any continuous period of more than 14 days will only enable one Self-Isolation Grant. There must be a break between one claim period and another. The initial 14 day self-isolation period must be completed first, before a new claim can be made. Provision outside that may lie with other social security benefits.

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A claim cannot be made more than once for the same period if periods of self-isolation overlap. Any continuous period of more than 14 days will only enable one Self-Isolation Grant. There must be a break between one claim period and another. The initial 14 day self-isolation period must be completed first, before a new claim can be made. Provision outside that may lie with other social security benefits.

### **3.15. If an individual is named as a contact by two different people testing positive, could they make two separate claims?**

An individual will receive £500 for one period of isolation regardless of the number of people they have been in contact with. Only one claim can be made for each isolation period.

### **3.16. Will multiple claims from households be allowed?**

Any individual within a household will be able to apply, as long as each individual applicant meets the eligibility criteria.

### **3.17. Are you expecting a deadline to be set for applicants to provide all the necessary verification ?**

It will be in the interest of the applicant, to provide all information required as quickly as possible to enable timeous payment. However, if any information is missing, the Local Authority can contact the applicant or third parties (with the applicant's agreement) to obtain it.

## **4. Eligibility**

### **4.1. How will people show they are eligible?**

Scottish Welfare Fund teams have access to DWP benefits data already and Local Authorities also have access to the records of all Housing Benefit claimants in their area. We expect this to be able to verify that people are in receipt of the relevant benefits.

Our approach to follow-up support from contact tracing through Test and Protect will also mean that local authorities will have a record of the people who have been told to self-isolate through the Test and Protect programme.

Applicants will be asked to provide a bank statement, proof of employment or self-employment and confirmation that they will experience reduced income during their period of isolation.

### **4.2. How will information be included in the Test & Protect list?**

Eligibility is dependent on an applicant being included on the Test & Protect list. People who are contacted after the list is provided to local authorities each morning will not appear on the list until the next day. Local authorities should check the next day's list before refusing a claim.

The normal Test & Protect process is that people will receive a phone call and be included on the list to be shared with the local authority. As an interim measure at times of pressure, the process for notifying close contacts may be changed to text

notifications. From 2 November this will include a reference code and request for a postcode to enable streaming to the correct local authority.

#### **4.3. What if someone has been contacted by the equivalent Test & Protect Services in England, Wales or Northern Ireland?**

SWF guidance para 11.15 provides that the request to self-isolate can come from the equivalent service in the other UK administrations. Further work is being done to support data sharing with the other administrations in these cases.

Applicants could be asked to call the National Contact Tracing Centre within Test and Protect on 0800 030 8012 who may be able to confirm with Test & Trace that he is on their system, for example this process has already been agreed for cross border cases such as in the Dumfries & Galloway outbreak.

It may be difficult for the applicant to provide formal verification from these sources so the information provided should be weighed appropriately. Local authorities should apply the principles contained within SWF Guidance Sections 4.19-25 in making decisions. This includes Section 4.24:

*“The evidence requested should be proportionate to the circumstances of the case. It should only be asked for if essential ... If the applicant refuses to give further information, a decision should be made on the basis of information that has been gathered during the initial application.”*

#### **4.4. What if someone hasn't been contacted, but are self-isolating correctly. Who do they contact to obtain the relevant registration detail and how do they do so?**

Eligibility for payment currently applies only where someone has been formally notified to self-isolate by Test & Protect. If an individual has symptoms, they should book a test. If this produces a positive result, they will be contacted by Test & Protect, and asked to self-isolate.

#### **4.5. What if someone who is self-isolating later finds out they were eligible for a benefit that would have qualified them for the Self-Isolation Support Grant?**

Claims cannot be made outwith the individual's 14 day self-isolation period. For those applicants with low incomes who are not on a qualifying benefit, local authorities should recommend that individuals seek advice on checking their benefit entitlement.

#### **4.6. Can an applicant who is furloughed under the existing Coronavirus Job Retention Scheme claim an SISG payment?**

Yes, as long as they meet all of the other eligibility requirements for the Self-Isolation Support Grant Scheme.

**4.7. Is someone who is on sick leave from work and receiving Statutory Sick Pay eligible for the SISG payment?**

Applicants will be able to receive the £500 SISG payment on top of SSP, provided they meet all of the SISG eligibility criteria.

**4.8. Would any potential National Lockdown have an impact on the SISG?**

Eligibility is based on an individual being required to self-isolate as part of Test & Protect. Any arrangements as part of a national lockdown would have no impact on this.

**4.9. How will this scheme interact with the Social Care Support Fund?**

It is expected that care staff included within the SCSF would be paid during a period of self-isolation and so there would be no loss of income for SISG purposes. Further clarification will be provided on this.

**4.10. If someone has been overseas, and on return is required to quarantine for 14 days will they be able to make a Self-Isolation Grant claim?**

The Self-Isolation Support Grant does not cover people who are self-isolating after returning to the UK from abroad, unless they have tested positive for coronavirus or have been told to stay at home and self-isolate by the Test and Protect Service.

**4.11. Are students eligible for the SISG payments?**

Provided that a student meets all of the SISG eligibility criteria, including working and being in receipt of an income related benefit, they can apply.

**4.12. Are parents/carers eligible for the SISG payment?**

A parent needing to stay home with a child who has to isolate will not qualify for SISG. It is only when the parent/carer has been additionally told by Test and Protect to self-isolate that they potentially qualify for SISG if all other criteria are met.

**4.13. Can discretionary payments be made to people not in employment/self-employment?**

Discretionary support for people facing urgent financial difficulties in Scotland, who do not meet the eligibility criteria for an SISG award, can be provided through the existing Scottish Welfare Fund scheme.

**4.14. Are those who have applied for UC but are awaiting an outcome eligible?**

It is intended that this group could be eligible for a grant. More information will be available on this following further development of the policy.

**4.15. Will an SISG award have any impact on other benefits the applicant may be receiving?**

Any benefits that an applicant is receiving, or has applied for should be unaffected. This includes Universal Credit and any legacy benefits. However, like other benefits, the Self-Isolation Support Grant is a taxable benefit.

**4.16. Have the pilot schemes in England encountered any difficulties in people supplying evidence due to them being confined at home?**

Information from the English scheme shows this has not been an issue in their pilot as individuals have uploaded information electronically.

Local authorities can put arrangements in place to enable this where possible. As some applicants will be unable to access a scanner, this should include accepting photographs of documents in lieu of a scan.

This does not mean that local authorities will not encounter difficulties in people supplying evidence as part of the national roll-out. If this issue does arise, a potential solution can be discussed and resolved collectively.

**4.17. Does there have to be an assessment of the family/household makeup?**

Eligibility is based on individuals who are asked to self-isolate so it is unnecessary to consider any other household members.

**4.18. What would be considered as 'loss of earnings? Will this include overtime?**

Where an employee is unable to work their planned hours because of the requirement to self-isolate and cannot work from home, a reduction in expected earnings will enable a payment to be made. The payment is not linked to the level of reduction.

**4.19. What would be considered 'low income'?**

In considering what would be low income for the purposes of Sections 7.10-7.18 the following guide is to help decision makers understand the current UC equivalent entitlement levels at a glance.



Household composition	UC Applicable Amount*	Earned income amount where UC would not be paid
Single earned income	£808.77 (£187/week)	£1283.76 (£296/week)
Couple earned income	£992.92 (£229/week)	£1576.06 (£363.71/week)
Lone parent (one child)**	£1189.78 (£274.56/week)	£2180.54 (£503.20/week)
Couple (one child)**	£1373.93 (£317.06/week)	£2472.84 (£570.66/week)

*\*These figures are based on UC Applicable Amounts using the appropriate LHA rate for the household circumstances.*

*\*\*increase the UCAA by £385.41 (£88.94/week) for each additional child and on top of this amount, add on a further £400.29 for each disabled child.*

#### **4.20. Are savings and capital to be included in the assessment?**

Eligibility is based in part on receipt of Universal Credit or a legacy benefit. Savings and capital will already have been assessed for the purposes of providing that benefit so there is no requirement for it to be done again for SISG.

#### **4.21. What evidence should be requested to prove reduced earnings?**

Confirmation that the applicant has been asked by Test & Protect to self-isolate will be provided through the data supplied to each local authority;

Proof of receipt or award of one of the qualifying benefits will be available through DWP records or the local authority's own records;

Applicants will provide a bank statement and proof of employment or, if they are self-employed, evidence of self-assessment returns, trading income and proof that their business delivers services which cannot be undertaken without social contact. Applicants will also declare as part of their application that they expect to lose earnings as a result of having to self-isolate.

Local authorities should apply the standard of evidence generally required for the SWF and may ask the applicant to provide other information to confirm eligibility.

#### **4.22. What provisions have been made to minimise Fraud?**

When someone is contacted by Test and Protect and asked to self-isolate they receive a follow-up call from their local authority. This will help to ensure that only those who have been asked to self-isolate will be contacted by their Local Authority. In addition a data-sharing agreement between all 32 Local Authorities has now been approved, which means that it will be possible for Local Authorities to be quickly aware of multiple claims made in more than one authority.

Scottish Welfare Fund teams have access to DWP benefits data already and we expect this to be able to verify that people are in receipt of the relevant benefits. Local Authorities also have access to the records of all Housing Benefit claimants in their area.

Applicants are asked to provide confirmation of eligibility through a bank statement, proof of employment or self-employment and confirmation that they will experience reduced earnings during their period of isolation. A decision maker may contact the applicant for more information and check with third parties (subject to the applicant's agreement) such as employers.

#### **4.23. Are Self-Isolation Support Grants taxable ?**

HMRC have confirmed that the SISG is taxable. We are currently in discussions over how Local Authorities will notify payments made to HMRC. The UK Treasury, has indicated to English Local Authorities that no National Insurance Charge will be levied. The Treasury has offered to amend the National Insurance Regulations to include Scotland, in this regard. However, they have indicated that it will not be possible to do this before the scheme start date of 12<sup>th</sup> October 2020.

#### **4.24. Will those with No Recourse to Public Funds (NRPF) be able to claim SISG?**

The Scottish Welfare Fund is specifically listed in immigration rules as not available to those with NRPF so those individuals will not be able to apply for a Self-Isolation Support Grant.

However, we have agreed with Local Authorities that an equivalent discretionary payment can be provided to people with NRPF using provisions in the Public Health (Scotland) Act 2008. The eligibility criteria is the same as those for the SISG award with the exception of the requirement to be in receipt of a low income benefit. Separate guidance is being provided to help local authorities assess applications, including arrangements for assessing low income at the level of those benefits. The discretionary payment provided to eligible individuals with NRPF will also be £500.

#### **4.25. Will it be necessary to carry out an immigration status check?**

We want to avoid councils undertaking immigration status checks wherever possible. There is advice in the national guidance on establishing immigration status which may assist here but further information will be made available.

#### **4.24 If a Scottish resident is told by English T&T to self- isolate, how will verification work between the two systems?**

If a Scottish resident is contacted by English Test and Trace to self-isolate, in order to claim SISG, the applicant will need to contact The National Contact Tracing Centre within Test and Protect on 0800 030 8012 who will be able to confirm with Test & Trace that the person is on their list.

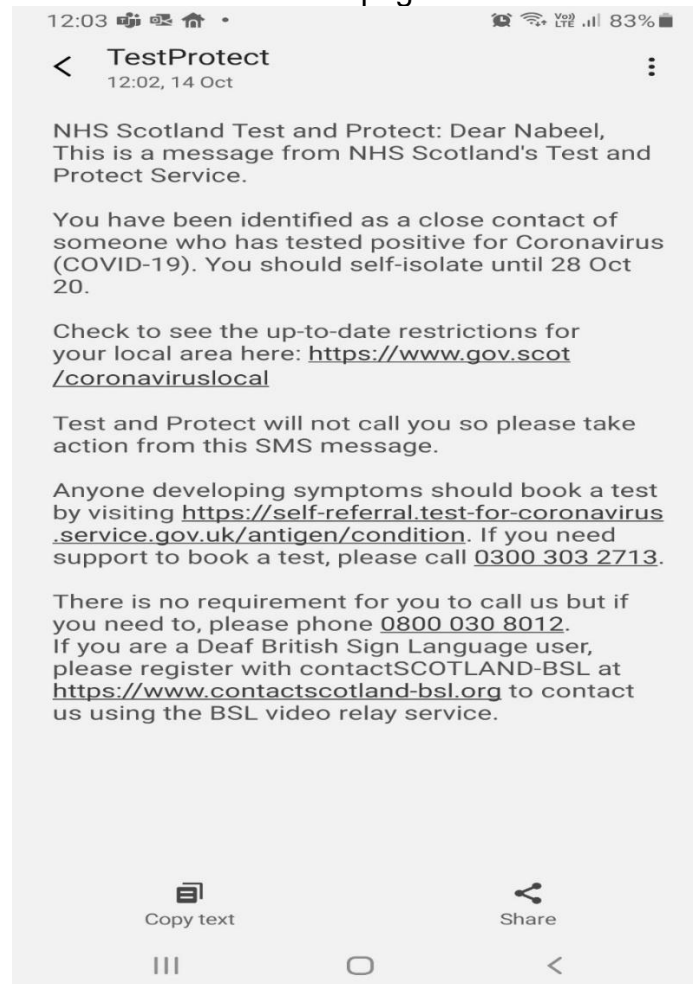
#### **4.25 Should an applicant who is on Zero UC at time of applying be treated as on a qualifying benefit?**

Provided there is current UC eligibility the rate of payment does not require to be above zero.

#### **4.26 A person has received a text (but no phone call) confirming them to isolate – how will they be verified as someone who was asked to isolate?**

The LA can phone the National Centre (same as above, calls need to come from a named person within the LA). Note – we can only confirm those individuals who have received a text from the National Centre, if it's from the Proximity App then we can't verify these details and they are not currently eligible.

An example copy of the text is on the next page.



#### **4.27 How do we update the National Contact Tracing Centre (NCTC) List of verifiers?**

Agreed with NCTC that this list can be updated weekly – please provide names to [mirren@cosla.gov.uk](mailto:mirren@cosla.gov.uk) by 10am on Mondays, will be updated on systems for Tuesdays

#### **4.28 How do we contact NCTC?**

A dedicated mailbox has now been set up for any queries - [nss.nctcScotlandLAqueries@nhs.scot](mailto:nss.nctcScotlandLAqueries@nhs.scot). For busy periods, NCTC are going to look at providing some times where it would be better to get in touch to avoid long waits etc

#### **4.29 What is the NCTC 2<sup>nd</sup> Text process?**

Public Health Scotland are testing a solution this week where those contacts who have received a text asking them to isolate receive a 2<sup>nd</sup> text asking if they require further support, to respond by text with their postcode. This is planned to be live soon, subject to testing, and will hopefully reduce the number of enquiries into NCTC. Note – this will not resolve the Proximity App issue.

## **5. About the Self-Isolation Assistance Service**

### **5.1. Who will receive this service?**

The service will deliver calls to people who have been contacted by contact tracing teams either as a result of testing positive for Covid-19 or being a close contact of someone that has tested positive. The service will make contact with people who consent to their details being passed to their local authority for this purpose.

To ensure the service is targeted to people most likely to require some form of additional support whilst self-isolating, local authorities will prioritise:

- people who are on the shielding list;
- people aged 70+;
- disabled people;
- people in low income households with children;
- people in receipt of low income benefits; and
- households with children.

### **5.2. Will everyone contacted by contact tracing teams receive a phone call?**

Given the volumes of positive cases and the linked close contacts, the groups considered most likely to require support will be prioritised as part of this service. Regular engagement between COSLA and the Scottish Government will consider the evidence and analyse the service delivery and continue to refine the service model and to consider whether widening the list of priority groups is required.

The existing National Assistance helpline service will continue to be available for people who are self-isolating and need support. The Self-Isolation Assistance Service is an additional mechanism to ensure that where people may require support to self-isolate, they are referred to services and support that can help them.

### **5.3. Are local authorities being asked to enforce compliance with self-isolation guidance as part of this service?**

Absolutely not. This is an additional service there to offer assistance to people we know may require essential practical support whilst they self-isolate. The service prioritises people on the shielding list, disabled people, older people and low income households to ensure that these people are able to access local support services whilst they self-isolate.

The service is not mandatory – people contacted by contact tracers can opt-out of their details being passed to their local authority or, if they opt-in, request no further contact from the service at any time.

Local authority teams are not being asked to enforce compliance with self-isolation as part of this service.

### **5.4. How much will this service cost?**

The Scottish Government will fund the administrative cost of local authority staff delivering the outbound phone calls as part of this service. Demand for the service will depend on a number of factors including the demographics of people who are asked to self-isolate and the numbers of people required to self-isolate each day. COSLA and the Scottish Government will consider the early data reported by local authorities and the level of funding will be confirmed in due course to meet the demands of the service.

### **5.5. How are the support services funded?**

The support provided through the service will be funded in a range of ways depending on which services are required.

Services provided in line with the existing National Assistance Helpline delivery including essential food and medication will be funded by the Scottish Government. Where statutory services are required, these are funded from existing local authority budgets. Clients may also be referred into a range of local services delivered with pre-existing funding.

### **5.6. How many people will the service reach?**

The service may deliver up to 1500 phone calls a day, dependent on the numbers of people contacted by contact tracing teams who opt-in to receiving a support call. To ensure the service meets changing demands the service model is intended to be flexible to mitigate some of the pressures caused in situations where the number of people required to self-isolate varies significantly across different local authority areas.

### **5.7. Can people still contact the National Assistance Helpline for support?**

Yes – the National Assistance Helpline remains available. The new outbound call service builds on the support currently available through the National Assistance Helpline to ensure that more people self-isolating are able to access the support they may require.

### **5.8. Where do local authorities get information on people who are self-isolating from?**

As part of the delivery of this service, NHS National Services Scotland and Public Health Scotland have worked with local authorities to provide a data feed from the contact tracing system to provide the details of people who are self-isolating. When contacted by contact tracers, people will be asked if they want their details passed to local authorities to receive further support. Only if they consent to this will their information be passed to their local authority.

### **5.9. How will people delivering the service know what support people need?**

Staff delivering this service will use a knowledge of local services, and the support available through national programmes such as the National Assistance Helpline, to engage with people self-isolating to establish what support they might require. A screening tool has been developed to assist with the initial 30 minute triage calls that will be adapted to each local authority area to reflect the diverse range of local services available in each locality.



## Police and Fire and Rescue Board

Date	Time	Venue
31 August 2020	11.00 am	Virtual Meeting by MS Teams

### Present:

Councillor Curran (Chair)	Councillor McCall
Councillor Muirhead	Councillor Parry

### In attendance:

<b>Midlothian Council</b> Derek Oliver, Chief Officer Place	Verona MacDonald, Democratic Services Team Leader
<b>Police Scotland</b> Chief Superintendent John McKenzie	Chief Inspector Arron Clinkscales
<b>Scottish Fire and Rescue Service</b> Stephen Gourlay, Area Commander	Roy Bradley, Station Commander

### 1. Welcome, Introduction and Apologies

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The Chair welcomed all to the meeting. Apologies for absence were intimated on behalf of Councillors Munro and Smail.

### 2. Order of Business

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

### 3. Declarations of interest

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No declarations of interest were intimated.

### 4. Minute of Previous Meeting

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The Minute of Meeting of 17 February 2020 was unanimously approved and the Chair was authorised to sign it as a correct record.



## 5. Public Reports

Agenda No.	Report Title	Presented by:
5.1.1 and 5.1.2	<b>Fire and Rescue Service – Scrutiny Report Quarter 4 2019 – 2020 and Scrutiny Report Quarter 1 2020 - 2021</b>	<b>Scottish Fire and Rescue Service</b>
<b>Outline of report and summary of discussion</b>		
<p>Stephen Gourlay by way of an update advised of a few matters worthy of noting:-</p> <ul style="list-style-type: none"> <li>(i) He introduced Roy Bradley and advised he would cover the quarterly reports. He provided some information by way of Roy's background;</li> <li>(ii) Scottish pay deal offer was rejected by ballot which means now back into the national negotiations with a 2% offer this year;</li> <li>(iii) Unprecedented changes to business processes due to the pandemic which although challenging, did not affect the ability to provide an emergency response in Midlothian;</li> <li>(iv) He mentioned the sad news about the death of a young serving officer who died as a result of an accident;</li> <li>(v) Midlothian will be the subject of an inspection from HM Inspectorate which will take place over the next couple of months with the report being available in time for the next Board meeting if not the one thereafter.</li> </ul> <p>Roy Bradley then spoke to the terms of the quarter 4 report for 2019-20 and the quarter 1 report for 2020-21. He highlighted 2 errors - Page 10 of the document pack, third paragraph, third sentence should read 18 not 16 and Page 15 of the document pack, second paragraph, second sentence should read 2 not 3 separate fire incidents.</p> <p>Councillor Parry wondered about the increase to 23 accidental dwelling fires in Midlothian West and whether there was a particular reason for this. Her question was answered by Mr Gourlay who advised that there was no particular pattern to residential fires and the figure does fluctuate. Whereas it has been difficult to do much by way of analysis due to restrictions caused by the pandemic, officers were now looking into this.</p> <p>Councillor McCall enquired as to what the Covid effect had been and gave examples of perhaps less road traffic incidents but more dwelling fires since people have been in their homes more. She noted the spike in Penicuik and Dalkeith for accidental dwelling fires. In response, Mr Gourlay advised that across the country there had been a number of tragic fatal fires where alcohol had played a part. However, across Midlothian the figure had come down dramatically in comparison to regional and national statistics. He advised home fire safety visits were now able to re-commence after additional training and PPE had been provided to officers and they will concentrate on areas of identified need.</p> <p>The Chair asked whether the figure of 5 out of 18 dwellings without working smoke alarms equated to homes with alarms fitted but not working. Mr Gourlay advised that it is a combination of them not working or not being fitted. He advised premises previously attended by officers do have smoke alarms fitted at that time.</p>		
<b>Decision</b>		
The Board noted the content of the report		



Agenda No.	Report Title	Presented by:
<b>5.1.3</b>	<b>Local Community Fire and Rescue Plan Review 2020</b>	<b>Scottish Fire and Rescue Service</b>
<b>Outline of report and summary of discussion</b>		
Stephen Gourlay advised the Police and Fire Reform legislation required a plan to be in place to meet the needs of the local community. He advised the priorities in the last plan were designed to be future proof and considered still to be fit for purpose. He was therefore seeking approval to take forward a new draft Midlothian plan.		
<b>Decision</b>		
The Board approved the terms of the draft plan.		

Report No.	Report Title	Presented by:
<b>5.2.1</b>	<b>Police Scotland Midlothian Area Command Quarter 1 report 2020 - 2021</b>	<b>Police Scotland</b>
<b>Outline of report and summary of discussion</b>		
<p>Chief Superintendent McKenzie addressed the Board and welcomed the opportunity to get back to meetings. He summarised matters of relevance being – Covid-19; A68; Chief Constable's Pledge on assaults to emergency workers and additional information added to scrutiny report. He provided further detail with regard to each as follows:-</p> <ul style="list-style-type: none"> <li>(i) Covid-19 – Since lockdown on 23 March the response by the Police had changed with calls being graded and attended only when deemed necessary. Enquiries and statements had been made remotely and there had been an increased use of technology which he did not wish to lose going forward. He thanked Derek Oliver for assistance with licensed premises and confirmed they will continue to be monitored. He mentioned the Force Reserve Unit had been “stood-up” at the beginning of the pandemic and assistance can be sought from the Unit if and when required. He advised that in relation to crime statistics this year cannot be compared to others and when Chief Inspector Clinkscales addressed the quarterly report, he would touch on the 56% increase in anti-social behaviour reports which are a direct result of perceived social distancing breaches;</li> <li>(ii) A68 – He touched on the impact following the diversion of traffic to the B6368. He understood embankment repairs had taken place and he anticipated Transport Scotland announcing a predicted date of opening of the A68 and this information would be passed onto Members when known;</li> <li>(iii) Chief Constable's pledge on emergency worker assaults – the pledge was to highlight the issue of the impact of violence on emergency workers and he asked the Board to consider supporting it. He advised additional training had been arranged for Police officers and pointed out the increase in Quarter 1 – up from 20% to 27%. He advised there had been one hundred percent solvency of these crimes and the Police will continue to give this area the priority required.</li> <li>(iv) Additional Information added to Scrutiny report – He noted the addition of complaints data and advised this will develop over time. He further noted there had been an increase in complaints during the pandemic against Midlothian based officers. The reason for these was because people had not agreed with the way officers had dealt with reports.</li> </ul>		

Thereafter, the Chair advised the Board was happy to endorse the Chief Constable's pledge.

Questions were then put by Councillor Parry who asked about anti-social behaviour and in particular the perception that gatherings of young people are bad; an increase in complaints regarding inappropriate parking in housing estates and the national rise in commercial digital sexual exploitation and racial abuse where the message appears to be people should keep themselves safe as opposed to people should not be racist.

John McKenzie responded. With regard to gatherings of young people he suggested this fell into the category of reduced public tolerance and gave other examples. He advised the Police will always engage and encourage with enforcement being a last resort. He accepted parking had become a problem and again this involved trying to explain and encourage in relation to road safety. He confirmed he is aware of the significant increase in commercial digital sexual exploitation and would be happy to circulate a briefing paper to Board Members after the meeting. With regard to racist abuse, he advised whereas he did not wish to go into specifics of the recent high profile case, safety planning is put into place for individuals and officers are determined to reduce abuse and hate crime in Midlothian.

Councillor Muirhead wondered whether calls related to Covid-19 and recorded under anti-social behaviour were removed from the figures before the Board. Mr McKenzie advised the examples he provided were included in the figures which showed an increase of 56% however analysis undertaken would provide more accurate data. He offered to check the security marking on analysis carried out and if possible share with Board Members.

Councillor McCall remarked about the number of complaints she receives relating to the non-wearing of face coverings on public transport and in shops. She asked what reassurance can be given to the public. Mr McKenzie advised there needed to be a balance because going forward officers had to continue to have a good relationship with the public. He suggested the responsibility is 3 fold – person, supplier of the service and the Police. Derek Oliver advised Environmental Health and Trading Standards officers had been out engaging with businesses in conjunction with the Police and had found a general acceptance in the sector for the provisions of the legislation. The Chair advised he had concerns about a couple of shops in Danderhall and Dalkeith and was aware some shop workers had been told not to challenge customers not wearing a face covering.

The Chair then commented Board Members had not been afforded the opportunity to scrutinise the Quarter 4 results and asked for the report to be circulated to Members to allow them to consider and raise any issues with the Chief Inspector either before the next meeting or at it. Chief Inspector Clinkscales undertook to do this and then addressed the terms of the Quarter 1 2020-2021 report. He advised the #Kindness Midlothian campaign had helped considerably and partnership working with Derek Oliver and his staff had been positive. He advised it was a high priority to tackle drug supply and recently the Head Teacher at Newbattle High School had agreed to fund the link officer post for another 2 years. He advised when the road network was quiet, officers took the opportunity to stop and speak to people to get an idea about what was going on which led to positive intelligence gathering. He mentioned the figure for looked after children absconding was still not good but noted positive discussions

had taken place which should lead to a reduction. He summarised by noting many of the challenges officers face are from travelling criminals but these individuals had found it more difficult to operate during lockdown. He noted the decrease in reports of hate crime but wondered whether this may increase as a result of the recent high profile case.

The Chair enquired whether the Police could provide figures relating to hate crime incidents in Council buildings and Chief Inspector Clinkscales undertook to have a look at this and provide a response to the Chair. Councillor Parry advised she was receiving almost daily reports about stolen bikes and night time garden prowlers. She further mentioned Kirkhill Lodge being booked for events which have turned out to be raves. In response, Mr Clinkscales noted issues around Kennington Avenue which MCAT are now dealing with. He also advised he intends visiting Kirkhill Lodge to check what bookings they have and will provide an update to members thereafter. Councillor McCall enquired about wildlife offences (mentioned on Page 65 of the document pack) and wondered whether they related to Gladhouse Reservoir. Mr Clinkscales advised there had been quite a few meetings over the last few weeks and officers using quad bikes were now on patrol in the area. He advised the land was owned by Scottish Water and therefore was primarily an issue for them but given the level of camping and resultant scaring of wildlife, the Police had committed to patrols. Chief Superintendent Mckenzie made a comparison to the challenge going forward for police officers in Scotland whereby their powers were restricted to the issue of a £60 fixed penalty whereas in England and Wales fines of £10,000 can be issued to the organisers of large gatherings such as raves.

#### Decision

The Board noted the content of the report.

Agenda No.	Report Title	Presented by:
<b>5.2.2</b>	<b>Local Policing Priorities – Verbal Update</b>	<b>Chief Superintendent Mckenzie</b>
<b>Outline of report and summary of discussion</b>		
Chief Superintendent Mckenzie briefly outlined the requirement of the Police and Fire Reform (Scotland) legislation which provided for a local Police plan. He advised this had been circulated and comments received thereon from the Chair. He thanked the Chair feedback and advised the plan will be published once signed off by Scottish Borders Council		
<b>The Board noted the summary provided</b>		

The meeting terminated at 12.46 pm



# Minute of Meeting



## General Purposes Committee

Date	Time	Venue
13 October 2020	10.10 am	Virtual via MS Teams

### Present:

Councillor Alexander	Councillor Hackett
Councillor Imrie	Councillor Lay-Douglas
Councillor McCall	Councillor Milligan
Councillor Muirhead (up to 10.12 am)	Councillor Parry
Councillor Russell	Councillor Winchester

### In attendance:

Emma Padden, Solicitor	Verona MacDonald, Democratic Services Team Leader
Inspector Alan Struthers, Police Scotland	

### 1. Chair

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At 10.08 am having noted the Chair, Councillor Munro, had not joined the meeting, the Democratic Services Team Leader invited nominations for the election of Chair for the meeting. Councillor Milligan was nominated by Councillor Muirhead, seconded by Councillor Alexander. There being no other nominations, Councillor Milligan assumed the role of Chair.

### 2. Apologies

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Apologies for absence were intimated on behalf of Councillors Cassidy and Smail who having not been involved in the initial consideration of the only item on the agenda, could not take part; Councillor Curran who having declared an interest prior to the initial consideration of the application, also could not take

part; Councillor Hardie who had been unable to join the meeting due to connection and/IT related issues and; Councillor Johnstone.

### **3. Order of Business**

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

### **4. Declarations of interest**

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As noted above, Councillor Curran had on 1 September 2020 previously declared an interest in the only item of business this being on the basis of his business interests in the taxi/private hire trade.

### **5. Minute of Previous Meeting**

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The Minute of Meeting of 1 September 2020 was unanimously approved and the Chair was authorised to sign as a correct record.

### **6. Public Reports**

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None

#### **Exclusion of Members of the Public**

**In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 3, 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-**

- 6.1 Application for Renewal of a Private Hire Car Driver's Licence – T. Paterson

The meeting terminated at 10.24 am

# Minute of Meeting



## Planning Committee

Date	Time	Venue
Tuesday 13 October 2020	1.00 pm	Via MS Teams

### Present:

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

### In Attendance:

Peter Arnsdorf	Planning Manager
William Venters	Principal Solicitor
Mike Broadway	Democratic Services Officer

## 1. Apologies

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

## 2. Order of Business

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The order of business was as outlined in the agenda.

## 3. Declarations of interest

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No declarations of interest were intimated at this stage of the proceedings.

## 4. Minutes of Previous Meetings

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The Minute of Meeting of 1 September 2020 was submitted and approved as a correct record.

## 5. Reports

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Agenda No	Report Title	Presented by:
5.1	Pre-Application Consultation – Proposed Residential Development at Redheugh West, Gorebridge (20/00446/PAC)	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>There was submitted a report dated 6 October 2020 by the Chief Officer Place advising of a pre-application consultation submitted regarding a proposed residential development at Redheugh West, Gorebridge.</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.</p> <p>The Committee acknowledged that the proposed application site was identified in the existing Midlothian Local Development Plan as an allocated housing site for an indicative 400 dwellings, forming the western portion (Phase 2) of the larger Redheugh new community redevelopment area. In discussing the proposals concerns were expressed regard the pressure such a development might have on the existing infrastructure in the area particularly education provision, car parking at the Gorebridge train station and other town centre facilities. There were also issues with regards the provision of an appropriate access to the site and the provision of pedestrian/cycle access through the site linking into existing networks and the countryside beyond. Members were also keen to see the adoption of energy efficient house designs.</p>		



Decision
The Committee, having heard from the Planning Manager, noted the comments made by Members. Also noted was the provisional planning position set out in the report and that any expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.
Action
Planning Manager

Agenda No	Report Title	Presented by:
5.2	Pre-Application Consultation – Proposed Erection of a Health and Rackets Club with associated car parking, access, landscaping and ancillary facilities on land at Shawfair Park, off Old Dalkeith Road, Danderhall, Dalkeith (20/00607/PAC)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 6 October 2020 by the Chief Officer Place advising of a pre-application consultation regarding the proposed erection of a health and rackets club with associated works on land at Shawfair Park, Danderhall, Dalkeith.</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.</p>		
Decision		
The Committee, having heard from the Planning Manager who in responding to Members' questions confirmed the lack of suitable possible alternative locations within the area for such class uses, noted the provisional planning position set out in the report and that any expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.		
Action		
Planning Manager		

Declarations of interest
Prior to consideration of the following item of business, the Committee noted that Members had received email correspondence from a number of parties, including the applicants, regarding the application however they had all been careful not to express an opinion or give their views either way on the matter, so all would participate in consideration of the item.

Agenda No	Report Title	Presented by:
5.3	Application for Planning Permission (20/00220/DPP), for the erection of a Food Store (Class 1), formation of access roads, car parking and associated works on land at Thornybank, Dalkeith	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>There was submitted report, dated 6 October 2020, by the Chief Officer Place regarding the above application. The Planning Manager by way of a brief update advised that a further 7 representations had been received: 6 supporting and 1 opposing the application, although no issues not already covered in the report had been raised.</p> <p>The Committee in considering the application, acknowledged that although the application site was identified as being part of site Hs5, an allocated housing site in terms of the Midlothian Local Development Plan 2017 (MLDP), it did not occupy the full site and arguably the remainder of the site could still potentially accommodate the indicative number of dwellings allocated to the whole of the Hs5 site. Whilst it was accepted that the range of different shopping opportunities had increased in recent years, the vast majority of these required to be accessed by car or public transport and there were relatively few retail opportunities in the immediate area. Indeed the neighbourhood hub site at Wester Cowden had yet to secure any development and continued to give a somewhat unfinished appearance; its future would in all likelihood require to be reviewed regardless of whether or not this particular development went ahead. In discussing the likely impact on the health of neighbouring town centres, it was felt on balance that the levels of growth in the local area and across Midlothian as a whole would mitigate any detrimental effects. In addition, as well as offering local residents greater consumer choice, the proposed development would also bring welcome local employment opportunities.</p>		
<b>Decision</b>		
<p>After further discussion, the Committee agreed to grant planning permission subject to appropriate conditions to be determined by the Planning Manager, in consultation with the Chair, which should include as part of the developer contributions provision for improved pedestrian/cycle links in the area.</p>		
<b>Action</b>		
Planning Manager		

## 6. Private Reports

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No private business was discussed.

## 7. Date of Next Meeting

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The next meeting will be held on Tuesday 24 November 2020.

The meeting terminated at 1.54pm.

# Minute of Meeting



## Cabinet

Date	Time	Venue
20 October 2020	11.00 am	Held via Microsoft Teams

### Present:

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

### Religious Representatives:

Mrs Elizabeth Morton	
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## 1 Apologies

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Apologies for absence had been received on behalf of Vic Bourne.

## 2 Order of Business

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The Order of Business was as detailed within the Agenda.

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minute of the Meeting of the Cabinet held on 8 September 2020 was submitted and approved as a correct record.

## 5. Reports

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Agenda No.	Report Title	Presented by:
5.1	Integrated Children's Services Inspection Report	Chief Officer, Children's Services, Partnerships and Communities
<b>Outline of report and summary of discussion</b>		
<p>The purpose of the report was to provide feedback from the recent Joint Children's Services for children and young people in need of care and support within Midlothian and the areas for improvement highlighted.</p> <p>Formal feedback in relation to the inspection was received on 6 July 2020 with the following grades awarded;</p> <ul style="list-style-type: none"><li>• Leadership and Direction – GOOD</li><li>• Impact on Families – GOOD</li><li>• Impact on Children and Young People – GOOD</li><li>• Improvement in the safety, wellbeing and life chances of vulnerable children and young people – GOOD</li><li>• Evaluation Scale 4 GOOD = Important strengths, with some areas for improvement</li></ul> <p>The inspection identified a number of key strengths and good practice as follow;</p> <ul style="list-style-type: none"><li>• Leaders had embraced their collective responsibility to protect children, demonstrated through their well embedded, collaborative approach to quality assurance and scrutiny.</li><li>• Staff recognised risk and took timely and appropriate action to keep children safe, and key processes for assessing and managing risk for children and young people in need of care and protection were well established.</li><li>• The wellbeing of children in need of care and protection was improving, with most children and young people benefiting from positive and caring relationships with staff and carers.</li></ul>		

- As a result of operational and strategic effort, partners had achieved significant reduction in the overall number of looked after children and young people and a reduction in out-of-authority placements.
- Children and young people had their rights respected and they benefited from opportunities to have their voices heard throughout the well-established Champions Board structure.

The priority areas for improvement were identified as;

- While children and young people in need of care and protection were helped by a range of purposeful interventions, access to the specialist services required to help them recover from trauma, was not always available at the time they needed it.
- The partnership recognised that more needed to be done to raise educational attainment and reduce the number of care experienced children and young people excluded from school.
- Outcomes and experiences for care experienced young people transitioning into adulthood were variable. The partnership had identified this as a key area for improvement.
- Collaborative leadership of corporate parenting had not yet consistently achieved partner's ambitions for improved and wellbeing across all groups of care experienced children and young people.

In conclusion the Care Inspectorate reported;

- That they were **very** confident that the partnership in Midlothian has the capacity to continue to improve and to address the areas identified for improvement.
- Evidence of strong partnership working at all levels and a confident and competent workforce committed to improving outcomes and experiences for children, young people and families.
- The effective Champions Board structure and continued effort from staff across the partnership to enable children and young people to influence service design and improvement.
- The strength of scrutiny and oversight of child protection practice and the drive for continuous improvement.
- The partnerships record of improvement to date in relation to the impact of services on care experienced children and young people.

Joan Tranent was heard in amplification of the report after which there was a general discussion on this matter.

### Decision

(a) To acknowledge the many strengths within the report which evidenced strong partnership working at all levels in addition to the partnership's record of improvement to date in relation to the impact of services on care experienced children and young people;

(b) To congratulate all staff involved within this process across the community planning partnership for their commitment and good work;

(c) To develop an action plan to take forward the priority areas for improvement; and

(d)To refer the report to the Performance, Review and Scrutiny Committee for consideration

**Action**

Chief Officer, Children's Services, Partnerships and Communities

Agenda No.	Report Title	Presented by:
5.2	Performance Report Insight Data February 2020	Chief Officer, Children's Services, Partnerships and Communities

**Outline of report and summary of discussion**

The purpose of this report was to inform of trends in attainment and achievement of school leavers in Midlothian using the "National Benchmarking Measures" from Insight. Joan Tranent was heard in amplification of the report during which she highlighted that overall, the three National benchmarking measures reported by the Scottish Government Insight tool in the February 2020 update indicated that attainment in Midlothian had improved overall over the five-year period to 2018/19 but that further improvements could still be made, particularly in Literacy and Numeracy at SCQF Level 6, the middle 60% attaining group and in relation to closing the attainment gap for young people with additional support needs and our looked after young people.

There followed a general discussion on this matter during which the progress made to date was noted and that an Action Plan would be prepared for those areas requiring further improvement.

**Decision**

(a)To note the progress and areas for improvement in educational attainment in the Senior Phase in Midlothian secondary schools; and

(b) To refer the report to the Performance, Review and Scrutiny Committee for consideration.

**Action**

Chief Officer, Children's Services, Partnerships and Communities

Agenda No.	Report Title	Presented by:
5.3	Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2019/20	Chief Officer: Place

**Outline of report and summary of discussion**

The purpose of the report was to provide details on the Council's statement of compliance with its statutory climate change reporting duties for 2019/20 which was available within the CMIS elected Members Library and to recommend its submission to the Scottish Government by the due date of 30 November 2020.

Derek Oliver was heard in amplification of the report after which there was a general discussion on the content of this submission.

**Decision**

(a)To approve the Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2019/20; and

(b)That this report be submitted to the Scottish Government by the due date of 30 November 2020
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<b>Action</b>
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Chief Officer: Place
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The meeting terminated at 11.29am





# Minute of Meeting



## Local Review Body

Date	Time	Venue
Tuesday 27 October 2020	1.00pm	Virtual Meeting using MS Teams

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor
Councillor Milligan	Councillor Muirhead
Councillor Munro	Councillor Smail

### In Attendance:

Derek Oliver, Chief Officer Place	Peter Arnsdorf, Planning Manager
Mike Broadway, Democratic Services Officer	

## 1 Apologies

Apologies for absence were received from Councillors Baird and Lay Douglas.

## 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 intimated at this stage of the proceedings.

## 4 Minute of Previous Meeting

The Minute of Meeting of 18 February 2020 was submitted and approved as a correct record.

## 5 Reports

Agenda No	Report Title	Presented by:
5.1	Notice of Review Request Considered for the First Time – 8 Lasswade Court, 32 School Green, Lasswade (19/00476/DPP).	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted report dated 4 September 2020 by the Chief Officer Place, regarding an application from Mr A McDonald, 8 Lasswade Court, 32 School Green, Lasswade seeking a review of the decision of the Planning Authority to refuse planning permission (19/00476/DPP, refused on 7 November 2019) for the installation of replacement windows at that address.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p>		
<b>Summary of Discussion</b>		
<p>Having heard from the Planning Advisor, the LRB 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 permitting the use of UPVC windows in a Conservation Area would have in Policy terms and in terms of setting a potential precedent. The general feeling being that if going forward the use of UPVC was to be permitted in conservation areas then it would be best achieved as a result of a review of the current development plan policies. Notwithstanding this view, the LRB were of the opinion that with regards the current review request if the quality and design were of a similar standard that they complement the windows of the other neighbouring properties then, on balance it was unlikely to have a significantly detrimental impact on the amenity of those properties. It also would not undermine the spirit of those development plan policies designed to protect Conservation Areas.</p>		

## Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

*The proposed replacement windows will not have a detrimental impact on the host building or the Lasswade and Kevoek Conservation Area.*

subject to the following condition –

1. Notwithstanding the plans hereby approved, details of the design and means of opening of the replacement windows shall be submitted to the planning authority for prior written approval. The windows shall be of a traditional design and means of opening to reflect the character of Lasswade Court and shall not be perceivably different to timber windows. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *For sake of clarity. The application as submitted was unclear in terms of the details of the design and opening method of the replacement uPVC windows. So as to ensure the design and means of opening of the windows reflect the character of the house and are sympathetic to its setting in a Conservation Area.*

## Action

Planning Manager

Agenda No	Report Title	Presented by:
5.2	Notice of Review Request Considered for the First Time – Land at 10 Kirkhill Terrace, Gorebridge (19/01025/DPP).	Peter Arnsdorf

## Executive Summary of Report

There was submitted report, dated 4 September 2020 by the Chief Officer Place, regarding an application from Mr D Liston, Liston Architects, 3F2, 33 London Street, Edinburgh seeking, on behalf of his client Mr D Allan, Nettleingflat, Heriot, Scottish Borders a review of the decision of the Planning Authority to refuse planning permission (19/01025/DPP, refused on 27 January 2020) for the erection of a dwellinghouse at land at 10 Kirkhill Terrace, Gorebridge.

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.

## Summary of Discussion

The LRB, having heard from the Planning Advisor, 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 at length the potential impact that permitting the proposed development in its current

form would have on the character and appearance of the area. Of particular concern were the departures from the previously consented house which added significantly to the scale of the development, and arguably resulted in an overdevelopment of the site, the central dormer which did not appear in either the original, nor the current scheme, and the design, which was neither traditional nor contemporary.

### Decision

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

1. *As a result of its size, massing, floor area and architectural detailing the proposed dwellinghouse is not of sufficient good design, being neither of a traditional design nor of a high quality contemporary design. The proposed dwellinghouse would not complement or enhance the character of the area, nor would the proposed materials. This is contrary to policies DEV2 and DEV6 of the adopted Midlothian Local Development Plan 2017. In addition, the lack of a high quality design-led approach is contrary to the terms of the Scottish Planning Policy.*

In addition, the LRB agreed to authorise whatever necessary follow up action was required in order to secure the removal of the unauthorised building works.

### Action

Planning Manager

## 6. Private Reports

No private business was discussed.

## 7. Date of Next Meeting

The next scheduled meeting will be held on Monday 30 November 2020 at 1.00pm.

The LRB, in welcoming the new temporary arrangements which had been put in place, agreed to remit to officers to arrange two further additional meetings – one in November and one in December.

(**NB** - Following the meeting arrangements were agreed in consultation with the Chair, Councillor Imrie, and the LRB's Planning Advisor, Peter Arnsdorf, for the additional Special Meetings of the Local Review Body to be held on - **Monday 23 November 2020 at 2.00pm** (in place of the Planning Committee Site Visits, which are cancelled); and **Monday 14 December 2020 at 2.00pm**).

The meeting terminated at 1.59pm.