

# Minute Volume



Presented to the Meeting  
of **Midlothian Council**  
on **Tuesday, 08 May 2018**

## **Midlothian Council**

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Midlothian Council 27 March 2018

**5 - 18**

## **Cabinet**

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Cabinet 27 February 2018

**19 - 24**

## **Planning**

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Planning Committee 20 February 2018

**25 - 32**

## **General Purposes**

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General Purposes Committee 9 January 2018

**33 - 34**

## **Appeals**

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No Minutes submitted for consideration.

## **Local Review Body**

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Local Review Body 27 February 2018

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## **Performance Review and Scrutiny**

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Performance Review and Scrutiny Committee 13 March 2018

**45 - 52**

## **Audit**

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Audit Committee 13 March 2018

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## **Standards**

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No Minutes submitted for consideration.

## **Petitions**

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No Minutes submitted for consideration.

## **Police, Fire and Rescue**

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No Minutes submitted for consideration.

## **Additional Minutes**

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No Additional Minutes submitted for consideration

**For Information – Approved Minutes of Outside Organisations to which Council appoints representatives**

**Midlothian Integration Joint Board**

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Midlothian Integration Joint Board 11 January 2018

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# Minute of Meeting



## Midlothian Council

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

### Present:

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

### Religious Representatives (Non-voting observers for Education items only):

Mr V. Bourne	
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### In attendance:

Kenneth Lawrie, Chief Executive	Allister Short, Joint Director, Health and Social Care
Mary Smith, Director, Education, Communities and Economy	Gary Fairley, Head of Finance and Integrated Service Support
Garry Sheret, Head of Property and Facilities Management	Kevin Anderson, Head of Customer and Housing Services
Ian Johnson, Head of Communities and Economy	Alan Turpie, Legal Services Manager and Monitoring Officer
Grace Vickers, Head of Education	Verona MacDonald, Democratic Services Team Leader
William Venters, Principal Solicitor	Mike Broadway, Democratic Services Officer

## 1. Apologies

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Apologies were intimated on behalf of Councillor Parry; John Blair, Director, Resources and; Matin Khan, Religious Representative.

## 2. Order of Business

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

## 3. Declarations of interest

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No declarations of interest were made.

## 4. Deputations

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No deputations had been received.

## 5. Minutes of Previous Meetings

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5.1 The Minute of the meeting of Midlothian Council which took place on 13 February 2018 was submitted for approval. The Council unanimously approved the Minute as a correct record.

5.2 The following Minutes previously circulated to Members, were noted::

<b>Meeting</b>	<b>Date of Meeting</b>
Cabinet	16 January 2018
Planning Committee	9 January 2018
Local Review Body	16 January 2018
Performance, Review and Scrutiny Committee	30 January 2018
Audit Committee	12 December 2017
Police and Fire and Rescue Board	13 November 2017

## 6. Questions to the Leader of the Council

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

## 7. Notices of Motions

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<b>Motion No.</b>	<b>Motion Title</b>	<b>Proposed by:</b>	<b>Seconded by:</b>
<b>7.1</b>	<b>Gratitude to frontline staff</b>	<b>Councillor Milligan</b>	<b>Councillor Curran</b>

**Motion:**

*That Midlothian Council:-*

*“Records its enormous gratitude to our frontline staff who worked tirelessly battling against near impossible conditions, to maintain services during the recent red alert weather conditions. The Council’s frontline staff at time were having to do their day jobs then work into the evening and through the night trying to keep our transport routes open and the vulnerable in our society safe.*

*Council also records its heartfelt thanks to staff across all other sectors including care workers, nursing home staff, shop staff, nurses, social workers, police, ambulance crews, bus drivers and all other essential and emergency services for their work and dedication in the face of the worst of mother nature’s forces.*

*In addition, Council congratulates all those members of the public and community groups that mobilised to help each other and make sure their neighbours were safe and well”*

**Summary of discussion**

The Council heard from Councillor Milligan who in moving the Motion, suggested that a further report be requested, examining what lessons could be learned from the way in which services had responded to the adverse weather conditions and whether the support given to community groups/members of the public was sufficient or could be improved, which would be helpful in shaping how the Council responded to future events. Councillor Curran in seconding the motion supported the request for a further report.

**Decision**

The Council unanimously supported the Motion and request for a further report.

<b>Motion No.</b>	<b>Motion Title</b>	<b>Proposed by:</b>	<b>Seconded by:</b>
<b>7.2</b>	<b>Suspension of Standing Orders and re-consideration of a decision taken at Council on 13 February 2018</b>	<b>Councillor Muirhead</b>	<b>Councillor Hackett</b>

**Motion:**

*That Midlothian Council:*

*“Agrees to suspend Standing Orders in order that consideration can be given to the following matter, which was decided at the last Council meeting –*

*The budget set by Midlothian Council at its last meeting contained a saving of £50k arising from the planned closure of a number of football pitches across Midlothian.*

*This included the closure of a pitch at the Gore Glen facility and another at Birkenside, both within the Gorebridge area, which is one of the 3 Council priority areas.*

*It is clear from subsequent discussions with Arniston Rangers Young People's Club that their use of these facilities, and the plans they have for expansion, would be severely hampered by the closures of these pitches.*

*Council therefore agrees to reverse its previous decision and retain the aforementioned pitches within its maintenance programme”.*

#### Summary of discussion

The Council heard from Councillor Muirhead who, to assist Members when determining whether Standing Orders should be suspended, provided background information in relation to his reason for lodging the Motion. Thereafter, it was unanimously agreed, given the Motion related to a decision taken by the Council on 13 February 2018, that Standing Orders be suspended to allow the Council to discuss and re-consider the matter.

Councillor Muirhead then spoke to the terms of the Motion. He explained that prior to the Council meeting on 13 February 2018 he felt as a local representative he should have identified that the proposal to declare the pitches at Gore Glen and Birken side surplus would have affected the local football teams. He advised that at present 233 young people and 31 volunteer coaches used the pitches and it was estimated that by 2020 the numbers would rise to 360 young people and 45 coaches and that these figures did not take into account the expansion of Gorebridge as a result of new housing developments. Therefore the loss of the 2 pitches would seriously affect the club now and in the future. He explained that each of the pitches costs between £3k to £4k per year to maintain and within next year's budget is provision for the maintenance of an astro-turf pitch. However, the football club had been successful in obtaining grant funding for the maintenance of the astro-turf pitch meaning the provision in the Council maintenance budget could be used to maintain the 2 pitches at Gore Glen and Birken side. Therefore, if the Council passed the Motion there would be no additional maintenance costs required as a result of the decision. Councillor Hackett was heard in support of the Motion.

Councillor Alexander expressed her concern in relation to the decisions taken in respect of other pitches in Midlothian and suggested that there should be a full review of all outdoor facilities before making a decision in relation to the 2 pitches at Gore Glen and Birken side. Councillor Milligan was heard in support of Councillor Alexander and suggested that the Sports Pitch Strategy had not been subject to a full public consultation. He requested that a further report in this regard be brought before Council but that this would not prevent the Council passing the Motion before them today.

Councillor Johnstone sought clarification in relation to the maintenance of the pitches. Gary Fairley, Head of Finance and Integrated Service Support advised that he did not doubt the figures provided by Councillor Muirhead and what was being proposed was the moving of money within a budget as opposed to increasing the overall budget.

Councillor Johnstone then suggested an amendment to the Motion that a report be brought before the Council relating to the Sports Pitch Strategy. Councillors Muirhead and Hackett being the proposer and seconder of the Motion indicated their agreement to the amendment to the Motion and on a vote being taken by a show of hands the Motion was passed unanimously.

<b>Decision</b>
The Council unanimously approved the Motion as narrated above which was amended to include a report being brought before a future meeting of Council in relation to the Sports Pitch Strategy.
<b>Action</b>
Director, Resources

## 8. Reports

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Report No.	Report Title	Presented by:
<b>8.1</b>	<b>Election Return from Returning Officer for By-election held in Ward 1 (Penicuik) on Thursday 22 March 2018</b>	<b>Chief Executive</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Chief Executive, who spoke to the terms of a letter, marked to follow on the agenda issued and circulated prior to the commencement of the meeting, which contained confirmation that Joe Wallace had been elected to the Council following the By-election on 22 March 2018.		
<b>Decision</b>		
Council noted the terms of the letter dated 23 March 2018 from the Returning Officer.		
<b>Action</b>		
Chief Executive and/or Director, Resources		

Report No.	Report Title	Presented by:
<b>8.2</b>	<b>Declaration of Acceptance of Office of Councillor – Report by Chief Executive</b>	<b>Chief Executive</b>
<b>Outline of report and summary of discussion</b>		
The Chief Executive spoke to the terms of a report, marked to follow on the agenda issued and circulated prior to the commencement of the meeting.		
<b>Decision</b>		
The Council noted that Councillor Joe Wallace had made the Declaration of Acceptance of Office of Councillor before the Monitoring Officer, a Proper Officer of the Council for this purpose, on 26 March 2018. Therefore, Councillor Wallace was entitled to act as an elected member of Midlothian Council.		
<b>Action</b>		
Chief Executive and/or Director, Resources		

Report No.	Report Title	Presented by:
<b>8.3</b>	<b>Appointment of Provost – Report by Chief Executive</b>	<b>Chief Executive</b>
<b>Outline of report and summary of discussion</b>		
<p>The Acting Provost, Councillor Russell, demitted the role of Provost and handed the meeting over to the Chief Executive.</p> <p>The Chief Executive presented a report which invited the Council to fill the vacancy in the role of Provost.</p> <p>Councillor Milligan, seconded by Councillor Johnstone, moved that the matter be continued to the next full meeting of the Council on 8 May 2018, to allow for meaningful dialogue between the political parties. Councillor Winchester was heard in agreement to the Motion and with no other Member being otherwise minded this became the decision.</p>		
<b>Decision</b>		
The Council agreed to continue a decision on the appointment to the position of Provost until 8 May 2018.		
<b>Action</b>		
Chief Executive, Director, Resources		

Thereafter, the Depute Provost, Councillor Russell, assumed the position of Chair for the remainder of the meeting.

Report No.	Report Title	Presented by:
<b>8.4</b>	<b>Committee and Related Appointments – Report by Chief Executive</b>	<b>Chief Executive</b>
<b>Outline of report and summary of discussion</b>		
<p>The Chief Executive spoke to the terms of the report which invited the Council to fill the current Committee vacancies and related appointments to outside organisations</p> <p>Councillor Milligan moved that Councillor Wallace be appointed to the General Purposes, Planning and Performance, Review and Scrutiny Committees and also to the positions specific to Penicuik, as listed in paragraphs 3.2 ad 3.3 in the report, being:- Penicuik and District YMCA/YWCA; Project Penicuik; Penicuik Citizens Advice Bureau and; Penicuik First (BIDs) Limited (member). He further moved that the filling of the other vacancies be continued until the next full meeting of the Council on 8 May 2018. His motion was seconded by Councillor McCall and with no other Member being otherwise minded this became the decision.</p>		
<b>Decision</b>		
The Council agreed to appoint Councillor Wallace to the Committees listed at paragraphs numbered 2.1, 3.2 and 3.3 in the report and continued consideration of the other appointments until the meeting on 8 May 2018.		
<b>Action</b>		
Director, Resources		

Report No.	Report Title	Presented by:
<b>8.5</b>	<b>Council House Building Programme Phases 2, 3 and 4 – Report by Head of Property and Facilities Management</b>	<b>Garry Sheret</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Head of Property and Facilities Management who presented an update on the status of the approved sites and proposed new sites for the Council building programme.		
<b>Decision</b>		
The Council noted the:-  <ul style="list-style-type: none"> <li>(a) content of the report and appendices and the progress made on Phases 1, 2 and 3 of the building programme;</li> <li>(b) new sites proposed to complete Phase 3 and commence Phase 4;</li> <li>(c) proposal to acquire houses from private developers.</li> </ul>		
<b>Action</b>		
Director, Resources		

Report No.	Report Title	Presented by:
<b>8.6</b>	<b>Danderhall Primary School – Report by Head of Property and Facilities Management</b>	<b>Garry Sheret</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Head of Property and Facilities Management who presented an update on the outcome of the community consultation in relation to the Danderhall Primary School and community facilities within the existing Danderhall community.		
Councillor Curran then spoke in favour of the proposal and advised that he was still concerned in relation to children crossing the A6106 and he would continue to pursue a safe route for children. He thanked all who had participated in the consultation and said it was a good example of local Councillors working together. He moved that recommendation referenced (h) in the report be amended to remove the recording of the existing buildings on the surplus asset register. Councillor Cassidy seconded the Motion. With no Member being otherwise minded this became the decision.		
Thereafter, Councillor Milligan requested that redundant properties be demolished immediately as otherwise they were at risk of vandalism and additional costs are incurred for security measures.		
Councillor Alexander asked for an assurance that new developments would be “future proofed” in terms of ensuring they met the capacities required. The Head of Property and Facilities Management advised that during the planning stage of new build properties this and other relevant information provided by Education was taken on board by officers.		

**Decision**

The Council:

- (a) noted the summary of the consultation process and outline of the feedback from both stages of the consultation process;
- (b) approved the outline of the school accommodation schedule as set out in Appendix C of the report, developed as a result of the consultation process and provided governance to the Director, Resources to progress with the delivery of the accommodation schedule;
- (c) noted the accommodation area/content for the community facilities which were to be developed through the design and reported back to Council at the tender return stage;
- (d) approved an increase in the capital expenditure budget within the General Services Capital Plan for the project of £1.817 million, therefore reversing the expenditure budget from £15.317 million to £17.134 million;
- (e) noted the utilisation of Early Years Grant funding of £1.131 million towards the project, fully funding the constructions costs associated with the provision of 120 places for 1140 hours at the new Danderhall Primary School;
- (f) noted the impact the revised capital expenditure and income levels and profiles would have on the Council's future years budgets;
- (g) noted the increase in premises costs that would be required for the new building and the impact on the Council's future years budgets;
- (h) agreed to earmark the existing library and leisure centre sites for social housing provision;
- (i) agreed a provision of £0.300 million in the General Services Capital Plan for demolition costs within the general services capital plan and progress towards demolishing the existing buildings as soon as the new building had been occupied;
- (j) agreed that the resultant sites would transfer to the Housing Revenue Account which already had budget to support the redevelopment including demolition, for social housing;
- (k) approved the outline procurement process and outline programme for delivery of the project as outlined in the report.

**Action**

Director, Resources

Report No.	Report Title	Presented by:
8.7	<b>New Easthouses Primary School – Report by Head of Property and Facilities Management</b>	<b>Garry Sheret</b>

#### Outline of report and summary of discussion

The Council heard from the Head of Property and Facilities Management who presented a report seeking governance to progress with the development of a new Easthouses Primary School to be located on the site of the former Newbattle High School. The report outlined aspects of the proposed development and sought governance to progress the project against the baseline parameters including (i) the proposed accommodation schedule; (ii) the outline budget; (iii) the anticipated programme for the development.

Councillor Muirhead advised that whilst he accepted there was an urgency to make a decision on the proposed new school, he felt that further consideration was required and moved that the report together with the report relating to the new Dalkeith Primary School be considered at a special meeting of Council which would allow for more time to be devoted to the proposals. His Motion was seconded by Councillor Baird who advised that he needed more assurance as to where the Council would be by 2021 in terms of committing resources to the building of 3 new schools at the same time.

With no Member being otherwise minded this became the decision.

#### Decision

The Council continued consideration of the report to a special meeting to be held within 3 weeks

#### Action

Directors, Resources and Education, Communities and Economy

Report No.	Report Title	Presented by:
<b>8.8</b>	<b>New Dalkeith Primary School – Report by Head of Property and Facilities Management</b>	<b>Garry Sheret</b>
<b>Decision</b>		
In light of the decision narrated at 8.7 above, consideration was continued to a special meeting to be held within 3 weeks.		
<b>Action</b>		
Directors, Resources and Education, Communities and Economy		

Report No.	Report Title	Presented by:
<b>8.9</b>	<b>Property Demolitions – Report by Head of Property and Facilities Management</b>	<b>Garry Sheret</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Head of Property and Facilities Management who presented a report which advised of the planned demolition, following the opening of the Newbattle Community Campus, of 2 premises, namely, Newbattle Pool and Mayfield Leisure Centre.		

Councillor Baird enquired about the charges levied to community groups for the new facility. The Head of Property and Facilities Management advised that the charges levied would be in line with the fees and charges approved by the Council in February 2018 which would be effective from 1 April 2018.

#### Decision

The Council agreed to note the:

- (a) timetable for the opening of the Newbattle Community Campus;
- (b) accommodation of user groups from the existing Mayfield Leisure Centre and Newbattle Pool to the Newbattle Community Campus;
- (c) intention of the Director, Resources, upon the transfer of services and classes to Newbattle Community Campus, to demolish Newbattle Pool and Mayfield Leisure Centre

#### Action

Head of Property and Facilities Management

Report No.	Report Title	Presented by:
<b>8.10</b>	<b>Destination Hillend – Report by Head of Property and Facilities Management</b>	<b>Garry Sheret</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Head of Property and Facilities Management who presented a report which recommended that the Council hold a Seminar in relation to the development entitled “Destination Hillend”.		
<b>Decision</b>		
The Council agreed to instruct the Director, Resources to progress and arrange a Seminar for Elected Members in respect of “Destination Hillend”.		
<b>Action</b>		
Director, Resources		

Report No.	Report Title	Presented by:
<b>8.11</b>	<b>Service Plans 2018-19 - Report by Chief Executive</b>	<b>Chief Executive</b>
<b>Outline of report and summary of discussion</b>		
The Chief Executive spoke to the terms of a report which sought approval for the Council’s Service Plans for 2018/19.		
Councillor Johnstone advised that Members had not had sufficient time to view the Service Plans and suggested that the matter be continued to the next full meeting to allow Members time to digest the content of the plans. With no Member being otherwise minded this became the decision.		
<b>Decision</b>		
The Council continued consideration of the 2018/19 Service Plans to the next full meeting to be held on 8 May 2018.		
<b>Action</b>		
Chief Executive and Director, Resources		

Report No.	Report Title	Presented by:
<b>8.12</b>	<b>Carers (Scotland) Act 2016 – Report by Joint Director, Health and Social Care</b>	<b>Allister Short</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Joint Director, Health and Social Care who spoke to the terms of a report which sought approval for the establishment of eligibility criteria for unpaid young and adult carers in Midlothian.		
<b>Decision</b>		
The Council agreed to approve the Midlothian Carers Eligibility Criteria.		
<b>Action</b>		
Joint Director, Health and Social Care.		

Report No.	Report Title	Presented by:
<b>8.13</b>	<b>South East Improvement Collaborative Update – Report by Head of Education</b>	<b>Grace Vickers</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Head of Education who spoke to the terms of a report relating to the draft phase 1 action plan. She made reference to the report presented to Cabinet in November 2017 which gave officers the authority to develop an action plan.		
Councillor Muirhead expressed his concern in relation to the disproportionate level of resources expended on the Collaborative by a small authority such as Midlothian when compared to the larger authorities, who by virtue of their size were better placed to absorb this additional workload. He advised that attainment challenges were often poverty related and the challenge was for communities and not just schools. Similar concerns were expressed by Councillor Baird and Mr Victor Bourne, Religious representative.		
<b>Decision</b>		
The Council agreed to:		
<ul style="list-style-type: none"> <li>(a) endorse the draft plan attached to the report as Appendix 1;</li> <li>(b) give authority to officers from Midlothian to develop the second phase of the plan which is due to be submitted to Education Scotland in September and;</li> <li>(c) ask officers to bring a further report forward prior to September 2018 on the second phase of the plan.</li> </ul>		
<b>Action</b>		
Head of Education		

Report No.	Report Title	Presented by:
<b>8.14</b>	<b>Penicuik Town Centre Heritage Regeneration Project: Transport Improvements – Report by Head of Communities and Economy</b>	<b>Ian Johnson</b>
<b>Outline of report and summary of discussion</b>		
<p>The Council heard from the Head of Communities and Economy who spoke to the terms of the report which sought approval for the allocation of developer contributions towards Penicuik Town Centre Regeneration Project, due to commence in August 2018 specifically for transport improvements</p> <p>Councillor Hardie was heard in relation to the use of the contributions from developers and in particular his wish to see some of the money used in the communities directly affected by the developments which were away from the town centre.</p> <p>The Head of Communities and Economy assured Councillor Hardie that the developer contribution figure stated in the report was only part of the contributions and that consideration would be given to how the remainder of the contributions may be set aside for projects such as road improvements in the communities in the town most affected by the new developments.</p>		
<b>Decision</b>		
<p>The Council agreed to:</p> <p>(a) approve the allocation of an expenditure budget of £0.460 million in the General Services Capital Plan for the provision of Penicuik Town Centre Transport Improvement works;</p> <p>(b) approve the utilisation of £0.460 million of already received developer contributions to fund the Penicuik Town Centre transport improvement works, thereby resulting in no prudential borrowing requirement for the Council, noting that the developer contributions of £0.460 million comprise the:-</p> <ol style="list-style-type: none"> <li>i. previous Cabinet approval on 30 August 2016 of £350,000 of already collected developer contributions towards the project;</li> <li>ii. request for a further £80,000 of already collected Penicuik local transport improvement contributions and;</li> <li>iii. request for a further £30,000 of already collected Penicuik town centre contributions.</li> </ol>		
<b>Action</b>		
Head of Communities and Economy		

Report No.	Report Title	Presented by:
<b>8.15</b>	<b>Jarnac Court, Dalkeith – Proposed Homeless Accommodation – Report by Head of Property and Facilities Management and Head of Customer and Housing Services</b>	<b>Garry Sheret</b>

<b>Outline of report and summary of discussion</b>
The Council heard from the Head of Property and Facilities Management and the Head of Customer and Housing Services who spoke to the terms of the report
<b>Decision</b>
<p>The Council:-</p> <ul style="list-style-type: none"> <li>(a) noted the alternative potential uses for Jarnac Court and the implications of these;</li> <li>(b) noted the proposed use of the upper 2 floors of Jarnac Court as homeless accommodation for a minimum of 5 years from the date of initial occupation;</li> <li>(c) approved the commencement of the process of obtaining an HMO Licence which would detail the full design proposals. Development works and the submission of full planning and building warrant applications would only commence if an HMO licence was granted for the building and;</li> <li>(d) noted that a consultation exercise would be carried out with the local community and tenant groups prior to an application for an HMO licence being made and the outcome of the consultation exercise would be reported as part of the application.</li> </ul>
<b>Action</b>
Head of Property and Facilities Management and Head of Customer and Housing Services

Report No.	Report Title	Presented by:
<b>8.16</b>	<b>Scottish Government Regeneration Capital Grant Fund – Regenerating Rosewell – Report by Head of Property and Facilities Management</b>	<b>Garry Sheret</b>
<b>Outline of report and summary of discussion</b>		
The Council heard from the Head of Property and Facilities Management who spoke to the terms of the report advising of the outcome of the Regenerating Rosewell bid submitted by the Council to the Scottish Government Regeneration Capital Grant Fund in partnership with Rosewell Community Development Trust.		
<b>Decision</b>		
The Council agreed to:		
<ul style="list-style-type: none"> <li>(a) note the successful outcome of the £884,000 Regeneration Capital Grant Funding bid in respect of regenerating Rosewell and;</li> <li>(b) instruct the Director, Resources to provide update reports to Council, as required, on progress with the Rosewell Hub.</li> </ul>		
<b>Action</b>		
Director, Resources		

## **9. Exclusion of Members of the Public**

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

- 9.1 Update on the Limitation (Childhood Abuse) (Scotland) Act 2017 – Report by Director, Education, Communities and Economy
- 9.2 Acquisition of 23 Properties for social rent at Danderhall – Report by Head of Property and Facilities Management
- 9.3 Lothian Buses Pension Fund – Report by Head of Finance and Integrated Service Support

The meeting concluded at 12.52 pm.

# Minute of Meeting



## Cabinet

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

### Present:

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

### Religious Representatives:

Victor Bourne	

## 1 Apologies

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Apologies were received from Mr Matin Khan.

## 2 Order of Business

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The Clerk advised that Item No 8.1 on the Agenda with regard to “KEE Electrical Testing Services Limited: Application for Loan Assistance from Business Loans Scotland” had been withdrawn from consideration at this meeting. He also advised that the Convener had agreed that the remaining Order of Business be adjusted as follows.

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of Meeting of the Cabinet held on 16 January 2018 were submitted and approved as a correct record.

## 5. Reports

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Agenda No	Report Title	Presented by:
6.3	Children’s Services Quarter 3 Performance Report 2017/18	Head of Children’s Services
<b>Outline of report and summary of discussion</b>		
<p>The Quarter 3 2017/18 Performance Report for Children’s Services was submitted. The Head of Children’s Services highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>Thereafter the Head of Children’s Services responded to questions and comments raised by members of the Cabinet.</p>		
<b>Decision</b>		
To note the report.		

Agenda No	Report Title	Presented by:
6.4	Communities and Economy Quarter 3 Performance Report 2017/18	Head of Communities and Economy
<b>Outline of report and summary of discussion</b>		
<p>The Quarter 3 Performance Report 2017/18 for Communities and Economy was submitted. The Head of Communities and Economy highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>Thereafter the Head of Communities and Economy responded to questions and comments raised by the members of the Cabinet.</p>		

**Decision**

To note the report.

Agenda No	Report Title	Presented by:
6.5	Education Q3 Performance Report 2017/18	Head of Education

**Outline of report and summary of discussion**

The Quarter 3 Performance Report 2017/18 for Education was submitted. The Head of Education highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

Thereafter the Head of Education responded to questions and comments raised by members of the Cabinet.

**Decision**

To note the report.

Agenda No	Report Title	Presented by:
6.1	Adult Social Care Quarter 3 Performance Report 2017/18	Head of Customer and Housing Services

**Outline of report and summary of discussion**

The Quarter 3 Performance Report 2017/18 for Adult Social Care was submitted. The Head of Customer and Housing Services highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

**Decision**

To note the report.

Agenda No	Report Title	Presented by:
6.2	Customer and Housing Services Quarter 3 Performance Report 2017/18	Head of Customer and Housing Services

**Outline of report and summary of discussion**

The Quarter 3 Performance Report 2017/18 for Customer and Housing Services was submitted. The Head of Customer and Housing Services highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.

**Decision**

To note the report.

Agenda No	Report Title	Presented by:
6.6	Commercial Operations Q3 Performance Report 2017/18	Director, Resources
<b>Outline of report and summary of discussion</b>		
The Quarter 3 Performance Report 2017/18 for Commercial Operations was submitted. The Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
<b>Decision</b>		
To note the report.		

Agenda No	Report Title	Presented by:
6.7	Finance and Integrated Service Support Quarter 3 Performance Report 2017/18	Director, Resources
<b>Outline of report and summary of discussion</b>		
The Quarter 3 Performance Report 2017/18 for Finance and Integrated Service Support was submitted. The Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
<b>Decision</b>		
To note the report.		

Agenda No	Report Title	Presented by:
6.8	Property and Facilities Management Quarter 3 Performance Report 2017/18	Director, Resources
<b>Outline of report and summary of discussion</b>		
The Quarter 3 Performance Report 2017/18 for Properties and Facilities Management was submitted. The Director, Resources highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.		
Thereafter the Director Resources responded to questions and comments raised by members of the Cabinet during which he confirmed that consideration would be given to holding a Seminar to discuss the future Business Case relating to Hillend Ski Centre.		
<b>Decision</b>		
To note the report.		
<b>Action</b>		
Director, Resources		

Agenda No	Report Title	Presented by:
6.9	Midlothian Council Quarter 3 Performance Report 2017/18	Chief Executive
<b>Outline of report and summary of discussion</b>		
The Quarter 3 Performance Report 2017/18 for Midlothian Council was submitted detailing the delivery of Midlothian Council's priorities through the Community Planning Partnership and the Single Midlothian Plan. The Council Transformation Strategy and Individual Service Plans outlined how Midlothian Council would deliver its contribution to the Single Midlothian Plan.		
<b>Decision</b>		
To note the report.		

### Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 4, 6 and 11 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Agenda No	Report Title
7.1	Minute of the Meeting of the Joint Consultative Group of 12 December 2017 –
<b>Decision</b>	
Noted and Approved.	

Agenda No	Report Title	Presented by:
8.2	Application for Loan Assistance from Business Loans Scotland – Healthy Nibbles Limited -	Head of Communities and Economy.
<b>Decision</b>		
To approve the recommendations		

Agenda No	Report Title	Presented by:
8.3	Irrecoverable Debt Write-Off - Revenue Accounts for Housing Rent - Former Tenants and Non Domestic Rates	Head of Customer and Housing Services
<b>Decision</b>		
To authorise the recommendations		

Agenda No	Report Title	Presented by:
8.4	Irrecoverable Debt Write-Off – Sundry Debts	Head of Finance and Integrated Service Support
<b>Decision</b>		
To agree the recommendations		

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

The meeting terminated at 12.08 pm.

# Minute of Meeting



## Planning Committee

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

### Present:

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

## 1 Apologies

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Apologies received from Councillor Parry.

## 2 Order of Business

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

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	Planning Performance Framework Annual Report 2016/17	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 8 February 2018, by the Head of Communities and Economy, providing an update on the progress of work undertaken on the Planning Performance Framework (PPF) for Midlothian and advising of the feedback received from the Scottish Government on the Council's submitted Planning Performance Framework for 2016/17.</p> <p>The report advised that in the feedback report on the fifteen 'performance markers' (a copy of which was appended to the report), seven had been rated as "green" giving no cause for concern; four were rated "amber" where areas for improvement had been identified; and two had been rated "red" where specific attention was required.</p>		
<b>Summary of Discussion</b>		
<p>The Committee, having heard from the Planning Manager who responded to Members' questions, acknowledged that the feedback report provided a helpful independent 'audit' of performance and progress, as well as some clear indications of areas for improvement. With regards to those areas rated "red", the adoption of the Midlothian Local Development Plan (MLDP) 2017 by the Council at its meeting on 7 November 2017 (paragraph 8.9 refers) and the Project Plan at its meeting on 13 February 2018 (paragraph 8.11 refers) should remove these from the 2017/18 feedback report.</p>		

**Decision**

After further discussion, the Committee noted:-

- (a) the feedback received from Scottish Government to the Council's submitted Planning Performance Framework for 2016/17;
- (b) the specific actions being undertaken to address specific matters of concern;
- (c) the current position with regards the MLDP; and
- (d) that an update on the new Planning Bill would be brought forward in due course.

**Action**

Head of Communities and Economy

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

**Executive Summary of Report**

There was submitted report, dated 8 February 2018 by the Head of Communities and Economy, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

**Decision**

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2018; and
- (b) To note the updates for each of the applications.

**Action**

Head of Communities and Economy

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

**Executive Summary of Report**

There was submitted report, dated 8 February 2018, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in January 2018, and advising of the outcome of two appeal determined by Scottish Ministers.

Appended to the report were copies of the following appeal decision notices from the Scottish Government, Planning and Environmental Appeals Division:-

- dated 15 January 2018, dismissing an appeal, and a claim for costs, by Cook Investments/Dimension Homes Ltd against refusal of planning permission for the erection of nine dwelling houses, formation of access and car parking and associated works at land west of the Laird and Dog Hotel, High Street, Lasswade (16/00727/DPP) and refusing planning permission, and declining the award of expenses; and
- dated 22 January 2018, upholding an appeal by T & V Builders against refusal of planning permission for the erection of 11 flatted dwellings and five dwelling houses, formation of access and car parking and associated works at land at junction of Bryans Road and Morris Road, Newtongrange (16/00809/DPP) and granting planning permission subject to conditions and the conclusion of a legal agreement to secure developer contributions.

#### Decision

The Committee, having heard from the Planning Manager, noted:-

- the decisions made by the Local Review Body at its meetings on 16 January 2018; and
- the outcome of the appeals determined by Scottish Ministers

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Pre Application Consultation - Proposed Storage of Soil (top soil and sub soil) at Shawfair Site F, Monktonhall Colliery Road, Dalkeith (17/00859/PAC)	Peter Arnsdorf

#### Executive Summary of Report

There was submitted report, dated 8 February 2018, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding the proposed storage of soil (top soil and sub soil) at Shawfair Site F, on the north side of Monktonhall Colliery Road, Dalkeith (17/00859/PAC).

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.

Summary of Discussion	
<p>Having heard from the Planning Manager, Members raised questions regarding the access to the site and also restoration of the ground once works had been completed, it being pointed out that a site near to the new station at Eskbank that had been used for similar purposes had been left to grass over once works had been completed.</p>	
Decision	
<p>(i) To note the provisional planning position set out in the report;</p> <p>(ii) To note the comments made by Members; and</p> <p>(iii) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</p>	
Action	
<p>Head of Communities and Economy</p>	

Agenda No	Report Title	Presented by:
5.5	Application for Planning Permission in Principle for the Erection of a Retail Unit at Soutra Mains Farm, Pathhead (17/00951/PPP).	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 8 February 2016, by the Head of Communities and Economy concerning the above application.</p>		
Summary of Discussion		
<p>Having heard from the Planning Manager, who responded to Members questions, the Committee discussed the current policy position, in particular the potential impact of the proposed retail unit on the vitality and viability of nearby town centres. The Committee also considered the likely impact on road safety. It being noted that in the period since the agenda had issued correspondence had been received from the applicant's agent confirming that the required visibility splay for the access could be achieved on the applicant's own land with minimal impact. It was acknowledged that these issues were all concerns discussed in relation to the previous application refused by the Committee at its meeting on 14 November 2017 (paragraph 5.8 refers). Opinion was divided over whether the case for a departure from the policy position in relation to the impact on nearby town centres had been clearly established and also whether in granting the application the Committee would be setting a precedent that could make refusal of other similar schemes difficult.</p> <p>After further discussion, Councillor Imrie, seconded by Councillor Milligan, moved that as the proposed application was contrary to policy and would potentially set a damaging precedent that planning permission be refused for reasons 1, 2, 3 and 5 detailed in the Head of Communities and Economy's report.</p>		

As an amendment, Councillor Smaill, seconded by Councillor Baird, moved that given the unique nature of the application site and the likelihood that it would not negatively impact on nearby town centres that planning permission be granted subject to the normal conditions and an agreement regarding appropriate developer contributions.

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

#### Decision

That planning permission be granted subject to the normal conditions and an agreement regarding appropriate developer contributions.

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission (16/00618/DPP) for the Erection of Two Storey Drive Through Restaurant; Alterations to Existing Car Park and Access Roads at Land at Tesco Car Park, Hardengreen, Dalkeith.	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report, dated 21 December 2016, by the Head of Communities and Economy concerning the above application.		
<b>Summary of Discussion</b>		
Having heard from the Planning Manager, the Committee discussed the potential impact that the proposed development would have on the vitality and viability of both Dalkeith and Bonnyrigg town centres; it being felt that a development of this nature might be much better suited to a town centre location. Concerns were also expressed regarding the additional traffic movements likely to be generated by the proposed development and the potentially adverse impact that it may have on an already extremely busy road network in the area. Members also gave consideration to the issue of litter, the potential for the site to become the focus for anti-social behaviour and the possibility of securing a developer contribution towards the planned A7 improvements.		
<b>Decision</b>		
After further discussion, the Committee agreed to continue consideration of the application in order to afford the applicants the opportunity to address Members concerns regarding the impact on traffic, to submit their proposed litter collection plan and also for further discussions to take place regarding potential developer contributions.		
<b>Action</b>		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission (17/00939/DPP) for the Erection of a Dwellinghouse, Garage, Stable Block, formation of Hardstanding and Associated Works on Land North of Crichton Village, Pathhead.	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report, dated 8 February 2018, by the Head of Communities and Economy concerning the above application.		
<b>Decision</b>		
Having heard from the Chair, the Committee agreed to continue consideration of the application to allow a site inspection visit to take place.		
<b>Action</b>		
Head of Communities and Economy/Democratic Services		

The meeting terminated at 3.37pm.



# Minute of Meeting



## General Purposes Committee

Date	Time	Venue
9 January 2018	11.04 am	Council Chamber, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Smail (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Hackett	Councillor Hardie
Councillor Imrie	Councillor Johnstone
Councillor Lay-Douglas	Councillor Muirhead
Councillor Munro	Councillor Russell

### In attendance:

Alan Turpie	Legal Services Manager
Verona MacDonald	Democratic Services Team Leader
Inspector Keith Mailer	Police, Scotland

## 1. Apologies

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Apologies for absence were intimated on behalf of Councillors Curran, McCall, Milligan, Montgomery, Parry and Winchester.

## 2. Order of Business

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

## 3. Declarations of interest

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None

## 4. Minute of Meeting

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The Minute of Meeting of 14 November 2017 was considered and approved. The Chair was thereafter authorised to sign the Minute as an accurate record of the meeting.

## 5. Public Reports

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No Public Reports

### Exclusion of Members of the Public

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

- 6.1 Application for a Private Hire Car Driver's Licence – D. Robertson
- 6.2 Application for a Private Hire Car Driver's Licence – S. Taylor
- 6.3 Private Hire Car Driver's Licence – Request to suspend/revoke – L. Barton

The Meeting terminated at 11.57.

# Minute of Meeting



## Local Review Body

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

### Present:

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

## 1 Apologies

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No apologies were received.

## 2 Order of Business

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

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of Meeting of 16 January 2018 were submitted and approved as a correct record.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	Decision Notice – 2A Nivensknowe Road, Loanhead [17/00404/S42].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
With reference to paragraph 5.3 of the Minutes of 16 January 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr J Sorrell, Sorrell Associates, The Green House, 41 St Bernard's Crescent, Edinburgh seeking on behalf of their client, Mr S Greenhorn, 911 Rescue & Recovery Ltd a review of the decision of the Planning Authority to refuse planning permission (17/00404/S42, refused on 7 July 2017) for the removal of Conditions 3 and 4 of Planning Permission 16/00497/DPP (Alterations to and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective)) at 2A Nivensknowe Road, Loanhead and granting planning permission.		
<b>Decision</b>		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 14 High Street, Lasswade [17/00636/DPP].	Peter Arnsdorf

### Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 16 January 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request application from Mr A Hird, Cundall, 4<sup>th</sup> floor Partnership House, Regent Farm Road, Gosford, Newcastle upon Tyne seeking on behalf of their client Mrs L Toye, a review of the decision of the Planning Authority to refuse planning permission (17/00636/DPP, refused on 13 October 2017) for the change of use of office building (class 4) to restaurant (class 3) and installation of roof vent at 14 High Street, Lasswade and granting planning permission.

### Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – 31A Eldindean Road, Bonnyrigg [17/00758/DPP].	Peter Arnsdorf

### Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 16 January 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mrs M Anderson, 31a Eldindean Road, Bonnyrigg seeking a review of the decision of the Planning Authority to refuse planning permission (17/00758/DPP, refused on 14 November 2017) for the erection of an extension at that address and refusing planning permission.

### Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.4	Decision Notice – Land west of Roanshead Crescent, Easthouses [17/00690/PPP].	Peter Arnsdorf

### Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 16 January 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr R McQueenie, REM Associates, 21 Young Street, Edinburgh seeking on behalf of their client Mr B McBride, a review of the decision of the Planning Authority to refuse planning permission in principle (17/00690/PPP, refused on 17 October 2017) for the erection of three dwellinghouse at land west of Roanshead Crescent, Easthouses, Dalkeith and refusing planning permission.

### Decision

To note the LRB decision notice.

### Eligibility to Participate in Debate

In considering the following items of business, all the LRB Members present had attended the site visits on Monday 26 February 2018 and therefore they all participated in the review process.

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – Land at Airybank, Quarrybank, Cousland [17/00649/DPP].	Peter Arnisdorf

### Executive Summary of Report

There was submitted report, dated 15 February 2018, by the Head of Communities and Economy regarding an application from Mr A Bennie, Andrew Bennie Planning Ltd, 3 Abbott's Court, Dullatur seeking on behalf of their clients, Midlothian Developments Ltd a review of the decision of the Planning Authority to refuse planning permission (17/00649/DPP, refused on 13 November 2017) for the erection of four dwellinghouses at Airybank, Quarrybank, Cousland.

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

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

### Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. He then introduced Mr Andrew Bennie, Andrew Bennie Planning Ltd (the applicant's agent).

Thereafter, oral representations were received firstly from Mr Bennie on behalf of the applicants, then from Mr Robertson, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB then gave careful consideration to the merits of the case based on all of the information provided both in writing and in person at the Hearing. In discussing the proposed development, reference was made to the planning history of the site, in particular the rejection of proposals for the erection of eight dwellinghouses on a larger site that encompassed the current application site (paragraph 5.3 of the LRB minutes of 7 March 2017 refer) and an earlier application, subsequently withdrawn by the applicants, for four dwellinghouses again on the larger site, which officers had been minded to approve; these being viewed as material considerations. Whilst the LRB were not opposed to the principle of the larger site being developed out for four houses, there was concern that the current proposals represented an overdevelopment of the smaller application site; failed to take full cognisance of the requirements of the site's edge of village rural setting and could be seen as a backdoor method of achieving the eight houses proposed in the rejected scheme.

## Decision

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

- 1. The proposed development, on account of its scale, massing, form and design, is significantly out of character with the edge-of village setting and surrounding area and will have a materially detrimental impact on the character and appearance of the area. As a result of the proposed development being incompatible with the surrounding area it is contrary to policies DEV2 and STRAT2 of the adopted Midlothian Local Development Plan.*
- 2. The proposed development, on account of its massing, form, impact on existing trees and lack of additional planting, will have a significant adverse impact on the character and appearance of the local landscape and this edge-of-village site which is contrary to policies ENV11, ENV7, DEV2 and STRAT2 of the adopted Midlothian Local Development Plan.*
- 3. The proposed development, on account of its scale, massing and layout, comprises an overdevelopment of the site to the detriment of the surrounding area and is therefore contrary to policies DEV2 of the adopted Midlothian Local Development Plan.*
- 4. On account of the scale and layout of the proposed development the proposal represents a low quality and unimaginative urban design solution, significantly at odds with the overriding character of this semi-rural edge-of-village location, which is contrary to the aims and objectives of the Scottish Government's 'Designing Streets' and 'Creating Places' policy documents and policies ENV7 and DEV2 of the adopted Midlothian Local Development Plan.*
- 5. The proposed development would result in overlooking, and loss of amenity, to the private rear garden of the dwellinghouse at 1 Hadfast Road, which is contrary to policies DEV2 of the adopted Midlothian Local Development Plan.*
- 6. It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not have a detrimental impact on protected species and is therefore contrary to policy ENV15 of the adopted Midlothian Local Development Plan.*

## Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – 16 School Green, Lasswade [17/00672/DPP]	Peter Arnsdorf

## Executive Summary of Report

There was submitted report, dated 15 February 2018, by the Head of Communities and Economy regarding an application from Mr T Thomas, APT Planning and Development Ltd, 6 High Street, East Linton seeking on behalf of their client Mr C McClung, a review of the decision of the Planning Authority to refuse planning permission (17/00672/DPP, refused on 23 October 2017) for the erection of a dwellinghouse at 16 School Green, Lasswade.

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

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

## Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. He then introduced Mr T Thomas, APT Planning and Development Ltd (applicant's agent).

Thereafter, oral representations were received firstly from Mr Thomas on behalf of the applicants, then from Ms Cowie, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB then gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. Whilst noting the reasons for refusal, the LRB discussed the proposed development at some length, in particular, consideration was given to the fact that the designation of the application site as Green Belt, had been challenged by the applicants, but not upheld, at the recent Local Plan Inquiry. Notwithstanding this fact, the sympathetic nature of the proposed scheme with its innovative design drew favourable comments, as did the applicants involvement in a scheme on land adjoining the application site. The debate amongst Members being where these in themselves sufficient material grounds to justify a departure from the policy position. The fact that the application site lay within a Conservation Area was also given due consideration by the LRB as part of its deliberations.

After further discussion, Councillor Cassidy, seconded by Councillor Lay-Douglas, moved that the review request be upheld and planning permission granted subject to the conditions contained in the report.

As an amendment, Councillor Milligan, seconded by Councillor Smaill, moved that the review request be dismissed and planning permission refused for the reasons outlined in the planning officers' decision.

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

## Decision

The LRB agreed to uphold the review request, and grant planning permission for the following reason:-

*The proposed dwelling by means of its siting, form, design and materials fits into the landscape and is not detrimental to the green belt, special landscape area or conservation area and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.*

subject to the following conditions:-

1. Development shall not begin until a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
  - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
  - iii proposed new planting including trees, shrubs, hedging and grassed areas;
  - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
  - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the house is occupied; and
  - vii drainage details and sustainable urban drainage systems to manage water runoff.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April–Sept).

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV1, ENV6, ENV19 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

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

**Reason:** *In the interest of protecting the character and appearance of the conservation area so as to comply with ENV6 and ENV19 of the Midlothian Local Development Plan 2017 and Historic Environment Scotland's policy and guidance.*

3. Development shall not begin until a programme of archaeological work and investigation has been submitted to and approved by the planning authority. The approved programme shall be carried out prior to the commencement of development unless an alternative phasing is agreed as part of the approved programme.

**Reason:** *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.*

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Notice of Review Request Considered for the First Time – 153 The Loan, Loanhead [17/00630/DPP].	Peter Arnsdorf

#### Executive Summary of Report

There was submitted report, dated 15 February 2018, by the Head of Communities and Economy regarding an application from Mr J Sorrell, Sorrell Associates, The Green House, 41 St Bernard's Crescent, Edinburgh seeking on behalf of their clients Owners Group, a review of the decision of the Planning Authority to refuse planning permission (17/00630/DPP, refused on 22 December 2017) for the change of use of office to form two dwellings and associated external alterations at 153 The Loan, Loanhead.

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

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

#### Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. . In discussing the proposed development and the reasons for its refusal, the LRB considered that the proposed use was compatible to its location and that it would see a property that had been vacant for some time being brought back into use; these being viewed as material considerations. The LRB also discussed the issues of the lack of off street car parking provision, and of outdoor amenity space.

## Decision

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

*The proposed change of use would bring a vacant building within a residential area back into use and as such this would outweigh concerns regarding the lack of outdoor amenity space and off street parking provision. The proposed alterations would enhance the appearance of the building to the benefit of the street scene.*

## Action

Head of Communities and Economy

The meeting terminated at 3.07 pm.



# Minute of Meeting



## Performance, Review and Scrutiny Committee

Date	Time	Venue
13 March 2018	11.00am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Johnstone	Chair
Councillor Alexander	
Councillor Baird	
Councillor Cassidy	
Councillor Hardie	
Councillor Lay-Douglas	
Councillor Munro	
Councillor Russell	
Councillor Smail	
Councillor Winchester	

### Also in Attendance:

Kenneth Lawrie	Chief Executive
Gary Fairley	Head of Finance and Integrated Service Support
Kevin Anderson	Head of Customer and Housing Services
Joan Tranent	Head of Children's Services
Grace Vickers	Head of Education
Alison White	Head of Adult Services
Ian Johnson	Head of Communities and Economy
Ricky Moffat	Head of Commercial Services
Garry Sheret	Head of Property and Facilities Management
Janet Ritchie	Democratic Services Officer

## 1 Apologies

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Apologies were received from Councillors Parry, Alexander and McCall.

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

## 2 Order of Business

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The order of Business was as set out on the Agenda

## 3 Declarations of Interest

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No declarations of interest were intimated.

## 4 Minutes of Previous Meetings

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- 4.1 The minutes of the meeting of 30 January 2018 were submitted and approved as a correct record.

## 5 Public Reports

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Agenda No	Title	Presented by:
5.1	<b>Adult Social Care Quarter 3 Performance Report 2017/18</b>	<b>Head of Adult Services</b>
<b>Outline and summary of item</b>		
<p>The Quarter 3 Performance Report 2017/18 for Adult Social Care was presented by the Head of Adult Services highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.</p> <p>Thereafter the Head of Adult Services responded to questions and comments raised by the members of the Committee which included:</p> <ul style="list-style-type: none"><li>• The new Carers (Scotland) Act 2016 and the work of the Carers Act Implementation Planning Group.</li><li>• Reassurances that all voluntary agencies would be involved in the decision regarding the best use of the Recovery Hub.</li><li>• The implementation of the Fall Strategy and as from 1 April there will be a Senior Manager with a strategic lead for falls.</li><li>• The Audiology Clinic and the challenges in progressing new hearing aid maintenance and repair clinics in Libraries.</li></ul>		
<b>Decision</b>		
<ul style="list-style-type: none"><li>• The Head of Adult Services agreed that Councillor Russell as the Carer's Champion would be provided with an update on the work undertaken with regards to the Carers Strategy and Action Plan 2017/19..</li><li>• To otherwise note the report.</li></ul>		

**Action**

Head of Adult Services

Agenda No	Title	Presented by:
<b>5.2</b>	<b>Customer and Housing Services Quarter 3 Performance Report 2017/18</b>	<b>Head of Customer and Housing Services</b>

**Outline and summary of item**

The Quarter 3 Performance Report 2017/18 for Customer and Housing Services was presented by the Head of Customer and Housing Services highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.

Thereafter the Head of Customer and Housing Services responded to a question raised by Councillor Baird regarding the changes in Universal Credit combined with the new Council Budget passed in February and if these would have any impact on meeting the housing targets in particular regarding homelessness.

**Decision**

To note the report.

Agenda No	Title	Presented by:
<b>5.3</b>	<b>Children's Services Quarter 3 Performance Report 2017/18</b>	<b>Head of Children's Services</b>

**Outline and summary of item**

The Quarter 3 Performance Report 2017/18 for Children's Services was presented by the Head of Children's Services highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.

Thereafter the Head of Children's Services responded to questions and comments raised by members of the Committee which included:

- The temporary closure of the Residential House at Woodburn Court and the change to both this house and the one in Penicuik from four bedrooms to 5 en-suite bedrooms.
- Increase in secure care and the impact on the Budget. Also the controls around secure care and looking at more creative cost reducing models as well as preventative work.

**Decision**

To note the report.

Agenda No	Title	Presented by:
<b>5.4</b>	<b>Communities and Economy Quarter 3 Performance Report 2017/18</b>	<b>Head of Communities and Economy</b>
<b>Outline and summary of item</b>		
<p>The Quarter 3 Performance Report 2017/18 for Communities and Economy was presented by the Head of Communities and Economy highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.</p> <p>Thereafter the Head of Communities and Economy responded to questions and comments raised by members of the Committee which included:</p> <ul style="list-style-type: none"> <li>• Child Poverty Action Plan.</li> <li>• Update of Dalkeith Town Centre improvements.</li> <li>• The Tyne Esk LEADER programme.</li> <li>• Tobacco testing and the appointment a Tobacco Monitoring Officer.</li> </ul>		
<b>Decision</b>		
<ul style="list-style-type: none"> <li>• To set up a development session for Members to provide an update on the Child Poverty Action Plan.</li> <li>• To congratulate Midlothian Council's Planning Service on the two national awards.</li> <li>• To otherwise note the report.</li> </ul>		
<b>Action</b>		
Head of Communities and Economy		

Agenda No	Title	Presented by:
<b>5.5</b>	<b>Education Quarter 3 Performance Report 2017/18</b>	<b>Head of Education</b>
<b>Outline and summary of item</b>		
<p>The Quarter 3 Performance Report 2017/18 for Education was presented by the Head of Education highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.</p> <p>Thereafter the Head of Education responded to comments and questions raised by members of the Committee which included:</p> <ul style="list-style-type: none"> <li>• Budget challenges.</li> <li>• Lifelong Learning and Employability Service and positive destinations.</li> </ul>		

- Education (Scotland) Act 2015 and Gaelic provision.
- Expansion of 1140 hrs by 2020 and plans to implement this.
- Scottish Index of Multiple Deprivation in relation to the expansion of 1140 hours

#### Decision

To note the report

Agenda No	Title	Presented by:
5.6	<b>Commercial Operations Quarter 3 Performance Report 2017/18</b>	<b>Head of Commercial Operations</b>

#### Outline and summary of item

The Quarter 3 Performance Report 2017/18 for Commercial Operations was presented by the Head of Commercial Operations highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the Report.

Thereafter the Head of Commercial Operations responded to questions and comments raised by Members which included:

- Challenges during the bad weather and the good work done by the staff in keeping the roads open.
- Recruitment issues affecting income.
- Health and Safety Audit which consists of three phases, planning and implementing which is complete and the final stage auditing which is now in place.

#### Decision

To note the report

Agenda No	Title	Presented by:
5.7	<b>Finance and Integrated Service Support Quarter 3 Performance Report 2017/18</b>	<b>Business Services Manager</b>

#### Outline and summary of item

The Quarter 3 Performance Report 2017/18 for Finance and Integrated Service Support was presented by the Head of Finance and Integrated Service Support highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.

Thereafter the Head of Finance and Integrated Service Support responded to questions and comments raised by Members which included:

- Newbattle High School and any financial issues.
- Equal pay cases and any outstanding settlement.
- The development and improvement of the purchasing process and contract management.
- Best Value Audit timescale.
- Reserves and the impact of the bad weather.

**Decision**

To note the report.

Agenda No	Title	Presented by:
<b>5.8</b>	<b>Property and Facilities Management Quarter 3 Performance Report 2017/18</b>	<b>Head of Commercial Operations</b>

**Outline and summary of item**

The Quarter 3 Performance Report 2017/18 for Property and Facilities Management was presented by the Head of Commercial Operations highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.

Thereafter the Head of Commercial Operations responded to questions and comments raised by Members which included:

- Dalkeith Toilets repair costs and the procedure in place in assessing the damage and the cost of repairs.
- Destination Hillend project.
- Proposal to reduce the Janitorial Primary School estate.
- Catering in schools and the issue of queuing for school lunches.

**Decision**

To note the report.

Agenda No	Title	Presented by:
5.9	<b>Midlothian Council Quarter 3 Performance Report 2017/18</b>	<b>Chief Executive</b>
<b>Outline and summary of item</b>		
<p>The Chief Executive presented the Midlothian Council Quarter 3 Performance report detailing the delivery of Midlothian Council's priorities through the Community Planning Partnership and the Single Midlothian Plan. The Council Transformation Strategy and Individual Service Plans outlined how Midlothian Council would deliver its contribution to the Single Midlothian Plan.</p> <p>Thereafter the Chief Executive responded to questions and comments raised by several members of the Committee regarding the complaint procedure and the timescales in responding to complaints.</p> <p>The Chief Executive also responded to questions raised with regards to any projected overspend and the financial challenges moving forward. He further provided examples of joint working across all Directorates as well partnership working with communities.</p>		
<b>Decision</b>		
To note the report.		

The meeting terminated at 1.15 pm



# Minute of Meeting



## Audit Committee

Date	Time	Venue
Tuesday 13 March 2018	11.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

### Present:

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

### In attendance:

Kenneth Lawrie	Chief Executive
John Blair	Director Resources
Gary Fairley	Head of Finance and Integrated Service Support
Stephen Reid	Ernst and Young
Alan Turpie	Monitoring Officer
Joan Tranent	Head of Children's Services
Chris Lawson	Risk Manager
Jill Stacey	Chief Internal Auditor
Elaine Greaves	Principal Auditor
James Polanski	Internal Auditor
Amber Ahmed	Internal Auditor
Janet Ritchie	Democratic Services Officer

## 1. Welcome and Apologies

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Apologies were received from Councillor Parry.

## 2. Order of Business

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The order of business was amended as agreed with the Chair to include an additional item in private under 6.1 Self-Assessment.

## 3. Declarations of interest

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No declarations of interest were received.

## 4. Minutes of Previous Meetings

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4.1 The minutes of the meeting of 12 December 2017 were submitted and approved as a correct record having been proposed by Councillor Hardie and seconded by Councillor Milligan.

4.2 Matters Arising:

Item 5.4 - The Chair asked for feedback regarding security policies and access levels of the RIVO system. The Risk Manager advised that the work was ongoing but confirmed that the provider's specifications would meet both Midlothian and East Lothian security policies.

Item 5.8 - The Chair raised a question with regards to the actions in the review of controls operating over pre-school provision partnership providers and who takes responsibility for this. The Director Resources agreed to report back at the next meeting.

## 5. Public Reports

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Report No.	Report Title	Submitted by:
5.1	Financial Strategy 2018/19 to 2021/22 and Financial Monitoring 2017/18	Director Resources
<b>Outline of report and summary of discussion</b>		
<p>There was a report submitted to the Audit Committee by the Director of Resources bringing the Committee's attention to the reports presented to Council on 13 February 2018 by the Head of Finance and Integrated Service Support, in relation to the Financial Strategy 2018/19 to 2021/22 and Financial Monitoring 2017/18. Also appended to this report was the motion that was approved by Council on 13 February 2018.</p> <p>Thereafter responses were provided on questions and comments raised by the Committee regarding the Financial Strategy; the Council Tax increase of 3% and Teacher/Pupil ratio.</p>		

Also raised was the difference in the net expenditure figure detailed in the Revenue account (appendix 7) and the figure provided in the External Auditors report. The Head of Finance and Integrated Service Support explained the difference in these two figures and that a more detailed budget book would be published which will list the gross and net expenditure for each service and will give a much more detailed analysis of the budget service by service.

It was agreed that this detailed budget book would be available to members of the Audit Committee.

**Decision**

The Audit Committee noted the content of the Report.

**Action**

Head of Finance and Integrated Service Support.

Report No.	Report Title	Submitted by:
5.2	Internal Audit Report Review of Controls Operating over Accounts Payable	Internal Audit

**Outline of report and summary of discussion**

A report dated 21 February 2018 was presented by the Internal Auditor. The objective of the audit was to provide an opinion on the adequacy of controls over payments to suppliers through the Accounts payable (Integra) system.

Thereafter the Head of Finance and Integrated Service Support responded to questions raised by the Committee explaining the implementation of the purchase to pay system and the move from paper to electronic systems which will limit the risk of payment errors, fraudulent payments and provide a more detailed level of committed expenditure. Also raised was the tightening up of the use of sundry suppliers and duplicate overpayments and how this is pursued.

**Decision**

The Audit Committee noted the content of the report.

Report No.	Report Title	Submitted by:
5.3	Internal Audit Report Complaints	Internal Audit

**Outline of report and summary of discussion**

A report dated 22 February 2018 was presented by the Internal Auditor. The Audit reviewed the Council's policies, procedures and systems in place to support the Council's complaints process. All local authorities are legally required to comply with the Scottish Public Services Ombudsman's (SPSO) Complaints Handling Procedure (CHP). Some weaknesses have been identified in the controls and improvements are possible.

Thereafter a discussion took place regarding the number of complaints and complaint reporting should be put into context for staff and residents. It was highlighted that previously an analysis had been presented to Cabinet and Performance Review and Scrutiny Committee on complaints and it identified that a huge number of these complaints were due to missed bin collections. It was further reported the reason for the difference in some of the target dates was to reflect the new CRM system which will be in place by the end of the year.

**Decision**

The Audit Committee noted the content of the report.

Report No.	Report Title	Submitted by:
5.4	Risk Management Q3 Update for 1 October 2017 – 31 December 2017	Risk Manager

**Outline of report and summary of discussion**

There was a report submitted by the Risk Manager to provide the Audit Committee with the 2017/18 Quarter 3 strategic risk management update, covering the period 1 October 2017 – 30 December 2017. The Strategic Risk Profile seeks to provide a strategic look at the current issues, future risk and opportunities facing the Council.

Thereafter Officers responded to questions and comments raised by members which included:

- The review of pay and grading.
- The risk evaluation on ‘Fastest Growing Council’ rated critical as an opportunity and high as a threat and the reasons for this.
- The risk evaluation on balancing budgets in future years.
- The risk on the UK decision to leave the EU and the lack of clarity on the impact of this.

**Decision**

The Audit Committee otherwise noted the content of the report.

Report No.	Report Title	Submitted by:
5.5	Midlothian Council Annual Audit Plan 2017/18	Stephen Reid, EY, External Auditors

**Outline of report and summary of discussion**

There was submitted the Midlothian Council Annual External Audit Plan 2017/18. Stephen Reid, External Auditor presented the Plan to the Committee explaining this Annual Audit Plan is prepared for the benefit of the Council and Audit Committee and provides members with a summary and update on the planned audit approach for the audit of the financial year ending 31 March 2018. He went

on to explain that their responsibilities fall into two main areas, one in respect of the financial statements and the other in respect of their responsibility around the wider-scope public sector audit dimensions and highlighted some key sections from the Report.

Thereafter the External Auditor and Head of Finance and Integrated Service Support responded to questions and comments raised by members of the Committee.

**Decision**

The Audit Committee noted the content of the report.

Report No.	Report Title	Submitted by:
5.6	Internal Audit Charter	Chief Internal Auditor
<b>Outline of report and summary of discussion</b>		
<p>There was a reported submitted dated 21 February 2018 presented by the Chief Internal Auditor for consideration and approval. The report provides the Audit Committee with the updated internal Audit Charter for approval that defines the terms of reference for the Internal Audit function to carry out its role to enable the Chief Internal Auditor to prepare an annual opinion on the adequacy of the Council's overall control environment.</p>		
<b>Decision</b>		
<p>Having been proposed by Councillor Hardie and seconded by Councillor Baird the Audit Committee:</p> <ul style="list-style-type: none"> <li>• Noted the changes outlined in the report.</li> <li>• Approved the revised Internal Audit Charter shown at Appendix 1.</li> <li>• Noted that the Internal Audit Charter will be reviewed annually.</li> </ul>		
<b>Action</b>		
Internal Audit Manager		

Report No.	Report Title	Submitted by:
5.7	Internal Audit Strategy and Annual Plan 2018/19	Chief Internal Auditor
<b>Outline of report and summary of discussion</b>		
<p>There was a reported submitted dated 14 February 2018 presented by the Chief Internal Auditor for approval to the proposed Internal Audit Strategy and Annual Plan 2018/19 to enable the Chief Internal Auditor to prepare annual opinions on the adequacy of the overall control environment of Midlothian Council, and Midlothian Health and Social Care Integration Joint Board.</p>		

The Internal Audit Strategy at Appendix 1 outlines the strategic direction for Internal Audit to provide independent and objective assurance on the systems of internal control, risk management, and governance to the relevant organisation's senior management and board/audit committee.

The Internal Audit Annual Plan 2018/19 developed by the Shared Chief Internal Auditor is presented at Appendix 2. The proposed reviews have been grouped into key themes as set out in the Internal Audit Strategy at Appendix 1.

Thereafter the Chief Internal Auditor and Chief Executive responded to questions raised by members of the Committee.

#### Decision

Having been proposed by Councillor Smaill and seconded by Councillor Baird the Audit Committee approved the Audit Strategy and Annual Plan 2018/19.

## 6. Private Reports

In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed information as defined in paragraph 8 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Report No.	Report Title	Submitted by:
6.1	Self-Assessment	Chief Internal Auditor
Decision		
The Audit Committee noted the content of the report.		

The meeting terminated at 3.25 pm

# Minute of Meeting



## Midlothian Integration Joint Board

Date	Time	Venue
Thursday 11 <sup>th</sup> January 2018	2.00pm	Conference Room, Melville Housing, The Corn Exchange, 200 High Street, Dalkeith, EH22 1AZ.

### Present (voting members):

Cllr Catherine Johnstone	John Oates (Chair)
Cllr Jim Muirhead	Tracey Gilles
Cllr Margot Russell (substitute for Cllr Derek Milligan)	Alison McCallum

### Present (non voting members):

Allister Short (Chief Officer)	Alison White (Chief Social Work Officer)
David King (Chief Finance Officer)	Caroline Myles (Chief Nurse)
Fiona Huffer (Head of Dietetics)	Patsy Eccles (Staff side representative)
Keith Chapman (User/Carer)	Pam Russell (User/Carer)
Ewan Aitken (Third Sector)	

### In attendance:

Tom Welsh (Integration Manager)	Morag Barrow (Head of Primary Care & Older People's Services)
Mike Broadway (Clerk)	Rosie Miller

### Apologies:

Cllr Derek Milligan	Cllr Pauline Winchester
Alex Joyce	Cllr Janet Lay-Douglas (substitute for Cllr Pauline Winchester)
Hamish Reid (GP/Clinical Director)	Aileen Currie (Staff side representative)

# Midlothian Integration Joint Board

Thursday 11 January 2018

## 1. Welcome and introductions

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The Chair, John Oates, opened the meeting by expressing the Boards condolences to the family, friends and colleagues of Midlothian Councils' Provost, Councillor Adam Montgomery, who had passed away follow a short illness.

He then went on to welcome everyone to this Meeting of the Midlothian Integration Joint Board, in particular Morag Barrow, the newly appointed Head of Primary Care & Older People's Services and Councillor Margot Russell (who was substituting for Councillor Derek Milligan), following which there was a round of introductions.

## 2. Order of Business

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The order of business was adjusted as follows - Agenda Item No 5.9 - Achieving Financial Balance in the IJB, would be taken along with Agenda Item No 5.2 - IJB 3 Three Year Financial Strategy as the first items of business. This would then be followed by Agenda Item No 5.8 - IJB Property Strategy, after that the remaining items would follow the running order as printed in 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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- 4.1 The Minutes of Meeting of the Midlothian Integration Joint Board held on 7 December 2017 were submitted and approved.
- 4.2 The Minutes of Meeting of the MIJB Audit and Risk Committee held on 5 October 2017 were submitted and noted.
- 4.3 Arising therefrom, and in response to questions regarding how progress in the actioning of decisions made by the Board was monitored, and the governance arrangements for the Audit and Risk Committee, the Board noted that any recommendations made by the Audit and Risk Committee would be fed into the Board either through the minutes, or by way of a formal report, if this was more appropriate. With regards the monitoring of the actioning of decisions, there was no formal mechanisms currently in place, it was the responsibility of individual officers to ensure that the necessary agreed actions were timeously carried out.

## 5. Public Reports

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Report No.	Report Title	Presented by:
5.9	Achieving Financial Balance in the IJB	Allister Short

# Midlothian Integration Joint Board

Thursday 11 January 2018

## Executive Summary of Report

This paper set out the current challenges to achieving financial balance in 2018/19 for Midlothian IJB and set out some initial proposals for delivering efficiencies in support of a balanced budget. The report noted the challenging position and acknowledged that the scale, pace and quantum of savings that was required went beyond what had been achieved in previous years within the Partner organisations.

The report also highlighted that whilst the high-level areas for transformational change within Midlothian and acute services detailed in the report would provide savings, there remained a projected budget gap of £1m on the required levels of efficiencies within Midlothian to achieve financial balance and further work would be necessary to provide a detailed breakdown on the proposed high-level savings. A full report would be brought to the Midlothian IJB meeting in March 2018. This would also have the details of the revised settlement from Midlothian Council and NHS Lothian, which may impact on the overall budget position for the MIJB.

## Summary of discussion

The Chief Officer in presenting the report highlighted that there was a need to remain focused on the overall aim of Integration and to deliver new models of care that better supported the population of Midlothian and improved outcomes. There was also a need to ensure that data was used to drive forward service improvements and to benchmark activity both internally and externally to better understand the capacity and capability for change. Additionally, it was important that there was engagement with both the public and the voluntary sector, which was an area that it was acknowledged still required more work.

The Board, in discussing the budgetary pressures, welcomed the ongoing dialogue with NHS Lothian and Midlothian Council seeking ways to address the current position, expressed some reservations about the prospect of potentially introducing charging for some services, particularly in terms of the impact this might have, and emphasised the importance of getting the public engagement process right.

## Decision

### The Board:

- **Noted the projected deficit of the ‘do nothing’ option as a result of the growth and demand pressures across health and social care;**
- **Noted that the current projections are based on information provided by Midlothian Council and NHS Lothian in advance of the Scottish Government’s announcement of their financial settlement for 2018/19;**
- **Noted the options available to the MIJB and the proposed high-level areas for transformational change and disinvestment to achieve financial balance;**
- **Noted the need for greater public engagement and welcomed plans to report on this in more detail to the March 2018 MIJB meeting; and**

# Midlothian Integration Joint Board

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- **Agreed to receive detailed information on all efficiency programmes at the March 2018 meeting of the MIJB.**

## Action

Chief Officer/Chief Finance Officer

Report No.	Report Title	Presented by:
5.2	IJB – Outline Three Year Financial Plan - 2018/19, 2019/20 and 2020/21	David King

## Executive Summary of Report

With reference to paragraph 5.1 of the Meeting of 24 August 2017, there was submitted a report which further developed the MIJB's financial strategy and provided a high level outline of the MIJB's three year financial plan that had been prepared to support the Strategic Plan.

The report advised that the multi-year outline financial plan started to lay out both the financial challenges and how these might be resolved over the next three years, and how the MIJB intended to use the financial resources available to deliver its Strategic Plan. This outline financial plan was presented both to inform the MIJB's partners of the MIJB's plans in financial terms and also to stimulate discussion around the solutions presented. It was important to note that the plan did not differentiate between which partner would deliver services, it simply took the totality of the resource available to the MIJB and employed that resource to deliver the functions delegated to the MIJB expressed in terms of 'programmes'

There were three appendices attached to this report:–

- An revision of the MIJB's financial strategy;
- An outline financial plan for the next three financial years; and
- NHS Lothian's most recent proposal on the revised MIJB budget setting process.

## Summary of discussion

Having heard from the Chief Finance Officer, who responded to Members questions/comments regarding underspends and links to community planning, the Board welcomed the ongoing development of the financial planning model and highlighted the importance of the transformation process in changing the way in which services were delivered.

## Decision

### The Board:

- **Supported the financial strategy;**

# Midlothian Integration Joint Board

Thursday 11 January 2018

- Supported the financial planning model; and
- Supported the continued development of the financial planning model.

## Action

Chief Officer/Chief Finance Officer

Report No.	Report Title	Presented by:
5.8	Midlothian IJB Property Strategy	Tom Welsh

## Executive Summary of Report

This report explained the case for the MIJB developing a strategy for its future property requirements. Whilst the MIJB did not have any direct control over capital or housing revenue budgets it needed to be in a position to give clear advice to Midlothian Council and NHS Lothian about investments required to enable the MIJB to fulfil its objectives regarding the delivery of health and social care. A copy of the proposed Property Strategy was appended to the report.

The report also provided an overview of current properties in use by the local Health and Social Care Partnership and an indication of the future requirements including special needs housing.

## Summary of discussion

Having heard from the Integration Manager, the Board welcomed the development of a property strategy which it was felt would offer an opportunity to input into the forward planning for facilities such as Health Centres, Dental Practices and specialist needs housing in Midlothian.

## Decision

### The Board:

- Noted this first version of a MIJB Property Strategy;
- Agreed that the issues raised in this Strategy be discussed within the relevant forums in Midlothian Council and NHS Lothian; and
- Agreed that a more developed Property Strategy be presented at a future meeting of the MIJB no later than early June 2017.

## Action

Chief Officer

# Midlothian Integration Joint Board

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Report No.	Report Title	Presented by:
5.1	Measuring Performance Under Integration	Allister Short/Tracey Gillies

## Executive Summary of Report

With reference to paragraph 5.5 of the Meeting of 20 April 2017, there was submitted a report updating the Board on performance and improvement towards achieving the Local Improvement Goals.

## Summary of discussion

The Chief Officer provided a brief introduction to the report, following which Tracey Gillies, Medical Director, NHS Lothian updated the Board on current pressures within acute services, which had seen a steep rise in admissions.

The Board, in discussing the pressures within acute, acknowledged the particular challenges which it presented, and the work that was going on to address these pressures.

Thereafter, the progress that had been made generally was considered, along with the emerging challenges that remained to be addressed. The need to continue to challenge existing ways of delivering health and care services, and the importance of ensuring that any changes were proportionate and maximised outcomes within the resources available were acknowledged, it being accepted that a balance need to be struck between what could be achieved in the community; through community facilities such as the Community Hospital; and via acute hospital provision, as each was seen as having a role to play in the process of change.

## Decision

**After further discussion, the Board:-**

- **Noted the performance across the improvement goals;**
- **Noted the particular pressures currently being experienced with acute services;**
- **Noted the positive impact that stopping the use of Liberton Hospital had had on the overall unscheduled occupied bed days; and**
- **Noted the improvement in A&E 4 hour performance for people who were subsequently admitted into hospital.**

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.3	The General Medical Services Contract in Scotland	Allister Short

# Midlothian Integration Joint Board

Thursday 11 January 2018

## Executive Summary of Report

The purpose of this report was to provide the Board with a summary of the new General Medical Services (GMS) Contract proposals and timescales, and a proposal for implementation arrangements.

The report explained that the contract was part of the Scottish Government's plans to transform primary care services in Scotland.

## Summary of discussion

Having heard from the Chief Officer, the Board discussed the likely impact of the key principles contained in the proposals, and also the proposed structural approach to the implementation of the contract.

## Decision

### The Board:

- **Noted the key content in the proposals for the new General Medical Services Contract in Scotland;**
- **Noted that a poll of the profession will inform a vote on the contract proposals, the outcome of which would be known on 18 January 2018; and**
- **Agreed to support the model for implementation as set out in the report.**

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.4	Carers (Scotland) Act 2016	Allister Short

## Executive Summary of Report

The paper sets out the requirements for the need to review the Midlothian Integration Scheme as a result of the Carers (Scotland) Act 2016.

The report explained that given that the Integration scheme was submitted less than 3 years ago, the main purpose of the review would be to focus on the legislative changes brought about by the new Act rather than a systematic review of the Integration scheme itself. In line with previous arrangements, the review would be subject to public consultation and governance sign-off by each Partner.

## Summary of discussion

The Board, having heard from the Chief Officer, who responded to Members' questions, discussed the prospective timescale for the review, expressing support for the review focusing on the changes required as a result of the new legislation.

# Midlothian Integration Joint Board

Thursday 11 January 2018

## Decision

### The Board:

- **Noted the requirement to review the Integration scheme as a result of the Carers (Scotland) Act 2016 coming in to force on 1 April 2018, which places some new duties on Integration Joint Boards, for both adult and children's services;**
- **Noted that NHS Lothian has since written to the Chief Executive of Midlothian Council setting out the intention to work collectively to review the Integration scheme;**
- **Agreed that the focus of the review should be on the required adjustments arising from the Carers Act; and**
- **Noted and agreed that the request asking for the revised Integration schemes being presented back to Scottish Government by 2 March 2018 is not achievable and that NHS Lothian will advise Scottish Government accordingly of an appropriate timeline.**

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.5	Regional Planning – Health & Social Care Delivery	Allister Short

## Executive Summary of Report

The purpose of this paper was to update the Board on the progress being made in developing a regional plan for health and social care in the East region of Scotland and to seek agreement to support a regionalised approach to diabetes prevention.

The report advised that the outline Regional Plan was due to be presented to Scottish Government shortly and further reports on progress on the regional plan would be presented to future meetings of the MIJB. The proposed regional partnership approach to diabetes prevention has been developed by the Chief Executive's from Scottish Borders Council and NHS Borders; a detailed copy of the proposals was attached as an appendix to the report.

## Summary of discussion

The Board, having heard from the Chief Officer discussed the excellent work which had already been started on addressing and preventing diabetes, with a local partnership having already been established ensuring that Midlothian was well placed to contribute and influence the proposed Partnership as well as benefitting at a local level.

# Midlothian Integration Joint Board

Thursday 11 January 2018

## Decision

### The Board:

- **Noted the progress to date on developing and implementing the Health & Social Care Delivery Plan in the East region in relation to primary, community and social care;**
- **Noted the work being done, led by Scottish Borders, to establish an East of Scotland Diabetes Prevention Partnership; and**
- **Agreed that Midlothian IJB supports the establishment of a regional approach to the Diabetes Prevention Partnership and to confirm our commitment to being involved in this Partnership.**

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.6	Community Payback Order Annual Report 2016/17	Alison White

## Executive Summary of Report

The purpose of this report was to bring to the IJB's attention the Community Payback Order (CPO) Annual Report 2016/17; a copy of which was appended to the report.

## Summary of discussion

The Board, having heard from the Chief Social Work Officer discussed the excellent work undertaken by the Criminal Justice team in Midlothian.

## Decision

### The Board:

- **Noted the content of the Community Payback Order Annual Report 2016/17.**

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.7	Chief Officer's Report	Allister Short

# Midlothian Integration Joint Board

Thursday 11 January 2018

## Executive Summary of Report

This report provided a summary of the key issues which had arisen over the past month in health and social care, highlighting in particular service pressures as well as recent service developments.

The report highlighted in particular the work that had been undertaken in partnership with all Practice in Midlothian to review practice boundaries to ensure almost universal coverage of at least 2 Practices covering every area of Midlothian, which was good for patient choice but also means that Practices were not stretched too thinly.

## Decision

**The Board, having heard from the Chief Officer:**

- **Noted the issues and updates raised in the report.**

## Action

Chief Officer

## 6. Any other business

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No additional business had been notified to the Chair in advance.

## 7. Date of next meeting

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

- Thursday 8<sup>th</sup> February 2018      2pm    Development Workshop
- Thursday 1<sup>st</sup> March 2018      2pm    **Midlothian Integration Joint Board**

The meeting terminated at 4.17 pm.