

# Minute Volume



Presented to the Meeting  
of **Midlothian Council**  
on **Tuesday, 13 February 2018**

## **Midlothian Council**

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## **Cabinet**

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## **Planning**

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## **General Purposes**

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## **Appeals**

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No Minutes submitted for consideration.

## **Local Review Body**

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## **Performance Review and Scrutiny**

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## **Audit**

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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 7 December 2017

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# Minute of Meeting



## Midlothian Council

Date	Time	Venue
19 December 2017	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Depute Provost Russell (Chair)	
Councillor Milligan – Council Leader	Councillor Muirhead – Depute 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 Parry
Councillor Small	Councillor Winchester

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

Mr V. Bourne	

### In attendance:

Kenneth Lawrie, Chief Executive	John Blair, Director, Resources
Allister Short, Joint Director, Health and Social Care	Mary Smith, Director, Education, Communities and Economy
Gary Fairley, Head of Finance and Integrated Service Support	

## 1. Apology

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The Clerk intimated an apology on behalf of Provost Montgomery. In his absence the Depute Provost, Councillor Russell, took the Chair.

## 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 that had been circulated.

## 3. Declarations of interest

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The Depute Provost requested that any Elected Member who had to declare an interest in a particular item to do so as the item arose.

## 4. Deputations

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

## 5. Minutes of Previous Meetings

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5.1 The minutes of the meeting of Midlothian Council which took place on 7 November 2017 were submitted for approval. The Council approved the minute as a correct record so moved by Councillor Milligan and seconded by Councillor Hardie.

5.2 The following minutes were previously circulated to Members and the following responses were noted:

Meeting	Date of Meeting
Cabinet	21 November 2017
Planning Committee	3 October 2017
General Purposes Committee	3 October 2017
Appeals Committee	22 June 2017
Local Review Body	10 October 2017
Performance, Review and Scrutiny Committee	5 September 2017
Police and Fire and Rescue Board	21 August 2017
Midlothian Integration Joint Board	5 October 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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Motion No.	Motion Title	Proposed by:	Seconded by:
<b>7.1</b>	<b>Homelessness</b>	<b>Councillor Curran</b>	<b>Councillor Russell</b>

### Motion:

*That Midlothian Council;*

- 1. Supports Shelter Scotland's campaign for national action on homelessness.*
- 2. Recognises that every 19 minutes a household in Scotland becomes homeless.*
- 3. Notes that while we know there is a great deal of good practice, projects, and people working in each local authority working to ensure everyone has a safe place to call home, Scotland is in the grip of a housing crisis. National action must be taken to ensure all Local Authorities in Scotland have clear, strategic direction in order to fix homelessness.*

### Summary of discussion

The Council heard from Councillor Curran who presented the motion.

### Decision

The Council unanimously supported the Motion.

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Motion No.	Motion Title	Proposed by:	Seconded by:
<b>7.2</b>	<b>Royal Bank of Scotland – Branch Closures</b>	<b>Councillor Alexander</b>	<b>Councillor McCall</b>

### Motion:

*Midlothian Council regrets the latest round of proposed RBS branch closures across the UK and in Midlothian towns of Bonnyrigg and Penicuik; believes that such closures are damaging to local RBS customers, businesses, community groups and the entire local community; and further believes that the public are*

*entitled to expect better from RBS, a bank which is still largely owned by the taxpayer, and that RBS and other high street banks be encouraged to work with the Scottish Government and communities to find alternatives to local branch closures in order to maintain local banking options.*

*Furthermore, Midlothian Council commits to writing to RBS asking it to reconsider plans to close Midlothian branches; and further commits to writing to the Chancellor of the Exchequer to express Midlothian Council's dismay at this decision.*

#### Summary of discussion

The Council heard from Councillor Alexander who formally moved the motion.

#### Decision

The Council unanimously supported the Motion.

#### Action

Director, Resources and Leader of the Council

## 8. Reports

Agenda No.	Report Title	Presented by:
8.1	<b>Revision of the Council's Standing Orders</b>	<b>Director, Resources</b>

#### Outline of report and summary of discussion

The Council heard from the Director, Resources who presented a report which outlined proposals for the revision of the Council's Standing Orders and in doing so recommended that the Council approve the proposed revisions to the Standing Orders

#### Decision

The Council agreed to:

- (a) Approve the revised Standing Orders;
- (b) Instruct the Director, Resources to publish the revised Standing Orders; and
- (c) Instruct the Director, Resources to bring forward a review of the Council Standing Orders to the Council meeting prior to the summer recess on an annual basis commencing in 2019.

#### Action

Director, Resources/ Democratic Services



Report No.	Report Title	Presented by:
<b>8.2</b>	<b>Local Code of Corporate Governance</b>	<b>Director, Resources</b>

#### Outline of report and summary of discussion

The Council heard from the Legal Services Manager who presented a report which sought approval of the draft Local Code of Corporate Governance which had been prepared following an updated framework document issued by CIPFA/SOLACE.

#### Decision

The Council agreed to:

- a) Approve the updated Local Code of Corporate Governance as set out in appendix 1 of the report presented.

#### Action

Director, Resources

Report No.	Report Title	Presented by:
<b>8.3</b>	<b>Publication of the Final Report of the Incident Management Team – Carbon Dioxide Incident in Gorebridge Midlothian 2014</b>	<b>Chief Executive</b>

#### Outline of report and summary of discussion

The Council heard from the Chief Executive who introduced Dr Alison McCallum, Director of Public Health and Public Policy at NHS Lothian, and presented a report which sought to advise Council of the publication of the Final Report of the Incident Management Team (IMT), dated November 2017, into the incident involving the ingress of carbon dioxide (CO<sub>2</sub>) into houses at Newbyres Crescent, Gorebridge, Midlothian.

#### Decision

The Council agreed to:

- a) Note the publication of the Final Report of the Incident Management Team into the Carbon Dioxide Incident in Gorebridge;
- b) Commend the work of the Incident Management Team and partner agencies in the investigation of this incident;
- c) Recognise the work of the Care for People Group, established by Midlothian Health and Social Care Partnership together with NHS Lothian and Midlothian Council, as a model of good practice;

- d) Note the IMT recommendations as detailed in the Executive Summary of the 'Carbon Dioxide Incident in Gorebridge, Midlothian, April 2014' report;
- e) Support the report findings in taking forward the recommendations made by the Incident Management Team (IMT), and note the ongoing implementation of those recommendations (numbered 1 to 3) which specifically require action by Midlothian Council;
- f) Support implementation of the recommendations for action by any future local Incident Management Teams;
- g) make the report available to the private sector and other social housing landlords; and
- h) recognise that whilst the incident was handled well by the Council, the disruption for the families who lived in the houses had gone on for a long time with some residents being permanently re-housed only in the last few months.

<b>Action</b>
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Chief Executive
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Report No.	Report Title	Presented by:
<b>8.4</b>	<b>Audit Scotland Report – Local Government in Scotland – Financial Overview 2016-17</b>	<b>Chief Executive</b>

<b>Outline of report and summary of discussion</b>
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<p>The Chief Executive presented a report which sought to provide the Council with a summary of the Audit Scotland report, 'Local government in Scotland: Financial Overview 2016/17' and the Council's position in relation to the report's findings.</p>
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<b>Decision</b>
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<p>The Council agreed to:</p>
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| <ul style="list-style-type: none"> <li>a) Note the Audit Scotland report and the position of Midlothian Council in relation to the report's key messages.</li> </ul> |
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Report No.	Report Title	Presented by:
<b>8.5</b>	<b>Services to Communities – Property Rationalisations</b> Page 10 of 104	<b>Directors, Resources; and Education, Communities and Economy</b>

### Outline of report and summary of discussion

The Council heard from the Director, Resources, who introduced the report which sought to update the Council on the work being carried out in the Newtongrange and Mayfield areas in the context of the Services to Communities review and further sought approval to close Newbattle Pool and Mayfield Leisure Centre upon the opening of Newbattle Community Campus in spring 2018. Further the report advised Council that a report on the regeneration of Newtongrange Town Centre will be presented to a future meeting of the Council and this report will outline proposals for other property rationalisations in the Newtongrange area. Mary Smith, Director, Education, Communities and Economy then spoke to the terms of the report.

Thereafter discussion took place in relation to when and where a decision was taken to remove funding from the budget for the ongoing operation of the facilities affected. It was noted that, whilst the removal of funding for the facilities had been discussed and noted by the Business Transformation Steering Group as part of the Council's transformation process following on from the decision taken by Council on 25 June 2013 to build the new community campus at Newbattle, there had not been a formal decision taken by the full Council to remove funding. Councillor Muirhead was heard in relation to the decision-making process in 2013 whereby the Council decided to build a new high school at Newbattle to include the integrated facilities currently provided at Newbattle Pool and Mayfield Leisure Centre. He further noted that a rationalisation of facilities exercise carried out in 2014 had been quite specific in respect of the actual buildings reported to the Business Transformation Steering Group for closure and at this time no move was made to remove the buildings from the process thus maintaining the operational costs associated with them. Councillor Baird advised that the communities did not want to lose the existing facilities.

After further discussion, Councillor Baird, seconded by Councillor Parry, moved the recommendations set out in the report with the deletion of recommendations b) and c). As an amendment Councillor Muirhead, seconded by Councillor Hackett, moved the recommendations set out in the report and in addition, that all service users currently accommodated in the facilities which are to close, be accommodated in the new community campus at roughly the same times as present. On a vote being taken by a show of hands, 6 votes were cast for the motion and 6 votes were cast for the amendment. The Chair then used her casting vote in favour of the amendment which therefore became the decision.

### Decision

The Council agreed to:

- a) Note the work of the Services to Communities business transformation work streams, as reported regularly to the Business Transformation Steering Group since 2014;
- b) Confirm that closure of the Newbattle Pool and the Mayfield Leisure Centre will take place at the point of the opening of the pool at the new Newbattle Community Campus;
- c) That, as part of the programme for the closure of these buildings, there is engagement with service users and community

representatives to ensure that information and assurance are provided to assist in the smooth transfer of services to the new Campus,

- d) That Council considers the future of the buildings that currently accommodate the Newtongrange Leisure Centre, the Newtongrange Library, and the Newbattle Community Learning Centre when it receives the final draft report on the proposed Newtongrange Town Centre masterplan and;
- e) That all service users currently accommodated in the facilities which are to close, be accommodated in the new community campus at roughly the same times as present.

#### Action

Directors Resources; and Education, Communities and Economy

Report No.	Report Title	Presented by:
<b>8.6</b>	<b>Financial Strategy 2018-19 to 2021-22</b>	<b>Head of Finance and Integrated Service Support</b>

#### Outline of report and summary of discussion

The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided the Council with an update on the Financial Strategy encompassing the years 2018/19 to 2021/22.

It included:-

- An assessment of future years Scottish Government Grant;
- Updated budget projections for 2018/19 to 2021/22;
- A sensitivity analysis reflecting the potential impact of different pay and grant settlement scenarios years;
- Details of the arrangements for the delegation of resources to the Midlothian Integration Joint Board;
- An update on the Change Programme aimed at addressing the projected budget shortfalls;
- Initial feedback from the budget engagement activity;
- An update on Reserves.

He continued by providing an overview of the current financial position following the grant settlement announced in the last few days by the Cabinet Secretary for Finance. He reported that in Scottish terms it represented a 1.5% core cut in local government funding and a lifting of the pay cap with a recommendation of a 3% increase for employees earning less than £30k. For Midlothian after accounting for the elements which are ring fenced, there was an £0.8m improvement on the figure included in his report and that an update regarding this would be reported to the next meeting of the Business Transformation Steering Group on 15 January 2018. He further confirmed the terms of a letter received by the Council Leader from the Cabinet Secretary for

Finance, which had been circulated to the other two Group Leaders, which sought a written response to the terms of the proposed settlement by 19 January 2018 which further indicated that any local authority not agreeing to the full package would subsequently be offered a revised and less favourable one. He noted that the settlement offered was provisional and Councils were advised not to set a budget based on it but to wait until the final proposals were available in late February 2018.

Based on the initial assessment of the grant settlement, the Head of Finance and Integrated Service Support suggested that, in addition to the recommendations set out in the report, that Council also:-

- make provision to consider the final budget proposals at a special meeting of the Council to be held in late February 2018 and remit the arrangements for this to the Director, Resources;
- notes the revised assumptions for future pay awards which will need to be included in the final budget;
- remits to the Council Leader to respond to the Cabinet Secretary for Finance

Thereafter detailed discussion took place. The Council Leader advised that the letter from the Cabinet Secretary for Finance sets out sanctions which would be imposed on the Council should the terms of the settlement be not agreed. However, he advised that the Council could not accept the settlement by 19 January 2018 because the Council budget process would not, at that time, be concluded.

Councillor Parry made reference to the Equality Impact Assessment (EQIA) which accompanied the report to Council and advised that it did not go far enough in terms of providing detail as to the impact on the public of the proposed cuts to services. She further asked for clarification with regard to the response numbers to the budget consultation exercise and why vacancies were continuing to be advertised when, as she understood it, there was a vacancy freeze.

The Chief Executive and Head of Finance and Integrated Service Support were heard in response to the matters raised by Councillor Parry. It was noted that the EQIA attached to the report recognised the current position and this would change as the budget process progressed; that the response numbers reported were by way of a summary at this stage and that a fuller analysis of responses would be provided to Elected Members as soon as possible and; that a recruitment freeze was in place but that this does not include essential front line posts which require to be filled to enable facilities such as care homes to continue to operate as the non-filling of these vacancies would result in the hiring of agency staff at a higher cost to the Council.

#### Decision

The Council agreed to:

- a) Note the position in respect of the Scottish Government Grant Settlement as set out in section 2 of the report and the verbal update provided by the Head of Finance and Integrated Service Support on the initial analysis of the grant settlement announced on 14 December 2017; Page 13 of 104

- b) Note the current projected cost of services, key assumptions and resultant budget shortfalls as set out in section 3 of the report and endorse the key assumptions on which the budget projections are based;
- c) Note the continuing uncertainties and the potential impact as outlined in the differing scenarios as set out in section 6 of the report;
- d) Instruct the Head of Finance and Integrated Service Support to advise the Midlothian Integrated Joint Board of the indicative allocation of £38.086 million for 2018/19 and the projected allocations for later years as set out in section 7 of the report;
- e) Note the updated assessment of the proposed Change Programme and projected future years Council Tax increases and the impact on the Financial Strategy as set out in table 10 of the report;
- f) Note that incorporating the emerging Change Programme the indications are that there would still be a budget gap of £2.187 million for 2018/19 rising to £9.708 million by 2021/21, though these are heavily dependent on the assumptions detailed in the report;
- g) Note that further proposals, specifically for 2018/19 along with amendments existing proposals to take cognisance of the feedback from the engagement activity will be presented to the next meeting of the Business Transformation Steering Group on 15 January 2018 and will then form part of the final proposals presented to Council;
- h) Note the initial feedback on the budget engagement and agree a detailed report be prepared and made available to all members early in the New Year and that it is also considered by the Business Transformation Steering Group on 15 January 2018;
- i) Note that there continues to be engagement with the recognised Trade Unions on the Council's financial position and service challenges;
- j) Note the governance arrangements and timetable set out in section 9;
- k) Note the severity of the financial challenge and also the risks as set out in section 12.2 of the report.
- l) Note that a further report will be presented to Council on 13 February 2018 to allow Council to determine Council Tax and set a balanced budget for 2018/19; and
- m) Note that a special meeting of the Council to be held late February 2018 will only be arranged if absolutely necessary and in consultation with the 3 Group Leaders.

**Action**

Director, Resources; Head of Finance and Integrated Service Support

Prior to consideration of the following item, the meeting adjourned for a period of 10 minutes for a comfort break, and resumed at 12.47 pm.

Report No.	Report Title	Presented by:
<b>8.7</b>	<b>General Services Capital Plan 2017-18 to 2021-22</b>	<b>Head of Finance and Integrated Service Support</b>

#### Outline of report and summary of discussion

The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided Council with:

- An update of the General Services Capital Plan incorporating rephrasing of projects and new projects approved since the previous General Services Capital Plan report on 29 August 2017;
- Information on further additions to the Capital Plan for approval;
- Update on the gross and net debt outstanding position in comparison with the previously agreed debt cap; and
- Update on the capital fund.

#### Decision

The Council agreed to:

- Approve the inclusion of (a) a provision sum of £1.130 million for Modular Units: Session 2018/19; and (b) £0.289 million for Automated Public Conveniences; in the General Services Capital Plan and (c) note the change to the project budget and funding arrangements for the Hopefield Primary School project; and
- Approve the revised expenditure and funding levels in the General Services Capital Plan 2017/18 to 2021/22 (as shown in appendices 1 and 2 of the report).

#### Action

Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
<b>8.8</b>	<b>Workforce Strategy</b>	<b>Head of Finance and Integrated Service Support</b>

#### Outline of report and summary of discussion

The Council heard from the Head of Finance and Integrated Service Support who presented a report which set out the first Council wide Workforce Strategy, the purpose of which is to ensure that Midlothian Council continues to have a workforce that is able to deliver positive outcomes for the people of Midlothian. The Strategy sets out an approach to supporting, developing and reshaping the

workforce now and in the future in response to changes whether as a consequence of national or local issues. The Strategy is underpinned by the Council's values and vision.

#### Decision

The Council agreed to:

- a) Approve the corporate workforce strategy;
- b) Note that the workforce strategy will be supported by a detailed workforce plan and eight service specific workforce plans;
- c) Elected member representation on the Lifelong Learning Committee and in doing so agreed that Councillors Johnstone and Hackett would be the Council's representatives; and
- d) Note the commitment to continuing to consult with the recognised Trade Unions on the further development and implementation of the workforce strategy and plan.

#### Action

Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
<b>8.9</b>	<b>Attainment and Achievement 2017</b>	<b>Head of Education</b>

#### Outline of report and summary of discussion

The Council heard from the Head of Education who presented a report which provided Council with an overview of attainment and achievement for session 2016/17.

#### Decision

The Council agreed to:

- a) To note the significant improvements in performance outlined in this report;
- b) To note the areas for continuous improvement outlined in this report; and
- c) To congratulate pupils, parents and staff on the significant improvements in attainment and achievement during session 2016/17.

#### Action

Head of Education



Thereafter, a short video was played showing interviews with pupils at Newbattle Community High School expressing their hopes for what the new digital centre of excellence would mean for their education. This was well received in the Chamber.

Report No.	Report Title	Presented by:
<b>8.10</b>	<b>Universal Credit in Midlothian 2017 Update</b>	<b>Head of Customer and Housing Services</b>

#### Outline of report and summary of discussion

The Council heard from the Head of Customer and Housing Services who presented a report which provided the Council with an update on the key issues related to the introduction of Universal Credit in Midlothian.

#### Decision

The Council agreed to:

- a) Note the work done to date, and continuing, related to Universal Credit;
- b) Note the risks outlined in this report; and
- c) Resume the Welfare Reform Members Group in accordance with the appointments made at the first meeting of the Council in May 2017.

#### Action

Head of Customer and Housing Services and Director, Resources

Report No.	Report Title	Presented by:
<b>8.11</b>	<b>Parking in Midlothian</b>	<b>Head of Commercial Operations</b>

#### Outline of report and summary of discussion

The Council heard from the Head of Commercial Operations who presented a report which sought to update Council in the progress towards the introduction of de-criminalised parking and further to publish the 'Midlothian Parking Strategy'.

#### Decision

The Council agreed to:

- a) The Director, Resources progressing with the implementation of Decriminalised Parking enforcement and should powers be granted by the Scottish Government, seek to implement the scheme early in April of 2018;

- b) Approve the 'Midlothian Parking Strategy' for publication and;
- c) That, following the introduction of decriminalised parking, a cross party working group be established to look at planning and income generation.

**Action**

Director, Resources

Report No.	Report Title	Presented by:
<b>8.12</b>	<b>Automatic Public Conveniences</b>	<b>Director, Resources</b>

**Outline of report and summary of discussion**

The Council heard from the Director, Resources who presented a report which provided Council with further information in relation to the installation of automatic public conveniences across a range of sites in Midlothian as agreed by Council on 26 September 2017.

Following discussion, Members unanimously agreed that whilst the recommendations as set out in the report were agreeable in principle, that the public be consulted and the matter considered again once the results of the public consultation exercise were available.

**Decision**

- a) Note the option of automated toilets set out in this report;
- b) Instruct the Director Resources to proceed to consult the public with regard to the proposals contained within the report; and
- c) In due course, report back to Council with regard to the findings of the public consultation exercise.

**Action**

Director, Resources

Report No.	Report Title	Presented by:
<b>8.13</b>	<b>Midlothian Council Small Grants Allocation</b>	<b>Director, Education, Communities and Economy</b>

**Outline of report and summary of discussion**

The Council heard from the Director, Education, Communities and Economy who presented a report which requested Council approval in relation to the recommendations of the Small Grants Programme for the funding of Voluntary and Third Sector organisations in 2018/19.

**Decision**

The Council agreed:

- a) To approve the recommended grant awards as set out in Appendix 3 of the report (subject to meeting the appropriate conditions of grant);
- b) To acknowledge the significant contribution that Voluntary and Third Sector organisations make to communities across Midlothian; and
- c) that a report detailing how the Council funds voluntary and/or third sector organisations be presented for consideration to a future meeting of the Council.

**Action**

Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
<b>8.14</b>	<b>Penicuik Heritage Regeneration Project</b>	<b>Head of Communities and Economy</b>

**Outline of report and summary of discussion**

The Council heard from the Head of Communities and Economy who presented a report which requested that the Council approve the appointment of a Ward 1 Midlothian Council Penicuik Councillor as Chairperson of the Penicuik Regeneration Project TH/CARS Project Team.

**Decision**

The Council agreed to:

- a) Approve the appointment of one of the Ward 1 Midlothian Council Penicuik Councillors as Chairperson of the Penicuik Heritage Regeneration Project Townscape Heritage/Conservation Area Regeneration Scheme Project Team; and
- b) Confirm that Councillor McCall will assume the role of Chairperson of the Penicuik Heritage Regeneration Project Townscape Heritage/Conservation Area Regeneration Scheme Project Team.

Action
Head of Communities and Economy

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Report No.	Report Title	Presented by:
<b>8.15</b>	<b>Penicuik to Edinburgh – Public Transport Links and Rail Feasibility Assessment</b>	<b>Head of Communities and Economy</b>

Outline of report and summary of discussion
The Council heard from the Head of Communities and Economy who presented a report which provided the Council with a statement of the current issues relating to the transport links between Penicuik and Edinburgh, with particular reference to the potential for a heavy rail connection.

Decision
<p>The Council agreed to:</p> <ul style="list-style-type: none"> <li>a) Receive a more detailed report on the relative merits of options to maximise the capacity and quality of public transport links between Penicuik and Edinburgh; and</li> <li>b) Receive a report which reviews in more detail the work already undertaken on the feasibility of a heavy rail link between Penicuik and Edinburgh, together with an assessment of the next stages in assessing the merits of such a proposal.</li> </ul>

Action
Head of Communities and Economy

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Report No.	Report Title	Presented by:
<b>8.16</b>	<b>School Estate Capacity and Pupil Intake Limits – School Session 2018-19</b>	<b>Director, Education, Communities and Economy</b>

Outline of report and summary of discussion
<p>The Council heard from the Director, Education, Communities and Economy who presented a report which provided the Council with an update on the school estate capacity which identified the requirement for additional school capacity to be provided by August 2018. Further the report informed the Council of the pupil intake limits required for the school session starting in August 2018 and the implications for pupil placement.</p> <p style="text-align: center;">Page 20 of 104</p>

Thereafter, discussion took place with regard to the suitability of the Mayfield Library premises and the process of capping pupil intake.

Councillor Milligan, seconded by Councillor Muirhead, moved the recommendations of the report. As an amendment, Councillor Baird, seconded by Councillor Parry, moved the recommendations of the report under deletion of the recommendation to adapt the Mayfield Library building to provide space for three primary classes. On a vote being taken by a show of hands, 6 votes were cast for the amendment and 11 for the Motion which therefore became the decision of Council.

#### Decision

The Council agreed to:

- a) Note the content of report;
- b) Note the ongoing feasibility assessments required to assess the specifications and develop the financial implications of providing the additional school capacity as detailed in sections 4 and 5 of the report for Lawfield Primary School; Woodburn Primary School; Newtongrange Primary School and Lasswade High School;
- c) Request the Director, Education Communities and Economy to bring a further report back to Council in February 2018 to provide an update on the feasibility work outlined in (b) above;
- d) Approve the proposals to provide additional capacity by August 2018 as follows:- install prefabricated units at Burnbrae Primary School to provide two classrooms with breakout space; adapt the Mayfield Library building to provide space for three primary classes; and refurbish St David's Primary School to create nursery space;
- e) Approve the allocation of a provisional sum of £1.130 million in the General Services Capital Plan to increase August 2018 intake capacity as outlined in (d) above;
- f) Request the Director, Education Communities and Economy to bring a report back to Council in February 2018 outlining the additional capital budget required to fully fit out the class spaces created as outlined in (d) above;
- g) Note the intention to cap Primary 1 intake as shown in table 1 of the report;
- h) Note the intake limit for Lasswade High School remains in place for August 2018 subject to the immediate capacity requirements being addressed; and
- i) Note the intake limits specified in this report are predicated on the solutions to provide additional capacity being delivered by August 2018.

#### Action

Director, Education, Communities and Economy

Report No.	Report Title	Presented by:
<b>8.17</b>	<b>Midlothian Carers Strategy 2017-19</b>	<b>Joint Director, Health and Social Care</b>

#### Outline of report and summary of discussion

The Council heard from the Joint Director, Health and Social Care who presented a report which sought agreement of the refreshed Midlothian Carers' Strategy which is intended to provide support to the very many unpaid carers including young carers who fulfil a vital role in caring for their relatives and friends.

#### Decision

The Council agreed to:

- a) Approve the 2017-19 Midlothian Carers Strategy;
- b) Recognise the issues which primarily affect young carers who often live in homes where, due to their age, they have no legal right to inherit the tenancy; and
- c) Thank the officers and others who contributed to the Strategy.

#### Action

Joint Director, Health and Social Care

Report No.	Report Title	Presented by:
<b>8.18</b>	<b>Report of the Chief Social Work Officer 2016-17</b>	<b>Head of Adult Services</b>

#### Outline of report and summary of discussion

The Council heard from the Head of Adult Services who presented the annual report of the Chief Social Work Officer on the statutory work undertaken on the Council's behalf. The report further provided Council with an overview of the regulation and inspection, workforce issues and significant policy themes over the past year.

#### Decision

The Council agreed:

- a) The Chief Social Work Officer's Annual Report for 2016-17; and
- b) That the Chief Social Work Officer should place a copy of the annual report on the Council website.

#### Action

Head of Adult Services

Report No.	Report Title	Presented by:
<b>8.19</b>	<b>Community Payback Order Annual Report 2016-17</b>	<b>Joint Director, Health and Social Care</b>

#### Outline of report and summary of discussion

The Council heard from the Joint Director, Health and Social Care who presented a report which aimed to provide a context for the Community Payback Order Annual Report.

#### Decision

The Council agreed to:

- a) Note the contents of the Community Payback Order Annual Report 2016/17.

#### Action

Joint Director, Health and Social Care

Report No.	Report Title	Presented by:
<b>8.20</b>	<b>MAPPA Annual Report 2016-17</b>	<b>Joint Director, Health and Social Care</b>

#### Outline of report and summary of discussion

The Council heard from the Joint Director, Health and Social Care who presented the MAPPA Annual Report for 2016/17 which was published on 27 October 2017.

#### Decision

The Council agreed to:

- a) Note the contents of the MAPPA Annual Report 2016/17.

#### Action

Joint Director, Health and Social Care

Report No.	Report Title	Presented by:
<b>8.21</b>	<b>East Lothian and Midlothian Public Protection Committee Annual Report 2016-17</b>	<b>Head of Adult Services</b>

**Outline of report and summary of discussion**

The Council heard from the Head of Adult Services who presented the annual report of the East Lothian and Midlothian Public Protection Committee annual report 2016/17 thereby informing the Council of its progress.

**Decision**

The Council agreed:

- a) To note the report and the progress made by East and Midlothian Public Protection Committee during 2016/17.

**Action**

Head of Adult Services

Report No.	Report Title	Presented by:
<b>8.22</b>	<b>UNISON's Ethical Care Charter</b>	<b>Joint Director, Health and Social Care</b>

**Outline of report and summary of discussion**

The Council heard from the Joint Director, Health and Social Care who presented a report which proposed that Midlothian sign up to UNISON's Ethical Care Charter and work with UNISON to modernise the charter to reflect developments in the integration and co-ordination of services since 2012 and support strategic workforce planning.

**Decision**

The Council agreed to:

- a) Support the recommendation that Midlothian signs up to UNISON's Ethical care charter for the commissioning of homecare services;
- b) Recommend to UNISON that UNISON consider establishing a group to review the existing charter; and
- c) The review group consisting of national representatives from NHS, UNISON, third sector representation, home care providers, carers, cared for and councils as commissioners of homecare services.

**Action**

Joint Director, Health and Social Care



## **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 item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

9.1 Hopefield Schools Joint Campus Update – Report by Director, Resources

9.2 Premises at former Bonnyrigg Leisure Centre – Bright Sparks – Report by Chief Executive

Prior to the conclusion of the meeting, Councillor Winchester proposed a vote of thanks to Kyle Clark-Hay, Democratic and Document Services Manager and Clerk to the Council, who was shortly leaving the Council to pursue his career and wished him well in his new role.

The Depute Provost, extended her best wishes to all Elected Members and staff for Christmas and the New Year and expressed her desire that they would continue to work together for the good of the community.



# Minute of Meeting



## Cabinet

Date	Time	Venue
Tuesday 21 November 2017	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:


## 1 Apologies

Apologies were received from Vic Bourne and Matin Khan.

## 2 Order of Business

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

## 3 Declarations of interest

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

## 4 Minutes of Previous Meetings

The Minutes of the Meeting of the Cabinet held on 10 October 2017 was submitted and approved as a correct record.

## 5. Reports

Agenda No	Report Title	Presented by:															
5.1	Inspection of St Mary's Primary School Nursery Class	Head of Education															
<b>Outline of report and summary of discussion</b>																	
Based on the findings of this inspection, Education Scotland had awarded the following grades:																	
<table><tr><th>Quality Indicator</th><th>28 February 2017</th><th>27 September 2017</th></tr><tr><td>Quality of Care and Support</td><td>Good</td><td>Very Good</td></tr><tr><td>Quality of Environment</td><td>Good</td><td>Very Good</td></tr><tr><td>Quality of Staffing</td><td>Good</td><td>Very Good</td></tr><tr><td>Quality of Management and Leadership</td><td>Adequate</td><td>Very Good</td></tr></table>			Quality Indicator	28 February 2017	27 September 2017	Quality of Care and Support	Good	Very Good	Quality of Environment	Good	Very Good	Quality of Staffing	Good	Very Good	Quality of Management and Leadership	Adequate	Very Good
Quality Indicator	28 February 2017	27 September 2017															
Quality of Care and Support	Good	Very Good															
Quality of Environment	Good	Very Good															
Quality of Staffing	Good	Very Good															
Quality of Management and Leadership	Adequate	Very Good															
This was a significant improvement for St Mary's Primary School Nursery class showing an improvement from good to very good in three indicators and an improvement from adequate to very good in the final indicator.																	
Further qualitative evaluations found in the narrative of the main report included:																	
<ul style="list-style-type: none"><li>• The Head Teacher and a new recently appointed peripatetic teacher had a clear vision for the on-going development of the nursery.</li><li>• The service had worked hard to continue to meet children's needs.</li><li>• Staff were fully aware of how to safe guard children in their care.</li><li>• Staff provided a wide range of stimulating opportunities in the playroom and outdoors which helped children to experience broad and purposeful learning.</li><li>• Staff were trained, motivated and professional.</li><li>• Children approached staff for help and reassurance throughout the session which demonstrated that they had developed trusting relationships.</li></ul>																	

The Head of Education was heard in amplification of the report after which several Members congratulated all concerned on the positive aspects of the inspection report and the work being done to ensure further improvement.

#### Decision

- (a) To note the content of the inspection report;
- (b) To pass this report to the Performance, Review and Scrutiny Committee for its consideration; and
- (c) Congratulate the pupils, parents and staff connected with St Mary's Primary School Nursery Class on the significant improvements made since February 2017.

#### Action

Head of Education

Agenda No	Report Title	Presented by:
5.2	Inspection of Midlothian Residential Service for Young People	Head of Children's Services

#### Outline of report and summary of discussion

The report provided information in relation to the recent inspection by the Care Inspectorate.

Based on the findings of this Inspection the Care Inspectorate awarded the following grades on the two areas it inspected:

- Quality of Care and Support - Grade 4 - Good
- Quality of Staffing - Grade 4 - Good

The Care Inspectorate did not inspect the quality of Management and Leadership or the Environment on this occasion which remained at Grade 5 – Very Good.

The Inspection Team noted the following strengths:

- That young people using this service were achieving some good outcomes including improved relationships with families, nurturing care within the service and all the young people they spoke with, identified key positive relationships with staff.
- Supported transitions home and the work staff have done with families was found to have been key in supporting good outcomes. Partnership working with colleagues was supporting good outcomes for individual young people in relation to their health.
- Most of the team felt well supported in their role and that most of the staff could go to management for support and advice.
- Most staff were hopeful for the future of the service and positive about the vision of the service.

The Inspection Team reported that the authority could do better in the following areas:

- Beginnings and endings – whilst there was evidence of rigorous and robust planning prior to being accommodated, ‘matching’ (fully considering the needs of the young person, young people already in placement and the knowledge and skills of staff) was not always evident.
- Resources required should reflect all diverse individual needs and ensure that care for one young person should not overly affect the care of others.
- Staff did not feel that they had a voice in changes affecting the service which had contributed to low morale.
- The discontinuation of a written log book in order to reduce duplication of recording and a further burden to staff was highlighted as a concern as it was deemed that our systems were not robust enough to ensure all important information is recorded and communicated effectively.

The Head of Children’s Services was heard in amplification of the report after which several Members congratulated all concerned on the positive aspects of the inspection report and the work being done to ensure further improvement.

#### Decision

- (a) To note the content of the report;
- (b) Acknowledge the continued progress and positive and ongoing work by management and staff connected with the Midlothian Residential Services for Young People; and
- (c) To pass this report to the Performance, Review and Scrutiny Committee for its consideration

#### Action

Head of Children’s Services

Agenda No	Report Title	Presented by:
5.3	Regional Education Improvement Collaborative: Update on the South East Improvement Collaborative	Head of Education

#### Outline of report and summary of discussion

With reference to paragraph 5.7 of the Minutes of the Cabinet 10 October 2017, the report updated Cabinet on the progress made to date by the South East Improvement Collaborative (East Lothian, Edinburgh, Fife, Midlothian and Scottish Borders). The Head of Education was heard in amplification of the report.

#### Decision

- (a) To endorse the principles outlined in the South East Improvement Collaborative paper attached within an appendix to the report;

(b)	To be part of the South East Improvement Collaborative Oversight group;
(c)	To note that Dr Grace Vickers (Head of Education) and Lynn Black (Head Teacher – Beeslack High School) would represent Midlothian on the South East Improvement Collaborative Board;
(d)	Give authority to officers from Midlothian to develop an action plan for the South East Improvement Collaborative with colleagues from the South East Collaborative; and
(e)	That any additional costs that may emanate from this Action Plan be reported back to Cabinet for consideration.
<b>Action</b>	
Head of Education	

Agenda No	Report Title	Presented by:
5.4	Scottish Government consultation on the new Education (Scotland) Bill 2017	Head of Education
Outline of report and summary of discussion		
<p>The purpose of the report was to present the Scottish Government consultation on the new Education (Scotland) Bill 2017. This bill was in five main sections:</p> <ul style="list-style-type: none"><li>• The Head Teachers' Charter</li><li>• Parental and Community Engagement</li><li>• Pupil Participation</li><li>• Regional Improvement Collaboratives</li><li>• Education Workforce Council for Scotland</li></ul> <p>The report advised that In line with previous consultations, Midlothian had launched a local consultation which commenced on Monday 13 November and would close on Monday 11 December 2017. Following consultation with stakeholders in Midlothian, a further report would be brought back to Cabinet in January 2018 prior to submission to the Scottish Government. The Head of Education was heard in amplification of the report.</p>		
Decision		
(a)	To note the publication of the Scottish Government's Consultation on the Education (Scotland) Bill 2017.	
(b)	To note the launch of the Midlothian survey which would close on Monday 11 December 2017; and	
(c)	To authorise officers to bring a further report back to Cabinet in January 2018 outlining the result of the Midlothian survey.	
Action		
Head of Education		

Agenda No	Report Title	Presented by:
5.5	Second Statutory 'Biodiversity Report'	Head of Communities and Economy
<b>Outline of report and summary of discussion</b>		
The report sought approval of the Council's second statutory 'biodiversity report' as required by the Wildlife and Natural Environment (Scotland) Act 2011. It set out the actions taken by the Council since November 2014 in carrying out its statutory duty to further the conservation of biodiversity and a copy of the document had been circulated to Members. The Lead Officer Conservation and Environment was heard in amplification of the report.		
<b>Decision</b>		
<p>(a) To agree to the publication on the Council's website of the Council's second 'biodiversity report' under the requirements of the Wildlife and Natural Environment (Scotland) Act 2011; and</p> <p>(b) To refer the report to the Performance Review &amp; Scrutiny Committee for its information and interest.</p>		
<b>Action</b>		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
6.1	Q2 Performance Report 2017/18 -) Adult Social Care	Joint Director, Health and Social Care
<b>Outline of report and summary of discussion</b>		
The Quarter 2 2017/18 Performance Report for Adult Social Care was submitted. The Joint Director, Health and Social Care highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Joint Director responded to questions raised by the members of the Cabinet.		
<b>Decision</b>		
To note the report.		
<b>Action</b>		
Joint Director, Health and Social Care		

Agenda No	Report Title	Presented by:
6.2	Q1 Performance Report 2017/18 - Customer and Housing Services	Head of Customer and Housing Services
<b>Outline of report and summary of discussion</b>		
The Quarter 2 2017/18 Performance Report 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.		



Thereafter the Head of Customer and Housing services responded to questions raised by the members of the Cabinet.
<b>Decision</b>
To note the report.
<b>Action</b>
Joint Director, Health and Social Care/Head of Customer and Housing Services

Agenda No	Report Title	Presented by:
6.3	Q2 Performance Report 2017/18 - Children's Services	Head of Children's Services
<b>Outline of report and summary of discussion</b>		
The Quarter 2 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. Thereafter the Head of Children's Services responded to questions raised by members of the Cabinet.		
<b>Decision</b>		
To note the report.		
<b>Action</b>		
Director, Education, Communities and Economy/Head of Children's Services		

Agenda No	Report Title	Presented by:
6.4	Q2 Performance Report 2017/18 - Communities and Economy	Head of Communities and Economy
<b>Outline of report and summary of discussion</b>		
The Quarter 2 2017/18 Performance Report for Communities and Economy was submitted. The Director, Education, Communities and Economy highlighted to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. Thereafter the Director responded to questions raised by the members of the Cabinet.		
<b>Decision</b>		
To note the report.		
<b>Action</b>		
Director, Education, Communities and Economy/Head of Communities and Economy		

Agenda No	Report Title	Presented by:
6.5	Q2 Performance Report 2017/18 - Education	Head of Education
<b>Outline of report and summary of discussion</b>		
The Quarter 2 2017/18 Performance Report 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 raised by members of the Cabinet.		
<b>Decision</b>		
To note the report.		
<b>Action</b>		
Director, Education, Communities and Economy/Head of Education		

Agenda No	Report Title	Presented by:
6.6	Q2 Performance Report 2017/18 - Commercial Operations	Director, Resources
<b>Outline of report and summary of discussion</b>		
The Quarter 2 2017/18 Performance Report 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. Thereafter the Director, Resources responded to questions raised by the members of the Cabinet.		
<b>Decision</b>		
To note the report.		
<b>Action</b>		
Director, Resources/Head of Commercial Operations		
<b>Action</b>		
Director, Resources/Head of Commercial Operations		

Agenda No	Report Title	Presented by:
6.7	Q2 Performance Report 2017/18 - Finance and Integrated Services	Director, Resources
<b>Outline of report and summary of discussion</b>		
The Quarter 2 2017/18 Performance Report 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. Thereafter the Director, Resources responded to questions raised by the members of the Cabinet.		

<b>Decision</b>
To note the report.
<b>Action</b>
Director, Resources/Head of Finance and Integrated Service Support

Agenda No	Report Title	Presented by:
6.8	Q2 Performance Report 2017/18 - Property and Facilities Management	Director, Resources
<b>Outline of report and summary of discussion</b>		
The Quarter 2 2017/18 Performance Report 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 raised by the members of the Cabinet.		
<b>Decision</b>		
To note the report.		
<b>Action</b>		
Director, Resources/Head of Property and Facilities Management		

Agenda No	Report Title	Presented by:
6.9	Q2 Performance Report 2017/18 - Midlothian Council	Chief Executive
<b>Outline of report and summary of discussion</b>		
The Quarter 2 2017/18 Performance Report 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. The Director, Resources highlighted to the Cabinet the notable items and also the challenges going forward from the Report.		
<b>Decision</b>		
To note the report.		
<b>Action</b>		
Chief Executive.		

Agenda No	Report Title	Presented by:
6.10	Q2 Performance Report 2017/18 - Balanced Scorecard Indicators	Chief Executive
<b>Outline of report and summary of discussion</b>		
The Quarter 2 2017/18 Performance Report for the Balanced Scorecard Indicators was submitted. Each of the perspectives were supported by a number of key measures and indicators which ensured that the Balanced Scorecard informed ongoing performance reporting and helped to identify areas for further improvement. The Director, Resources was heard in amplification of the Report.		
<b>Decision</b>		
To note the report.		
<b>Action</b>		
Chief Executive.		

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

In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 1,3 and 11 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- (a) Appointment of Head of Service, Health and Social Care – Agreed to Appoint Morag Barrow;
- (b) Minute of Education Appointment Committee of 9 November 2017 – Agreed to Appoint A Donoghue as Deputy Head Teacher at Beeslack High School;
- (c) Minute of Meeting of the Joint Consultative Group of 20 September 2016 – Noted; and
- (d) Objections to Disabled Person's Parking Bays at 51 Woodburn Loan, Dalkeith and 18 Chisholm Terrace, Penicuik - To authorise the making of Traffic Regulation Order R5.3.18 with the retention of the disabled parking bays at 51 Woodburn Loan, Dalkeith and 18 Chisholm Terrace, Penicuik.

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

The meeting terminated at 12.15pm.

# Minute of Meeting



## Planning Committee

Date	Time	Venue
14 November 2017	2.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

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

## 1. Apologies

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Apologies received from Councillors Hardie, Johnstone, Munro, Parry and Russell.

## 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 3 October 2017 were submitted and approved as a correct record.

## 5. Reports

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Agenda No	Report Title	Presented by:
5.1	Town Centres	Ian Johnson
<b>Executive Summary of Report</b>		
<p>The Head of Communities and Economy explained that the purpose of today's presentation was to explore what could be done by the Council to support Midlothian's town centres. He emphasised that there were no simple solutions and that whilst the Council could seek to influence and shape matters ultimately market forces would largely dictate how successful, or otherwise, any measures that the Council sought to pursue proved to be. He then went on to outline some of the key factors that were likely to contribute to promoting and developing town centres, highlighting in particular the need for a mix of uses, not simply retail. The national, regional and local planning policy position remained largely unchanged, which was "Town Centre first". This approach was reflected in the newly adopted Midlothian Local Development Plan 2017, which contained a range of positive actions and restrictive measures, neither of which on their own would necessarily deliver successful town centres, a range of other tools and actions would be required to supplement the policy provisions, and ultimately as referred to previously it was important to bear in mind there would be market forces over which the Council had little, or no influence.</p>		
<b>Summary of Discussion</b>		
<p>The Chair, Councillor Imrie thanked Ian Johnson for his presentation and invited questions and comments from Members.</p> <p>Arising from Members questions and comments, the following issues were discussed by the Committee:-</p> <ul style="list-style-type: none"><li>• The need to take appropriate steps either through additional guidelines and/or protection to ensure that town centres were safeguarded.</li></ul>		

- That an evaluation of the impact of projects such as CARS be undertaken in order to assess the effectiveness of such schemes.
- That given the sustained levels of growth in Midlothian to examine how town centres are 'marketed' and explore the experience of others to establish if more could be done or if a different approach was required.
- Explore ways to encourage people to 'Think Midlothian'.

#### Decision

After further discussion, the Committee:-

- (a) Thanked the Head of Communities and Economy for his presentation;
- (b) Noted that further report(s) on individual town centres and also possible additional planning guidance/protection would be brought forward to a future meeting(s) of the Committee.

#### Action

Head of Communities and Economy/Planning Manager

Agenda No	Report Title	Presented by:
5.2	Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report, dated 7 November 2017, 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.		
<b>Decision</b>		
The Committee, having heard from the Planning Manager, agreed:-		
(a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2017/18; and		
(b) To note the updates for each of the applications.		
<b>Action</b>		
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 7 November 2017, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in October 2017, and advising that there were no appeals determined by Scottish Ministers to report.

### Decision

The Committee, having heard from the Planning Manager, noted the decisions made by the Local Review Body at its meeting on 10 October 2017.

### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Pre-Application Consultation: Proposed Residential Development with Associated Access Roads, Open Space and Sustainable Urban Drainage (SUDs) at Land 65m West of Rosslyn Bowling Club, Main Street, Roslin (17/00693/PAC).	Peter Arnsdorf

### Executive Summary of Report

There was submitted report, dated 7 November 2017, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding the proposed residential development with associated access roads, open space and sustainable urban drainage (SUDs) at land 65m west of Rosslyn Bowling Club, Main Street, Roslin (17/00693/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

The Committee, having heard from the Planning Manager, acknowledged concerns regarding the potential pressure that the proposed development would have on local infrastructure, in particular the ability of the local road network to adequately support the additional traffic movements likely to be generated; pressure on health facilities and education provision; and also measures to encourage greater use of public transport.



Decision	
(a)	To note the provisional planning position set out in the report;
(b)	To note the comments made by Members; and
(c)	To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.
Action	
Head of Communities and Economy	

Agenda No	Report Title	Presented by:
5.5	Pre-Application Consultation: Proposed Residential Development, Primary School, Associated Roads, Landscaping, Open Space, Footpath/Cycle ways, Sustainable Urban Drainage (SUDs) and Infrastructure at Land South East of Auchendinny, The Brae, Auchendinny. (17/00606/PAC).	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 7 November 2017, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development, primary school, associated roads, landscaping, open space, footpath/cycle ways, sustainable urban drainage (SUDs) and infrastructure at land south east of Auchendinny, The Brae, Auchendinny. (17/00606/PAC).</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.</p>		
Summary of Discussion		
<p>Having heard from the Planning Manager, the Committee in discussing the proposals questioned the ability of local infrastructure to support ongoing and emerging development in the area, in particular the ability of the local road network to adequately support the additional traffic movements likely to be generated; pressure on health facilities and education provision; and also measures to encourage greater use of public transport.</p>		

Decision
<p>(a) To note the provisional planning position set out in the report;</p> <p>(b) To note the comments made by Members; and</p> <p>(c) 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
Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of 554 Residential Units; Formation of Access Roads, Sustainable Urban Drainage Systems and Associated Works at Land between Deanburn and Mauricewood Road, Penicuik (17/00068/DPP).	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 7 November 2017, by the Head of Communities and Economy concerning the above application.		
Summary of Discussion		
<p>Having heard from the Planning Manager, the Committee in discussing the proposed development emphasised the need to phase the development in such a manner that any impact on local infrastructure and services could be managed. The ability of the local road network to adequately support the additional traffic movements likely to be generated both during construction and once the development was completed was also considered. It being noted that the provision of a new roundabout at the Mauricewood Road/A702 junction would assist in this regard. The movement of construction traffic would also be controlled by way of conditions as would the need to carry out any remedial works as a result of the ground conditions.</p>		
Decision		
<p>After further discussion, the Committee agreed that planning permission be granted for the following reason:</p> <p><i>By virtue of its scale, location, design and use the proposal complies with policies RP1, RP2, RP3, IMP1 and IMP2 of the Midlothian Local Plan and policies STRAT1, ECON2, IMP1 and IMP2 of the Proposed Midlothian Local Development Plan 2014.</i></p> <p>subject to:</p>		

(a) The prior signing of a legal agreement to secure:

- a contribution towards Education provision;
- a contribution towards nursery provision;
- a contribution towards Angle Park Pavilion;
- a contribution towards Penicuik swimming pool and library;
- a contribution towards a Traffic Regulation Order;
- the provision of affordable housing (22%);
- a contribution towards the A701 Relief Road;
- a contribution towards Penicuik town centre improvements;
- maintenance of open space;
- a contribution towards highway works including the A702 roundabout;
- cycle and scooter storage/parking equipment/facilities at the catchment schools; and
- restriction on development until A702 roundabout delivered.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused; and

(b) The following conditions:

1. The indicative phasing plan submitted with the application is not approved. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space, structural landscaping, the SUDS provision and transportation/roads infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

***Reason:*** To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.

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. An enhanced quality of materials shall be used in the area of improved quality. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

***Reason:*** To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2 and DEV6 of the Midlothian Local Development Plan and national planning guidance and advice.

3. Notwithstanding that delineated on application drawing the development shall not begin until details of 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 other than existing and finished ground levels and floor levels for all buildings, open space 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 in communal areas, road verges and open space, including trees, shrubs, hedging, wildflowers 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;
- vii a woodland management plan for existing and proposed areas of woodland;
- viii a biodiversity action plan and maintenance plan to enhance the biodiversity value of the existing suds pond located nearby to the north east of the nursery area;
- ix drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- x proposed car park configuration and surfacing;
- xi proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
- xii details of existing and proposed services; water, gas, electric and telephone

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). Any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

***Reason:*** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan and national planning guidance and advice.*

4. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
  - ii proposed vehicular, cycle and pedestrian access;
  - iii proposed roads (including turning facilities), footpaths and cycle ways;

- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
- vii proposed car parking arrangements;
- viii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
- ix proposed bus stops/lay-bys and other public transport infrastructure;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- xi proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

***Reason:*** To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.

5. Notwithstanding the requirements of Condition 1 of this planning permission, prior to the first occupation of any of the houses on plots 89, 90, 96 and 97 of the Mauricewood development area and any of the terraced houses within the Rullion Road affordable development area, the equipped neighbourhood childrens play area with associated benches and bins delineated on docketed drawings No.1611.L.L.(93)002 rev A, shall be formed/constructed and made available for use. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

***Reason:*** To ensure the timeous provision of an acceptable quantity and quality of equipped children's play in the development in the interests of the residential amenity of the future occupants of the houses and flats.

6. Notwithstanding the requirements of condition 1 of this planning permission, prior to the first occupation of any of the house on plots A60, A61, A62, A63, A64, A66, A67 and A68 of the Belwood development area, the informal kick about pitch within Belwood Park; as delineated on docketed drawing 1611.L.G.(92)001 rev B, shall be formed and made available for use. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

***Reason:*** To ensure the timeous provision of an informal kick about pitch in the development, in the interests of the residential amenity of the future occupants of the houses and flats.

7. Development shall not begin until details, including a timetable of

implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

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

8. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:

- i. The nature, extent and types of contamination and/or previous mineral workings on the site;
- ii. Measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
- iii. Measures to deal with contamination and/or previous mineral workings encountered during construction work; and
- iv. The condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate/remediate the ground conditions of the site shall be fully implemented in accordance with the approved scheme to the approval of the planning authority.

**Reason:** *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

9. No building shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

**Reason:** *Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a house.*

10. Development shall not begin until a programme of archaeological works (Trial Trench Evaluation) in accordance with a written scheme of investigation. The approved programme of works shall comprise a field evaluation by trial trenching reported upon initially through a Data Structure Report submitted to the planning authority and carried

out by a professional archaeologist prior to any construction works or pre commencement ground works taking place. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

**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.*

11. The recommendations made within Section 6.0 of the Mauricewood, Penicuik Preliminary Ecological Appraisal report, dated May 2016 and docketed to this planning permission shall be implemented in full in accordance with an action programme and timetable to be submitted to and approved in writing by the Planning Authority.

**Reason:** *In the interests of safeguarding biodiversity.*

12. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

13. No more than 25 residential units shall be occupied until works associated with the upgrading of the A702(T)/Mauricewood Road roundabout, as illustrated in Fairhurst's Drawing No.86607/1006 Revision K, have been completed to the satisfaction of the Planning Authority in consultation with Transport Scotland. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

**Reason:** *To ensure that the standard of infrastructure modification proposed to the truck road complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.*

14. Detailed drawings and a written specification of the following shall be submitted for the prior written approval of the Planning Authority:
  - (i) The pre-cast concrete benches;
  - (ii) The dog waste bins.

**Reason:** *To ensure the quality of the development is enhanced by the provision of appropriate designed street furniture.*

15. A detailed plan and elevation drawings and details of the finishing materials and colours of any electricity station(s) and pumping station(s) to be erected/installed on the site shall be submitted for the prior written approval of the Planning Authority.



***Reason:*** To safeguard the character and visual amenity of the area.

16. Notwithstanding that delineated on docketed drawings the development shall conform to the following constraints in accordance with detailed plans/drawings and design details to be submitted for the prior written approval of the Planning Authority:

- i. In the Belwood development area an additional 3m wide cycleway/footpath link shall be provided in the vicinity of plot A75 linking the proposed internal road network with the main cycleway/footpath which will run along the northern boundary of the adjacent Taylor Wimpey site. This will provide a convenient cycling/pedestrian link from the new development to the proposed commercial area which is to be built within the adjacent TW site.
- ii. In the Mauricewood area a pedestrian/cyclist zebra crossing shall be provided at the main pedestrian crossing point opposite plot 22. This shall be formed as a humped zebra to provide traffic calming as well as a formal crossing point. This shall be in place prior to the 26<sup>th</sup> unit in the Mauricewood area being occupied.
- iii. In the Mauricewood Road North (CALA) + Rullion Road (Affordable) areas secure, covered, lockable cycle parking facilities shall be provided for each flatted dwelling which does not have access to a private rear garden; which includes plots 35 – 59. The cycle parking buildings shall have lockable doors with an automatic internal light and floor drainage. The internal cycle storage shall take the form of standard 'Sheffield' type racks which can accommodate 2 cycles each. These facilities shall be sited in secure locations within the site that are overlooked by the properties they are serving.
- iv. In the Mauricewood Road North (CALA) + Rullion Road (Affordable) areas details of the bin storage arrangements for the flats shall be submitted and a suitable access route to the kerb provided. This will include the provision of an area of hardstanding in the vicinity of the pickup point.
- v. Details of the proposed new junctions and pedestrian crossing points onto Mauricewood Road and Rullion Road (identified in the Transport Assessment) shall be submitted for the prior approval of the Planning Authority.
- vi. Two sets of bus stops and shelters shall be provided at suitable locations on the spine road. The southern set shall be in the vicinity of the affordable housing with the second set on the Nursery frontage.
- vii. Traffic calming features shall be provided along the spine road to produce vehicle speeds in line with the road speed limit. As a possible bus route raised 'flat top' tables at road junctions and sinusoidal road humps would be suitable features to use. A minimum of 3 flat top tables and 4 road humps are required for this length of road.
- viii. Technical details for the proposed 3 SUDs basins are required including engineering sections through the basins showing the invert level, 1:200y flood level, side slopes and the level of any nearby new road / footpath. The details shall also show the anticipated



- overland flow route from the basins during extreme flood conditions.
- ix. Prior to the first occupation of any units on the west side of Mauricewood Road or by a different date to be agreed in advance by the Planning Authority, the section of footway along the south side of Rullion Road delineated by a purple coloured line on drawing No.SRTS001, titled: "SAFE ROUTES TO SCHOOL FOOTWAY/CYCLEWAY IMPROVEMENT, docketed to this planning permission shall be widened to 2.8 metres along its length and that widened footway/cycleway shall be marked out as a segregated pedestrian footway and cycleway.
  - x. Prior to the first occupation of any units on the west side of Mauricewood Road a new zebra crossing shall be provided at a point on Cuiken Terrace. The location and details of the crossing shall be submitted for the prior written approval of the Planning Authority.

***Reason for 16i-viii: In the interests of road and pedestrian safety.***

***Reason for 16ix and 16x: To ensure the provision of a section of safe pedestrian and cycle route to Cuiken Primary School and Cornbank Primary School in the interest of pedestrian and cyclist safety.***

17. Notwithstanding that delineated on docketed drawings the configuration of and the position of the dwellings on plots A01 and A02 of the Nursery development area are not approved. No works shall be carried out on the land comprising plots A01 and A02 unless and until either (i) a tree survey demonstrating that no tree(s) in the adjacent woodland are within the fall distance of the houses on plots A01 and A02 is submitted for the prior written approval of the Planning Authority; or alternatively, (ii) a revised layout plan for that part of the development site delineating the reconfiguration of plots A01 and A02 and the position on those plots of the houses on them such that they are out with the fall distance of the trees in the adjacent woodland, is submitted for the prior written approval of the Planning Authority.

***Reason: The information supplied does not demonstrate that the house on plot A02 is not within the fall distance of tree(s) within the adjacent woodland.***

18. Notwithstanding that delineated on application drawings the cycle stores of cottage flats delineated on drawing No.15124(PL)704 and also the cottage flats within the Rullion Road affordable area shall extend beneath each of the stairs so that bicycles can be wheeled into the store. Each cycle store shall have a secure lockable door and incorporate a light, a drain and a bike rack/attachment bar.
19. Notwithstanding that delineated on application drawings the cycle storage rooms of the Rullion Road and Nursery area flats shall have a secure lockable door and incorporate a light, a drain and at least one bicycle rack per flat.

**Reason for conditions 18 & 19:** *To ensure the provision of adequate secure bicycle parking for the flats that do not have a private garden, in the interests of the amenity of the future occupants of the flats.*

21. The road serving plots 17 - 22 of the Mauricewood development area shall be constructed using above ground construction methods that avoid excavation or lowering of levels of the raised knoll containing the group of seven Beech trees referred to in the tree report titled: "Group of Seven Mature Beech Trees" by Donald Roger Associates Ltd, September 2017. A detailed methodology for the construction of the road to safeguard the five Beech trees within the knoll that are to be retained shall be approved in advance by the Planning Authority.

**Reason:** *Allowing the development to cut into the raised knoll would encroach into the root zone of and thus would likely harm the mature Beech trees standing on the knoll. Five of those Beech trees are in fair condition and have landscape amenity value and thus should be protected. The loss of these trees would be to the detriment of the landscape character and amenity of the area.*

22. The recommendation made in the tree report titled: "Group of Seven Mature Beech Trees" by Donald Roger Associates Ltd, September 2017, shall be carried out in full and without any variation unless with the prior written approval of the Planning Authority.

**Reason:** *To ensure the retention of five Beech trees which have historic importance and are of landscape value.*

23. Notwithstanding that delineated on docketed drawing No.1611.L.D(94)00 rev A, the proposed three 5m long concrete benches within Area A are not approved.

**Reason:** *Five of the existing Beech trees within the raised knoll within area A are in fair condition and have landscape amenity values and thus they should be safeguarded and retained. The erection/siting of concrete benches within area A would result in harm to the roots of the retained trees, thus jeopardising their future survival.*

24. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

**Reason:** *To ensure the development accords with the requirements of policy TRAN5 of the Proposed Midlothian Local Development Plan.*

25. Prior to development commencing, revised site layout plans and drawings of both the Rullion Road and Nursery affordable housing areas delineating all boundary treatments, all footpaths, surfacing materials and footpath lighting within those area shall be submitted for the prior written approval of the Planning Authority.

**Reason:** *Modifications are required to/additional information is required in respect of the development within both the Rullion Road and Nursery affordable housing areas in order for the development within those areas to be acceptable in planning terms and to comply with the development plan.*

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission for the Erection of 34 Dwellinghouses; Formation of Access Road, Car Parking, SUDS Features and Associated Works on Land South West Of Torcraik Farm, North Middleton, Gorebridge (17/00224/DPP).	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report, dated 7 November 2017, by the Head of Communities and Economy concerning the above application.		
<b>Summary of Discussion</b>		
<p>The Committee, having heard from the Planning Manager, discussed the potential impact that the proposed development might have on the existing community at North Middleton and also what benefits, if any, that the community might expect to see as a result. There being understandable concerns that a development of this size would simply put further pressure on existing infrastructure and services unless adequate provision was made to counter the effects of the additional housing. Concerns were also expressed regarding the provision for affordable housing and whether, or not, the levels proposed were adequate.</p> <p>After further discussion, Councillor Imrie, seconded by Councillor Cassidy, moved that planning permission be granted as per the recommendations contained in the report.</p> <p>As an amendment, Councillor Muirhead, seconded by Councillor Hackett, moved that planning permission be refused on the grounds of the impact that the proposed development was likely to have on existing infrastructure and services, in particular education and health, and also the level of affordable housing provision being inadequate for the size of such a development.</p> <p>On a vote being taken, five Members voted for the amendment and seven for the motion, which accordingly became the decision of the meeting.</p>		

## Decision

The Committee thereby agreed that planning permission be granted for the following reason:

*By virtue of its scale, location, design and choice of materials the proposed development accords with policies RP5, RP6, RP7, RP20, RP22, HOUS2, HOUS4, IMP1, IMP2 and DP2 of the Midlothian Local Plan 2008 and policies STRAT1, DEV1, DEV2, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV19, ENV24, ENV25, NRG3, NRG4, NRG6, IMP1, IMP2 and IMP3 of the Proposed Midlothian Local Development Plan 2014. The layout and detailed appearance of the development will add interest to the street scene and it will not have a significant adverse impact on the amenity of nearby properties. The presumption for development is not outweighed by any other material consideration.*

subject to:

- i) the prior signing of a legal agreement to secure the provision of affordable housing, and contributions towards education provision, Borders Rail, children's play provision and maintenance of play equipment. The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.
- ii) the following conditions:
  1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
    - i. existing and finished ground levels and floor levels for all buildings, open space, the SUDs feature and roads, cycleways and paths 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 in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
    - iv) location and design of any proposed walls, fences and gates;
    - 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 in the open spaces shall be completed prior to the houses/buildings on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);

- vii) drainage details and details of sustainable urban drainage systems to manage water runoff;
- viii) proposed car park configuration and surfacing;
- ix) proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x) details of car park and footpath lighting.

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.

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP20 and DP2 of the adopted Midlothian Local Plan, policy DEV6 of the Proposed Midlothian Local Development Plan 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 approved in writing with the Planning Authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until details of the kerb/verge arrangements between plots 19 and 20 and the SUDs basin have been submitted to and approved in writing by the Planning Authority.

**Reason:** *In the interests of road safety, given the close proximity of the access road to the SUDs basin.*

4. Development shall not begin until details of the access arrangements, landscape planting and surfacing at the proposed pumping station have been submitted to and approved in writing by the Planning Authority.

**Reason:** *In the interests of clarity and to ensure that the access to the pumping station operates successfully and safely and that the pumping station, which is a hard landscaped feature in a prominent location, is adequately screened from view.*

5. Development shall not begin until a traffic management plan related to the management of vehicles involved in the preparation and construction of the development hereby approved has been submitted to and approved in writing by the Planning Authority. Thereafter the construction traffic shall operate in compliance with the approved traffic management plan.

**Reason:** *In the interests of road and pedestrian safety, in particular given the close proximity of the development site to Moorfoot Primary School.*

6. The dwellinghouses hereby approved shall not be occupied until vehicular, cycle and pedestrian access details and routes have been constructed in accordance with plans to be submitted and approved in writing by the Planning Authority. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

**Reason:** *To ensure the future users of the buildings have safe and convenient access to and from the site.*

7. Prior to the occupation of any dwellinghouse on site a minimum visibility splay of 2.4m by 70m shall be provided at both vehicle entrances into the site. The visibility splay shall be shown on a site plan to be submitted and approved in writing by the Planning Authority. Any landscaping within the splay shall be removed and replaced to the rear of the splay.

8. The existing street lighting and 20mph speed limit on Borthwick Castle Road shall be extended over the site frontage with a suitable gateway feature being formed at the start of the residential development.

9. The pedestrian crossing point on Borthwick Castle Road shall be formed as a standard raised zebra crossing and a short section of 2m wide public footway shall link the new crossing to the existing public footway at the school access.

**Reason for conditions 7 - 9:** *In the interests of highway and pedestrian safety.*

10. Additional cycle and scooter parking facilities shall be provided within the school grounds at Moorfoot Primary School, in a position to be approved in writing by the Planning Authority, prior to the occupation of the first house unless an alternative timescale is approved in writing by the Planning Authority. Details of the cycle and scooter parking shall be approved in writing by the Planning Authority prior to the installation of the parking features.

**Reason:** *In order to encourage sustainable forms of travel in terms of complying with the aims of policy TRAN1 of the Proposed Midlothian Local Development Plan.*



11. Unless otherwise approved in writing by the Planning Authority the external materials on the buildings on plots 1-4, 7 -10, 15-17, 24 and 25, as identified on the approved site plan, shall be traditional natural materials.

***Reason:*** *These plots are the most prominent on the application site and the use of traditional natural materials will ensure that the development enhances the character and appearance of the conservation area.*

12. Development shall not begin until temporary protective fencing is erected around all trees and hedges on the site to be retained and those trees off site which have a canopy which extends in to the application site. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the canopy unless otherwise approved in writing with the Planning Authority. No excavation, soil removal or storage shall take place within the enclosed area.

***Reason:*** *To ensure the development does not result in the loss or damage of trees and hedges which merit retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan, policies DEV7, ENV7 and ENV11 of the Proposed Midlothian Local Development Plan and national planning guidance and advice.*

13. No house shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise approved in writing by the Planning Authority.

***Reason:*** *Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a house.*

14. Development shall not begin until a scheme of archaeological investigation has been undertaken in accordance with details submitted to and approved in writing by the Planning Authority.

***Reason:*** *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policy RP28 of the adopted Midlothian Local Plan and policies ENV24 and ENV25 of the proposed Midlothian Local Development Plan.*

15. Development shall not begin until details, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the Planning Authority. The 'Percent for Art' shall be implemented as per the approved details.

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

16. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the Planning Authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the Proposed Midlothian Local Development Plan.*

17. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the Planning Authority.

**Reason:** *To ensure the development accords with the requirements of policy DEV5 of the Proposed Midlothian Local Development Plan.*

18. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the Planning Authority.

**Reason:** *To ensure the development accords with the requirements of policy TRAN5 of the Proposed Midlothian Local Development Plan.*

19. Prior to the commencement of development details to demonstrate how the development complies with either policy NRG3 or NRG6 of the emerging Midlothian Local Development Plan shall be submitted to and approved in writing by the Planning Authority.

20. The dwellinghouses hereby approved shall not be occupied until the zero and/or low carbon equipment or community heating system approved as part of condition 10 of this permission is installed in accordance with a phasing scheme which is to be agreed in writing by the Planning Authority.

**Reason for conditions 19 and 20:** *To ensure this development complies with the on-site carbon emissions target stated in policy NRG3 of the emerging Midlothian Local Development Plan or secures the infrastructure for a community heating system in compliance with policies NRG3, NRG4 and NRG6 of the emerging Midlothian Local Development Plan, in order to promote sustainable development.*



**Action**

Head of Communities and Economy

**Sederunt**

Councillor Lay-Douglas left the meeting during consideration of the foregoing item of business at 3.10 pm.

Agenda No	Report Title	Presented by:
5.8	Application for Planning Permission in Principle for the Erection of Retail Unit at Soutra Mains Farm, Blackshiels, Fala, Pathhead (17/00641/PPP).	Peter Arnsdorf

**Executive Summary of Report**

There was submitted report, dated 7 November 2017, by the Head of Communities and Economy concerning the above application.

**Summary of Discussion**

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 and the operational requirement by means of the sequential approach. The Committee also considered the likely impact on road safety. It being noted that these issues were all key concerns in relation to previous applications. Whilst opinion was divide over whether the case for a departure from the policy position in relation to the impact on nearby town centres and the requirement for a sequential approach had been clearly established, there was a general feeling amongst members of the Committee that the road safety concerns could not be ignored.

After further discussion, Councillor Smaill, seconded by Councillor Cassidy, moved that planning permission be granted subject to appropriate conditions.

As an amendment, Councillor Milligan, seconded by Councillor Muirhead, moved that planning permission be refused for the reasons detailed in the Head of Communities and Economy's report.

On a vote being taken, six Members voted for the amendment and six for the motion. There being an equality of votes, the Chair exercised his casting vote in favour of the amendment, which accordingly became the decision of the meeting.

**Decision**

The Committee agreed that planning permission be refused for the following reasons:

1. The proposed retail development would comprise of a development in the countryside for which it has not been demonstrated that there is an operational requirement for a countryside location. Accordingly, the proposed development is contrary to the adopted Midlothian Local Plan

(2008) policies RP1, SHOP5 and ECON8 and the proposed Midlothian Local Development Plan (2014) policies TRC2 and RD1.

2. As the application site is in a remote countryside location it is not in one of the acceptable locations, as specified in the sequential town centre first approach identified in the Scottish Planning Policy. As no sequential test has been submitted for assessment it has not been demonstrated, to the satisfaction of the Planning Authority, that the site is appropriate for the proposed use and that there are no other more sustainable or suitable sites which could accommodate the development more appropriately. Accordingly, the proposed development is contrary to the SPP, policy 3 of the Strategic Development Plan, policy SHOP5 of the adopted Midlothian Local Plan (2008) and TRC2 of the proposed Midlothian Local Development Plan.
3. It has not been demonstrated to the satisfaction of the Planning Authority that the operation of the proposed retail complex would not undermine the vitality and viability of Midlothian's town centres, in particular Pathhead.
4. It has not been demonstrated to the satisfaction of the Planning Authority that the required visibility splays (215 metres in each direction) can be achieved.
5. The indicative information submitted shows a building which, on account of its scale, form, design and materials will not be compatible to its location or to existing nearby buildings.

<b>Action</b>
Head of Communities and Economy

The meeting terminated at 3.35pm.

# Minute of Special Meeting



## Planning Committee

Date	Time	Venue
5 December 2017	2.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Johnstone	Councillor Lay-Douglas
Councillor McCall	Councillor Montgomery
Councillor Muirhead	Councillor Parry
Councillor Smail	Councillor Winchester

## 1. Apologies

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Apologies received from Councillors Milligan, Munro and Russell.

## 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 intimated.

## 4. Reports

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Agenda No	Report Title	Presented by:
4.1	Application For Planning Permission in Principle for Residential Development, Erection of Primary School and Mixed Use Development at Land at Cauldcoats, Millerhill, Dalkeith 14/00910/PPP.	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report, dated 28 November 2017, by the Head of Communities and Economy regarding the above application.		
<b>Summary of Discussion</b>		
Having heard from the Planning Manager, who responded to Members' questions, the Committee discussed the potential impact of the proposed development on existing residents living in, or near, the application site. It being acknowledged that efforts would be made to keep disturbance to a minimum and to phase the development in such a way that any potential issues could be sympathetically managed.		
<b>Decision</b>		
The Committee agreed that planning permission be granted for the following reasons:-  <i>The proposed development site is identified as being part of the Council's safeguarded/committed housing land supply within the Midlothian Local Development Plan 2017 and as such there is a presumption in favour of the proposed development. This presumption in favour of development is not outweighed by any other material considerations. The Environmental Assessment submitted in relation to the planning application has been considered as part of the assessment and it is concluded that the environmental effect of the development is acceptable given the various mitigation measures that are detailed in the Environmental Assessment.</i>  subject to:		

- i) the prior signing of a legal agreement to secure the provision of affordable housing and contributions towards: education provision; children's play provision; open space maintenance; Borders Rail; improved public transport access; and, the payment of necessary roads orders; and
- ii) the following conditions:
  1. This planning approval is for the first phase of development identified on drawing reference number 14008(PL)003A and titled 'Indicative Development Framework Phase1'. The number of dwelling units approved for this site is limited to 350, unless otherwise agreed in writing by the planning authority. The proposed Indicative Development Framework submitted as part of this planning application is not approved as the Masterplan for the site. Development shall not commence until an application for approval of matters specified in condition regarding an overall Masterplan for the site has been submitted to and approved in writing by the planning authority.

***Reason:*** *The application has been assessed on the basis of a maximum of 350 dwellings being built on the site as allocated in the Midlothian Local Development Plan 2017. Any additional dwellings would have a further impact on local infrastructure, in particular education provision, and additional mitigation measures may be required. Any such measures would need further assessment by way of a planning application.*
  2. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential and economic/commercial phase of the development, the provision of affordable housing, the provision of open space, structural landscaping, SUDS provision, transportation infrastructure and percent for art. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

***Reason:*** *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.*
  3. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works 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 in communal areas and open space, 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 in the open spaces shall be completed prior to the houses/industrial buildings on adjoining plots are occupied;
- vii drainage details and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x proposed play areas and equipment (in the residential areas);
- xi proposed cycle parking facilities; and
- xii proposed area of improved quality (minimum of 20% of the proposed dwellings across the whole site).

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.

***Reason:*** To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV5, DEV6, DEV7 and DEV9 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

4. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential/industrial units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of the total number of proposed dwellings across the whole site). Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

***Reason:*** To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

5. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i a programme for completion for the construction of access, roads, footpaths and cycle paths;
  - ii existing and finished ground levels for all roads, footways and cycle ways in relation to a fixed datum;
  - iii the proposed roads (including turning facilities), footpaths and cycle ways including suitable walking and cycling routes linking the new housing with the local primary school and the rest of Shawfair;
  - iv proposed visibility splays, traffic calming measures, lighting and signage;
  - v proposed construction traffic access and haulage routes;
  - vi proposed car parking arrangements;
  - vii the proposed mitigation measures listed in section 7.8.2 of the Transport Assessment;
  - viii the widening of the substandard sections of the Cauldcoats Farm Road (U46) to a minimum of 6 metres and the provision of a remote footway;
  - ix widening and lighting of footway (to a 2.5 nominal width) of the existing unlit pedestrian footway alongside Millerhill Road leading from the development to Newton Village; and
  - x a traffic controlled junction for The Wisp/Millerhill Road junction providing suitable traffic management and pedestrian crossing facilities.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

***Reason:*** To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.

6. Development shall not begin until an application for approval of matters specified in conditions for a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
- i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from

- contamination and/or previous mineral workings originating within the site;
- iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and,
  - iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential/commercial purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

**Reason:** *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

7. Development shall not begin until an application for approval of matters specified in conditions, including a timetable of implementation, of 'Percent for Art' has been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies DEV6 and IMP1 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

8. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (field evaluation by trial trenching) has been carried out at the site by a professional archaeologist in accordance with details submitted to and approved in writing by the planning authority. The area to be investigated should be no less than 7% of the total site area with an additional 2% contingency should significant archaeological remains be encountered.

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

9. Development shall not begin until an application for approval of matters specified in conditions setting out details, including a timetable of implementation, of high speed fibre broadband has been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse/commercial building. The delivery of high speed fibre broadband shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*



10. Development shall not begin until an application for approval of matters specified in conditions for a scheme of sustainability/biodiversity for the site, including the provision of house bricks and boxes for bats and swifts throughout the development, a programme of ecological surveys (repeat survey work for bats and badgers no more than 12 months in advance of the commencement of development on the site) and management proposals for Invasive Non Native Species has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

***Reason:*** *To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.*

11. Development shall not begin until an application for approval of matters specified in conditions for the provision and use of electric vehicle charging stations throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

***Reason:*** *To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.*

12. Development shall not begin until an application for approval of matters specified in conditions for a scheme setting out the scope and feasibility of a community heating scheme for the development hereby approved and; if practicable, other neighbouring developments/sites, in accordance with policy NRG6 of the Midlothian Local Development Plan, shall be submitted for the prior written approval of the planning authority.

13. No dwellinghouse/commercial building on the site shall be occupied until a community heating scheme for the site and; if practicable, other neighbouring developments/sites, is approved in writing by the planning authority. The approved scheme shall be implemented in accordance with a phasing scheme also to be agreed in writing in advance by the Planning Authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.

***Reason for conditions 12 and 13:*** *To ensure the provision of a community heating system for the site to accord with the requirements of policy NRG6 of Midlothian Local Development Plan 2017 and in order to promote sustainable development.*

14. No building shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

**Reason:** *Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a building.*

15. Development shall not begin until an application for approval of matters specified in conditions for a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:

- i. signage for the construction traffic, pedestrians and other users of the site;
- ii. controls on the arrival and departure times for the construction vehicles and for site workers;
- iii. details of piling methods (if employed);
- iv. details of earthworks;
- v. control of emissions strategy;
- vi. a dust management plan strategy;
- vii. waste management and disposal of material strategy;
- viii. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
- ix. prevention of mud/debris being deposited on the public highway; and
- x. material and hazardous material storage and removal.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

**Reason:** *In order to control the construction activity on the site, ensure environmental impact during the construction period is acceptable and to ensure appropriate mitigation is in place in compliance with the Environmental Statement submitted with this planning application.*

16. Development shall not begin until an application for approval of matters specified in conditions assessing the likely effects of road traffic noise (including the traffic to the Anaerobic Digestion Plant and the Recycling and Energy Recovery Centre at Millerhill) and of noise from the nearby commercial premises (to the south west of the site, to the north of the site, and to the opposite side of The Wisp) on the amenity of the future occupants of the houses has been submitted to and approved in writing by the planning authority. Any noise mitigation measures necessary to ensure compliance with the following criteria:

- i. 50 dB LAeq(16hr) for daytime external garden amenity;
- ii. 35 dB LAeq(16hr) for daytime internal living apartment; and,
- iii. 30 dB LAeq(8 hour) for night time internal living apartment (excluding fixed plant controlled by NR25 or NR20 if tonal).

The night time sleep disturbance criteria shall be that contained in the WHO Night Noise Guidelines for Europe, L<sub>Amax</sub> of 42 dB(A).

Any recommended noise mitigation measures shall be implemented prior to the occupation of the dwellinghouses.

**Reason:** *In the interests of safeguarding the residential amenity of the future occupants of the houses.*

17. Development shall not begin until an application for approval of matters specified in conditions assessing flood risk and its mitigation has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

**Reason:** *To address the outstanding concerns highlighted by SEPA in relation to Flood Risk and to ensure flood risk to the development can be mitigated and the development will not increase the risk of flooding elsewhere.*

18. Prior to the commencement of development on the site a risk assessment for the proposed stabilisation of mine workings with Pulverised Fuel Ash (PFA) grout is to be submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter any mitigation required to prevent the pollution of ground water associated with proposals to grout with PFA, shall be implemented at the site.

**Reason:** *To ensure any grouting does not cause unacceptable environmental impact by means of pollution of ground water.*

19. The mixed use development shall have a floor space of no more than 200 square meters and will comprise a mix of classes 1, 2 or 3, as defined in The Town and Country Planning (Use Classes) (Scotland) Order 1997 and any subsequent replacement order. Planning permission is not granted for non residential uses outwith the stated use classes.

**Reason:** *To define the terms of the consent and to ensure the proposal is acceptable in terms of the Midlothian Local Development Plan 2017.*

20. Construction, engineering, site delivery and any other operations shall only take place between 0800 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays. Any amendment of these hours shall be agreed in writing with the planning authority prior to work taking place outwith the hours stated.

21. Construction, engineering, site delivery and any other operations shall comply with following noise level: 70 dB LAeq(12hr) (façade), with the best practicable means (BPM) at all times in accordance with BS5228 guidance. All fixed plant/machinery noise shall comply with the following:

Night time (22:00 – 07:00 hrs) NR25 (internal, open window)  
Day time (07:00 - 22:00 hrs) - NR30 (internal, open window)

22. Commercial/industrial/leisure noise affecting residential use (existing or proposed) when rated in accordance with BS 4142: 2014, shall be less than +5dB above an agreed representative LA90.

***Reason for conditions 20 and 22: To ensure noise assessment criteria are appropriate to protect residential amenity.***

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
4.2	Section 42 Application to Extend the Time Permitted for the Submission of Applications for Matters Specified in Conditions Imposed on a Grant of Outline Planning Permission (09/00354/OUT) for Residential Development and Classes 4, 5 and 6 Economic Development at Land between Loanhead Road And Edgefield Industrial Estate, Loanhead 17/00273/S42.	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report, dated 28 November 2017, by the Head of Communities and Economy regarding the above application.		
<b>Summary of Discussion</b>		
The Committee, having heard from the Planning Manager, who responded to Members' questions and comments, discussed the likely housing numbers, the provision for affordable housing and pressure on existing infrastructure, particularly the road transport network in the area.		
<b>Decision</b>		
The Committee agreed that planning permission be granted for the following reasons:		
<p><i>The proposed development site is identified as being part of the Council's safeguarded/committed housing and economic land supply within the Midlothian Local Development Plan 2017 and as such there is a presumption in favour of the proposed development. This presumption in favour of development is not outweighed by any other material considerations.</i></p> <p>subject to:</p> <p>i) the applicants submitting a coal mining risk assessment demonstrating that they can mitigate the risk from the coal mining legacy to the satisfaction of the Coal Authority and as such securing the removal of the outstanding objection from the Coal Authority, prior to planning permission being issued.</p>		

ii) the prior signing of a legal agreement to secure contributions towards education provision, affordable housing and leisure facilities. The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.

iii) the following conditions:

1. No more than 297 dwellings shall be erected on the site.

**Reason:** *The application has been assessed on the basis of a maximum of 297 dwellings being built on the site. Any additional dwellings would have a further impact on local infrastructure, in particular education provision, and additional mitigation measures may be required. Any such measures would need further assessment by way of a planning application.*

2. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential and economic/industrial phase of the development, the provision of affordable housing, the provision of open space, structural landscaping, SUDS provision, transportation infrastructure and percent for art. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

**Reason:** *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.*

3. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works 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 in communal areas and open space, 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 in the open spaces shall be completed prior to the houses/industrial buildings on adjoining plots are occupied;

- vii drainage details and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x proposed play areas and equipment (in the residential areas);
- xi proposed cycle parking facilities; and
- xii proposed area of improved quality (minimum of 20% (60 dwellinghouse) of the total number of proposed dwellings (297 dwellinghouses) across the whole site).

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.

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV5, DEV6, DEV7 and DEV9 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

4. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential/industrial units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of the total number of proposed dwellings across the whole site). Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

5. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i a programme for completion for the construction of access, roads, footpaths and cycle paths;



- ii existing and finished ground levels for all roads, footways and cycle ways in relation to a fixed datum;
- iii the proposed roads (including turning facilities), footpaths and cycle ways including suitable walking and cycling routes linking the new housing with the local primary school and the rest of Loanhead;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes; and
- vi proposed car parking arrangements.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

6. Development shall not begin until an application for approval of matters specified in conditions for a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
  - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
  - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and,
  - iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential/commercial purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

**Reason:** *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

7. Development shall not begin until an application for approval of matters specified in conditions, including a timetable of implementation, of 'Percent for Art' has been submitted to and approved in writing by the

planning authority. The 'Percent for Art' shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies DEV6 and IMP1 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

8. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (field evaluation by trial trenching) has been carried out at the site by a professional archaeologist in accordance with details submitted to and approved in writing by the planning authority. The area to be investigated should be no less than 7% of the total site area with an additional 2% contingency should significant archaeological remains be encountered.

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

9. Development shall not begin until an application for approval of matters specified in conditions setting out details, including a timetable of implementation, of high speed fibre broadband has been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse/commercial building. The delivery of high speed fibre broadband shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

10. Development shall not begin until an application for approval of matters specified in conditions for a scheme of sustainability/biodiversity for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

**Reason:** *To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.*

11. Development shall not begin until an application for approval of matters specified in conditions for the provision and use of electric vehicle charging stations throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.



**Reason:** To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.

12. Development shall not begin until an application for approval of matters specified in conditions for a scheme setting out the scope and feasibility of a community heating scheme for the development hereby approved and; if practicable, other neighbouring developments/sites, in accordance with policy NRG6 of the Midlothian Local Development Plan, shall be submitted for the prior written approval of the planning authority.
13. No dwellinghouse/commercial building on the site shall be occupied until a community heating scheme for the site and; if practicable, other neighbouring developments/sites, is approved in writing by the planning authority. The approved scheme shall be implemented in accordance with a phasing scheme also to be agreed in writing in advance by the Planning Authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.

**Reason for conditions 12 and 13:** To ensure the provision of a community heating system for the site to accord with the requirements of policy NRG6 of Midlothian Local Development Plan 2017 and in order to promote sustainable development.

14. No building shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

**Reason:** Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a building.

Action
Head of Communities and Economy

The meeting terminated at 2.15 pm.



# Minute of Meeting



## General Purposes Committee

Date	Time	Venue
14 November 2017	11 am	Council Chamber, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Smail (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Imrie	Councillor Lay-Douglas
Councillor McCall	Councillor Montgomery
Councillor Muirhead	Councillor Winchester

### 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 Johnstone, Munro, Parry and Russell.

## 2. Order of Business

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The Chair advised that the order of business would be altered to include an additional item he had agreed to take to ensure the applicant received a decision as quickly as possible.

## 3. Declarations of interest

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Councillor Curran declared an interest in any applications relating to taxi and private hire cars or drivers.

## 4. Minute of Meeting

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The Minute of Meeting of 3 October 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:-**

Additional Item for consideration - Private Hire Car – S. Easton – request to waive standard Condition 18

- 6.1 Application for a Private Hire Car Driver's Licence – D. Imrie
- 6.2 Application for a Licence for a House in Multiple Occupation – St. Ronans, 49 Hunterfield, Gorebridge (N. Brown)
- 6.3 Application for a Licence for a House in Multiple Occupation – 24 Main Street, Gorebridge (E. Collins)

The Meeting terminated at 12.10 pm.

# Minute of Meeting



## Local Review Body

Date	Time	Venue
21 November 2017	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Montgomery	Councillor Munro
Councillor Smail	

## 1 Apologies

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Apologies received from Councillor Lay-Douglas, Milligan and Muirhead

## 2 Order of Business

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

With the exception of the Review Request relating to 2A Nivensknowe Road, Loanhead (17/00404/S42) – 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)) – Agenda Item 5.4 refers – which at the request of the Applicant's Agent had been deferred and would now be considered at the LRB meeting scheduled for Tuesday, 16 January 2018.

## 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 10 October 2017 were submitted and approved as a correct record.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	Decision Notice – Land rear of 180 Main Street, Pathhead [17/00420/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
With reference to paragraph 5.5 of the Minutes of 10 October 2017, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr H Crawford, Sir Frank Mears Associates, Lochrin Buildings, 12-14 Gilmore Place, Edinburgh seeking on behalf of their client, Mr M McIntosh a review of the decision of the Planning Authority to refuse planning permission (17/00420/DPP, refused on 7 July 2017) for the erection of a garage at land to the rear of 180 Main Street, Pathhead and refusing planning permission.		
<b>Decision</b>		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 13 Burnbrae Crescent, Bonnyrigg [17/00292/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>With reference to paragraph 5.6 of the Minutes of 29 August 2017, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Scott Allan, 36 Wallace Avenue, Wallyford seeking on behalf of their client Mr S Ramsay, a review of the decision of the Planning Authority to refuse planning permission (17/00292/DPP, refused on 2 June 2017) for the erection of a two storey extension at 13 Burnbrae Crescent, Bonnyrigg and refusing planning permission.</p>		
<b>Decision</b>		
To note the LRB decision notice.		

<b>Eligibility to Participate in Debate</b>
<p>In considering the following items of business, only those LRB Members who had attended the site visits on Monday 20 November 2017 participated in the review process, namely Councillors Imrie, Cassidy, Montgomery, Munro and Smaill.</p> <p>Councillors Alexander and Baird whilst present during the respective debates had been unable to attend the site visits and accordingly did not actively participate in the proceedings.</p>

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – 61A Clerk Street, Loanhead [17/00363/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 14 November 2017, by the Head of Communities and Economy regarding an application from Mr C Allmond, DM Hall, 27 Canmore Street, Dunfermline seeking on behalf of their client, Mr N Sneddon, Full Speed Ahead Finance a review of the decision of the Planning Authority to refuse planning permission (17/00363/DPP, refused on 18 September 2017) for the Change of Use from Chiropodist (class 2) to Dwellinghouse (class 9) at 61A Clerk Street, Loanhead.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p> <p>The Local Review Body had made an unaccompanied visit to the site on Monday 20 November 2017.</p>		

Summary of Discussion
<p>Having heard from the Planning Adviser, who responded to Members questions, the LRB gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the potential impact that the location of the application site would have on the proposed development. Whilst concerns regarding the impact that the proximity to neighbouring properties would have on the standards of amenity were acknowledged, the constraints of the site would be clear to anybody viewing the proposed property with a view to renting it. The current condition of the garage part of the application site also drew comments, it being suggested that it would be beneficial if it could be included within the current scheme.</p>
Decision
<p>To uphold the review request, and grant planning permission for the following reason:</p> <p><i>The proposed residential development is an acceptable use within the town centre and would bring back into use a vacant building. The sites location close to facilities, public parks and public transport will provide amenity for the future occupants to compensate for its location next to a public house and the limited size of the garden.</i></p>
Action
<p>Head of Communities and Economy</p>

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – 29 Waverley Road, Bonnyrigg [17/00440/DPP]	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 14 November 2017, by the Head of Communities and Economy regarding an application from Mr T Ferguson, Ferguson Planning, Shiel House, 54 Island Street, Galashiels seeking on behalf of their client Mr L Pia, a review of the decision of the Planning Authority to refuse planning permission (17/00440/DPP, refused on 31 July 2017) for the change of use of a flatted dwellinghouse to house of multiple occupation at 29 Waverley Road, Bonnyrigg.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p> <p>The Local Review Body had made an unaccompanied visit to the site on Monday 20 November 2017.</p>		



### 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 particular, consideration was given to the likely impact of the proposed development on the character and amenity of the surrounding area and also because of its location the impact on existing on-street parking provision.

### Decision

To dismiss the review request, and uphold the decision to refuse planning permission for the following reason:-

1. *The use of the flat as a house in multiple occupation for 5 residents will put additional pressure on the limited number of existing on-street parking spaces and may lead to inconsiderate or illegal parking to the detriment of road safety. This pressure for parking spaces will have a significant detrimental impact on the character and amenity of the surrounding area and is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.*

### Action

Head of Communities and Economy

The meeting terminated at 2.15 pm.



# Minute of Meeting



## Performance, Review and Scrutiny Committee

Date	Time	Venue
28 November 2017	11.00am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Parry	Chair
Councillor Alexander	
Councillor Baird	
Councillor Cassidy	
Councillor Lay-Douglas	
Councillor Russell	
Councillor Smail	
Councillor Winchester	

### Also in Attendance:

Kenneth Lawrie	Chief Executive
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
Jacqui Dougall	Business Services Manager
Janet Ritchie	Democratic Services Officer

## 1 Apologies

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Apologies were received from Councillors Montgomery, Munro, Johnstone and McCall

## 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 5 September 2017 were submitted and approved as a correct record.

## 5 Public Reports

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Agenda No	Title	Submitted by:
<b>5.1</b>	<b>Inspection of Bilston Primary School Nursery Class</b>	<b>Head of Education</b>
<b>Outline and summary of item</b>		
<p>The Head of Education presented a report dated 18 September 2017 outlining the outcome of the Inspection of Bilston Primary School Nursery Class as carried out by the Care Inspectorate which was communicated in their report of August 2017. Bilston Primary School Nursery Class was inspected on 26 April 2017.</p> <p>The Head of Education updated the Committee on the evaluations of the core quality indicators and the key strengths as detailed in the report. There were no requirements or recommendations and the Care Inspectorate concluded that they were satisfied with the overall quality of provision.</p>		
<b>Decision</b>		
To note the content of the Inspection report.		

Agenda No	Title	Submitted by:
<b>5.2</b>	<b>Inspection of Cowan Court Extra Care Housing</b>	<b>Joint Director of Health and Social Care</b>
<b>Outline and summary of item</b>		
<p>The Head of Adult Services presented a report dated 12 September 2017 providing information in relation to the recent inspection by the Care Inspectorate. Cowan Court received an unannounced visit on the 14 March 2017. Since the last Inspection a new care team supervisor has been appointed who has vast experience of managing staff in a care at home service.</p>		

The Head of Adult Services updated the Committee on the grades awarded and the key strengths as detailed in the Report. The Committee were also advised that there were two recommendations made as a result of the inspection, both of these have been addressed.

#### Decision

To acknowledge the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with Cowan Court.

Agenda No	Title	Submitted by:
<b>5.3</b>	<b>Inspection of St Mary's Primary School Nursery Class</b>	<b>Head of Education</b>
<b>Outline and summary of item</b>		
<p>The Head of Education presented a report dated 30 October 2017 providing an update on the Care Inspectorate inspection completed on 27 September 2017. This report provides details of the Care Inspectorate evaluations for St Mary's Primary School from the original inspection in November 2016 and the most recent inspection dated 27 September 2017.</p> <p>The Head of Education highlighted the significant improvement in the Quality indicators from good to very good in three indicators and adequate to very good in the final indicator as detailed in the report.</p>		
<b>Decision</b>		
To note the content of the Inspection report.		

Agenda No	Title	Submitted by:
<b>5.4</b>	<b>Inspection of Midlothian Residential Service for Young People</b>	<b>Head of Children's Services</b>
<b>Outline and summary of item</b>		
<p>The Head of Children's Services presented a report dated 2 November 2017 outlining the outcome of the unannounced Inspection of Midlothian Residential Service for Young People as carried out by the Care Inspectorate in September 2017. The Head of Children's Services updated the Committee on the grades awarded by the Care Inspectorate on the two areas inspected, 'Quality of Care and Support' and 'Quality of Staffing' both Grade 4, Good. The Inspectors noted one requirement which was actioned immediately and two recommendations in which an action plan has been devised.</p> <p>Thereafter the Head of Children's Services responded to comments raised by members of the Committee on the challenges faced by this service.</p>		
<b>Decision</b>		
To note the content of the Inspection report.		

Agenda No	Title	Submitted by:
<b>5.5</b>	<b>Second Statutory Biodiversity Report</b>	<b>Head of Communities and Economy</b>
<b>Outline and summary of item</b>		
<p>The Head of Communities and Economy presented a report dated 9 November 2017. The purpose of this report is to seek approval of the Council's second statutory 'biodiversity report' as required by the Wildlife and Natural Environment (Scotland) Act 2011. The Wildlife and Natural Environment (Scotland) Act 2011 requires public bodies to publish a 'biodiversity report' every three years that sets out the actions taken by the public body in carrying out its biodiversity duty. It sets out the actions taken by the Council since November 2014 in carrying out its statutory duty to further the conservation of biodiversity.</p>		
<b>Decision</b>		
To note the report.		

Agenda No	Title	Presented by:
<b>5.6</b>	<b>Adult Social Care Quarter 2 Performance Report 2017/18</b>	<b>Head of Adult Services</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Customer and Housing Services was submitted. The Head of Adult Services highlighted 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 raised by the members of the Committee which included:</p> <ul style="list-style-type: none"> <li>• The challenges with Aspire ceasing its care at home contract with Midlothian and the measures in place to ensure transition runs as smoothly as possible.</li> <li>• Substance misuse recovery hub which will bring together mental health, substance misuse and criminal justice services including third party sectors and the plans to engage with all involved agencies and carers to ensure that the building is fit for purpose for all agencies.</li> <li>• The capacity of GPs in Midlothian and the different strands in improving the GP services in Midlothian including the Wellbeing services. .</li> </ul>		
<b>Decision</b>		
<ul style="list-style-type: none"> <li>• The Head of Adult Services agreed to provide more detailed information on GP services.</li> <li>• To otherwise note the report.</li> </ul>		
<b>Action</b>		
Head of Adult Services		

Agenda No	Title	Presented by:
<b>5.7</b>	<b>Customer and Housing Services Quarter 2 Performance Report 2017/18</b>	<b>Head of Customer and Housing Services</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Customer and Housing Services was submitted. The Head of Adult Services highlighted 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 a comment raised by the Chair with regards to Welfare Reform.</p>		
<b>Decision</b>		
To note the report.		

Agenda No	Title	Presented by:
<b>5.8</b>	<b>Children's Services Quarter 2 Performance Report 2017/18</b>	<b>Head of Children's Services</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Children's Services was submitted. The Head of Children's Services highlighted the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.</p>		
<b>Decision</b>		
To note the report.		

Agenda No	Title	Presented by:
<b>5.9</b>	<b>Communities and Economy Quarter 2 Performance Report 2017/18</b>	<b>Head of Communities and Economy</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Communities and Economy was submitted. The Head of Communities and Economy highlighted 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>• The timetable for commencement of work on Sheriffhall roundabout.</li> <li>• BREXIT and managing the uncertainties.</li> <li>• Community Choices funding and how this will be put into practice.</li> </ul>		

<ul style="list-style-type: none"> <li>The development and implementation of the participatory budget and confirmation on how this will be dispersed.</li> </ul>
<b>Decision</b>
<ul style="list-style-type: none"> <li>To provide a further report on the Community Choices funding and the Participatory Budget and how this will be dispersed.</li> <li>To otherwise note the report.</li> </ul>
<b>Action</b>
Head of Communities and Economy

Agenda No	Title	Presented by:
<b>5.10</b>	<b>Education Quarter 2 Performance Report 2017/18</b>	<b>Head of Education</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Education was submitted. The Head of Education highlighted 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 the Committee which included:</p> <ul style="list-style-type: none"> <li>Reduction in exclusions.</li> <li>Recruitment of teachers in Midlothian.</li> <li>Actions in place to address the budget overspend.</li> </ul>		
<b>Decision</b>		
To note the report		

Agenda No	Title	Presented by:
<b>5.11</b>	<b>Commercial Operations Quarter 1 Performance Report 2017/18</b>	<b>Head of Commercial Operations</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 Performance Report 2017/18 for Commercial Operations was submitted. The Head of Commercial Operations highlighted 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 Commercial Operations responded to questions and comments raised by Members which included:</p> <ul style="list-style-type: none"> <li>Decriminalised parking enforcement in Midlothian and that an update will be provided to Council in December.</li> </ul>		



<ul style="list-style-type: none"> <li>• Travel services and the confusion with the bus 39 and the 339 and if there are any changes these will not occur until February 2018.</li> <li>• The cost for modifying signage and repainting double yellow lines.</li> <li>• Apprenticeships and the work with schools.</li> <li>• Impact on the bus services if subsidy is removed</li> </ul>
<b>Decision</b>
To note the report

Agenda No	Title	Presented by:
<b>5.12</b>	<b>Finance and Integrated Service Support Quarter 1 Performance Report 2017/18</b>	<b>Business Services Manager</b>
<b>Outline and summary of item</b>		
The Quarter 2 Performance Report 2017/18 for Finance and Integrated Service Support was submitted. The Business Services Manager highlighted the progress in the delivery of strategic outcomes and a summary of the emerging challenges going forward as detailed in the report.		
<b>Decision</b>		
To note the report.		

Agenda No	Title	Presented by:
<b>5.13</b>	<b>Property and Facilities Management Quarter 2 Performance Report 2017/18</b>	<b>Head of Commercial Operations</b>
<b>Outline and summary of item</b>		
The Quarter 2 Performance Report 2017/18 for Property and Facilities Management was submitted. The Head of Commercial Operations highlighted 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:		
<ul style="list-style-type: none"> <li>• Acquisition of the office premises at White Hart Street</li> <li>• Potential benefit to Dalkeith Town Centre if the regeneration project proceeds.</li> </ul>		
<b>Decision</b>		
<ul style="list-style-type: none"> <li>• The Head of Commercial Services to provide feedback to members on the two points raised above.</li> <li>• To otherwise note the report.</li> </ul>		
<b>Action</b>		
Head of Commercial Operations		

Agenda No	Title	Presented by:
<b>5.14</b>	<b>Midlothian Council Quarter 2 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 2 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>The Chief Executive highlighted that currently the focus was on the financial challenge for 2018/19 and beyond and it is worth noting the scale and range of positive and transformational work resulting in significant performance improvement and bridging the budget gap for 2018/19. It is also important to recognise the potential and the opportunities of the growth agenda in Midlothian.</p>		
<b>Decision</b>		
To note the report.		

Agenda No	Title	Presented by:
<b>5.15</b>	<b>Balanced Scorecard Indicators Quarter 2 2017/18</b>	<b>Chief Executive</b>
<b>Outline and summary of item</b>		
<p>The Quarter 2 2017/18 Performance Report for the Balanced Scorecard Indicators was submitted. Each of the perspectives were supported by a number of key measures and indicators which ensured that the Balanced Scorecard informed ongoing performance reporting and helped to identify areas for further improvement.</p> <p>The Chief Executive explained the purpose of this report and asked members for any feedback on the value of this report. The Chair commented positively on the improvement of this report.</p>		
<b>Decision</b>		
To note the report		

## **6 Private Reports**

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No private reports submitted for discussion

The meeting terminated at 12.37 pm

# Minute of Meeting



## Audit Committee

Date	Time	Venue
Tuesday 26 September 2017	3.00pm	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

### Present:

Mike Ramsay (Independent Chair)	
Councillor Baird	Councillor Hardie
Councillor Milligan	Councillor Muirhead
Councillor Smail	

### In attendance:

Stephen Reid	Ernst & Young LLP
John Boyd	Ernst & Young LLP
Kenneth Lawrie	Chief Executive
John Blair	Director Resources
Mary Smith	Director Education, Communities and Economy
Gary Fairley	Head of Finance and Integrated Service Support
Elaine Greaves	Internal Audit Manager
Myra Forsyth	Quality and Scrutiny Manager
Mike Broadway	Democratic Services Officer

## 1. Welcome and introductions

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The Chair, Mike Ramsay welcomed everyone to the meeting, following which there was a round of introductions.

## 2. Apologies

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Apologies were received from Councillor Parry.

## 3. Order of Business

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The order of business was confirmed as outlined in the agenda that had been previously circulated. Due to the publication timescales the Committee, on the recommendation of the Chair, agreed to deal with the agenda business as urgent.

## 4. Declarations of interest

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No declarations of interest were received.

## 5. Minutes of Previous Meetings

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The minutes of the Audit Committee meeting of 20 June 2017 were submitted and approved as a correct record.

## 6. Reports

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Report No.	Report Title	Presented by:
5.1	Midlothian Council Annual Audit Report to Members and the Controller of Audit for the Financial Year ended 31 March 2017	Stephen Reid, Ernst & Young LLP

### Outline of Report

There was submitted the Annual Audit Report to Members and the Controller of Audit for the Financial Year ended 31 March 2017, prepared by the External Auditors, Ernst & Young LLP. The report advised, inter alia, that the external auditors intended to issue an unqualified opinion on the financial statements for the financial year ended 31 March 2017. In addition, the report provided detailed information on: Financial management; Financial sustainability; Governance and Transparency; and Value for Money.

### Summary of Discussion

The Committee, having heard from the External Auditors in amplification of their report, discussed a number of issues arising therefrom, viz:- the level of useable reserves; the level of the Council's cash assets; the approach to Treasury Management generally; and the pension deficit.

### Decision

(a) To note and approve the Annual Audit Report;

- (b) To note that Audit Scotland's 2015/16 Financial overview report on Local Government in Scotland would offer the opportunity to draw comparative analysis with other Councils;
- (c) To note the position in relation to pension liabilities;
- (d) To record the Committee's appreciation of the work undertaken by the Finance Team in assisting the External Auditors in the preparation of the report; and
- (e) To record the Committee's thanks to Ernst & Young LLP.

Report No.	Report Title	Presented by:
5.2	Financial Statements 2016/17	Gary Fairley

#### Outline of Report and Summary of Discussion

There was submitted a report, dated 22 September 2017, by the Head of Finance and Integrated Service Support presenting the Council's Audited Financial Statements for 2016/17, and providing an overview of the main changes made during the audit process.

#### Decision

The Committee, having heard from the Head of Finance and Integrated Service Support, who responded to Members questions, agreed to approve the Audited Financial Statements for 2016/17.

## 7. Private Reports

No private business was discussed at this meeting.

## 8. Date of Next Meeting

The next meeting of the Audit Committee would be held on Tuesday 12 December 2017 at 11.00 am.

The meeting terminated at 3.28 pm.



# Minute of Meeting



## Midlothian Integration Joint Board

Date	Time	Venue
Thursday 7 <sup>th</sup> December 2017	2.00pm	Conference Room, Melville Housing, The Corn Exchange, 200 High Street, Dalkeith, EH22 1AZ.

### Present (voting members):

Cllr Derek Milligan (Vice Chair)	John Oates (Chair)
Cllr Jim Muirhead	Tracey Gilles
Cllr Pauline Winchester	Alex Joyce
Cllr Kenneth Baird (substitute for Cllr Catherine Johnstone)	Alison McCallum

### Present (non voting members):

Allister Short (Chief Officer)	Alison White (Chief Social Work Officer)
David King (Chief Finance Officer)	Hamish Reid (GP/Clinical Director)
Aileen Currie (Staff side representative)	Keith Chapman (User/Carer)
Ewan Aitken (Third Sector)	

### In attendance:

Pam Russell	Helen Stein
Jamie Megaw (Strategic Programme Manager)	Tom Welsh (Integration Manager)
Mike Broadway (Clerk)	

### Apologies:

Cllr Catherine Johnstone	Patsy Eccles (Staff side representative)
Caroline Myles (Chief Nurse)	Fiona Huffer (Head of Dietetics)
Dave Caesar (Medical Practitioner)	

# Midlothian Integration Joint Board

Thursday 7 December 2017

## 1. Welcome and introductions

The Chair, John Oates, welcomed everyone to this Meeting of the Midlothian Integration Joint Board, in particular Pam Russell and Helen Stein, and Councillor Kenneth Baird (who was substituting for Councillor Catherine Johnstone), following which there was a round of introductions.

The Board noted that in terms of the membership of MIJB, it was proposed that Pam Russell be appointed to the vacant user/carer representative position, with Helen Stein acting as her deputy. The Board agreed to approve the appointments and joined with the Chair in welcoming Pam and Helen to the meeting, and expressing thanks to Rosie McLoughlin (VOCAL), who had undertaken the role on an interim basis.

In addition, the Chief Officer advised that Dave Caesar had indicated that due to pressure of other work, he intended to step down from membership of the MIJB. The Board, having noted that arrangements would be made to find an appropriate replacement, joined with the Chair in expressing thanks to Dave for his contributions to the work of the MIJB.

## 2. Order of Business

The order of business was confirmed as outlined in the agenda that had been previously circulated with the following amendment:-

Agenda Item No 5.10 - Community Payback Order (CPO) Annual Report 2016/17 would be continued to the next Board meeting, as the Annual Report, which was meant to have been appended to the report had unfortunately been omitted.

## 3. Declarations of interest

No formal declarations of interest were received, however, Pam Russell did advise for the record that she was a member of VOCAL.

## 4. Minutes of Previous Meetings

The Minutes of Meeting of the Midlothian Integration Joint Board held on 5 October 2017 was submitted and approved.

## 5. Public Reports

Report No.	Report Title	Presented by:
5.1	Financial Position - December 2017	David King

### Executive Summary of Report

This paper laid out the IJB's projected out-turn position for 2017/18 – that was a forecast of the IJB's financial position at March 2018. This forecast was based on the Midlothian Council's quarter 2 review and information from NHS Lothian who provided the IJB with a monthly update of the forecast out-turn.



# Midlothian Integration Joint Board

Thursday 7 December 2017

The forecast projected an overspend position for the IJB and the Integration Scheme laid out the actions to be taken in the event that an overspend was forecast. There were five options:-

1. That the partners prepare a recovery plan – this was already in train
2. That the IJB prepares a recovery plan – this was not considered to be practical at this time.
3. That the IJB transfers resources from one 'element' of the IJB to another – at this time both partners are forecasting an overspend in their element of the IJB's budget
4. That the partners provide additional resources – this has not yet been discussed with the partners
5. That the partners provide 'brokerage' – that is a loan to the IJB.

Discussion were underway between the Chief Officer, the Chief Finance Officer and the partners and these were being progressed on the basis that the IJB was supported to break-even (assuming that the partners can break-even) and that the IJB will not achieve this through brokerage. Progress on this matter would be reported back in more detail to the IJB at its next meeting.

## Summary of discussion

The Chief Finance Officer in presenting the report highlighted that the key drivers behind this position remain largely the same as those previously reported – that was an overspend in adult social care, overspends in junior medical staff (in the set aside budget) and challenges in both Set Aside and Adult Social Care in the delivery of efficiency schemes.

The Board, in discussing the budgetary pressures, acknowledged the importance going forward of the Strategic Plan and Directions and welcomed the currently ongoing dialogue with NHS Lothian and Midlothian Council seeking to find ways to address the current position.

## Decision

### The Board:

- **Noted the forecast out-turn position for 2017/18;**
- **Noted the options available to the IJB; and**
- **Agreed to direct the Chief Officer and the Chief Finance Officer to take the actions laid out in the Integration Scheme.**

## Action

Chief Officer/Chief Finance Officer

# Midlothian Integration Joint Board

Thursday 7 December 2017

Report No.	Report Title	Presented by:
5.2	Financial Outline 2018/19, 2019/20 and 2020/21	David King

## Executive Summary of Report

The report advised that the first draft of the IJB three year financial plan would be presented to the IJB at its January meeting. This plan would support the delivery of the IJB Strategic Plan and would lay out the expected resources that would be available to the IJB along with the proposed utilisation of these resources indicating the financial challenges to be managed. The IJB received a first draft of its financial strategy – that is how the IJB would manage the financial challenge – at its October 2016 meeting and the financial plan would be built on that strategy. However, as part of the consideration of that financial plan the IJB needed to consider the totality of the financial challenge if there were no changes to the current service delivery mode.

This paper looked at the additional costs that would be incurred in the next three years if there were no changes to the service delivery model and expressed that pressure in financial terms.

## Summary of discussion

The Board, having heard from the Chief Finance Officer, welcomed the suggestion that virtual examples be created so that impact of any proposals could be better assessed and articulated; it being acknowledged that the cumulative effect of a number of seemingly minor changes often had a major impact on the most vulnerable groups. The vital importance of the transformation process in changing the way in which services were delivered was again highlighted.

## Decision

### The Board:

- **Noted the contents of the paper; and**
- **Agreed to ask the Chief Officer and the Chief Finance Officer to present the proposed 2018/19 recovery plans to the IJB at its March 2019 meeting.**

## Action

Chief Officer/Chief Finance Officer

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Report No.	Report Title	Presented by:
5.3	Developing a policy for healthcare infrastructure contributions from housing developments in Midlothian	Jamie Megaw

# Midlothian Integration Joint Board

Thursday 7 December 2017

## Executive Summary of Report

The purpose of this report was to set out the case for working with Midlothian Council to develop an approach to securing financial contributions from new housing developments in Midlothian towards healthcare infrastructure costs that arise as a consequence of that new development.

If healthcare contributions were not successfully secured from housing developers then the full cost of future capital developments required to meet the needs of the new population would have to be fully met by NHS Lothian.

## Summary of discussion

The Board, having heard from the Strategic Programme Manager, welcomed plans to include provision to secure financial contributions towards healthcare infrastructure costs from new housing developments in Midlothian within the Council's forthcoming Supplementary Guidance on Planning Obligations. However, it was acknowledged that such provision would also in all likelihood require the adoption of new models of care, such as the community-hub model in development in Musselburgh given workforce constraints and revenue budget pressures.

## Decision

### The Board:

- **Agreed to the principle of developing with Midlothian Council an approach to securing financial contributions from new developments (house building) in Midlothian for healthcare infrastructure (buildings) costs that arise as a result of new housing.**
- **Noted the impact from population growth on existing services and infrastructure**
- **Noted the expected requirement for the equivalent of three new healthcare facilities across Midlothian incorporating General Practice and Dental services to respond to the population growth**
- **Agreed the impact on healthcare infrastructure is distinctly different between the Shawfair Development Area and the rest of Midlothian and contributions will be sought differently between these areas.**
- **Noted the limitations in overall capital funding available to NHS Lothian from Scottish Government and the risk there will be insufficient capital funding available for the required infrastructure in Midlothian.**

## Action

Chief Officer

Report No.	Report Title	Presented by:
5.4	Directions	Tom Welsh

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## Executive Summary of Report

With reference to paragraph 4.3 of the Minutes of the Special Meeting held on 16 March 2017, there was submitted a report providing a summary of the progress made by Midlothian Council and NHS Lothian in delivering the Directions set by the IJB for 2017-18. These Directions were intended to provide further clarity about the key changes which needed to be made in the delivery of health and care services as laid out in the Strategic Plan 2016-19 and in the subsequent Health and Care Delivery Plan 2017-18.

## Summary of discussion

Having heard from the Integration Manager, the Board considered the progress that had been made and the emerging challenges that remained to be addressed, and discussed the need to continue to challenge existing ways of delivering health and care services. The importance of ensuring that subsequent changes were proportionate and maximised outcomes within the resources available was 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 order to better judge the progress being made the Board felt that in terms of the presentation of information an indication of the relative importance attached to each of the Directions would be beneficial.

## Decision

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

- **Noted the progress made in achieving the Directions as outlined in the report; and**
- **Noted, that although no formal follow-up communication was considered to be necessary at this time, dialogue with Midlothian Council and NHS Lothian would continue.**

## Sederunt

Councillor Baird and A Joyce both left the meeting during consideration of the foregoing item of business, at 3.15pm and 3.30pm respectively. J Megaw left the meeting at the conclusion of the foregoing item of business, at 3.37pm

Report No.	Report Title	Presented by:
5.5	Midlothian Carers Strategy 2017 - 2019	Alison White

## Executive Summary of Report

Following the publication of the national carers' strategy *Caring Together; Carers Strategy 2010-15* a programme of consultations was undertaken to develop Midlothian's first local Carers Strategy. This document would be Midlothian's second local carers strategy publication. The implementation of the Carers (Scotland) Act

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2016 comes into effect from April 2018, and places a duty/responsibility on local authorities and health boards to produce a carers strategy. This strategy has been reviewed and updated and is presented to both the Council and the Integration Joint Board for formal approval.

## Summary of discussion

The Board, having heard from the Chief Social Work Officer, who responded to Members' questions, discussed the Carers Strategy; a copy of which was appended to the report.

## Decision

### The Board:

- **Noted the content of this report; and**
- **Supported the revised Midlothian Carers Strategy and Action Plan 2017 – 19 as a mechanism of identifying and supporting the needs of unpaid carers in Midlothian.**

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Report No.	Report Title	Presented by:
5.6	Wellbeing Service	Tom Welsh

## Executive Summary of Report

This report explained the purpose and organisation of the Wellbeing Service which had been introduced in a number of local Health Centres to provide support for people with long term health conditions and to help to address health inequalities. It went on to provide a summary of the evaluation of the service. Finally, the report outlined the options for the future both in terms of service design and in funding the service.

## Summary of discussion

The Board, having heard from the Integration Manager discussed the excellent work undertaken by the Wellbeing Service, expressing the importance of it continuing and also interest in seeing the longer term effects of the Service.

## Decision

### The Board:

- **Noted the impact of this service;**
- **Approved the steps outlined to maintain the service in the short term; and**
- **Agreed that a longer term funding model be developed.**

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

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## Executive Summary of Report

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

The report also described the work that was being taken to address delayed discharge in particular a planning session with the clinical teams to develop and strengthen the current pathway, with the aim of reducing overall length of stay.

## Decision

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

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

Report No.	Report Title	Presented by:
5.8	UNISON's Ethical Care Charter	Allister Short

## Executive Summary of Report

This report proposed that Midlothian sign-up to UNISON's Ethical Care Charter and work with UNISON to modernise the charter to reflect developments in the integration and coordination of services since 2012 and support strategic workforce planning.

## Summary of discussion

Having heard from the Chief Officer, the Board in discussing the Charter complimented Unison on the work which had gone into its preparation.

## Decision

**The Board:**

- **Supported the recommendation that Midlothian signed up to UNISON's Ethical care charter for the commissioning of homecare services;**
- **Recommend to UNISON that UNISON consider establishing a group to review the existing charter; and**
- **The review group consisting of national representatives from NHS, UNISON, third sector representation, home care providers, carers, cared for and Councils as commissioners of homecare services.**

Report No.	Report Title	Presented by:
5.9	East Lothian and Midlothian Public Protection Committee Annual Report 2016/17	Alison White

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## Executive Summary of Report

The purpose of this report was to present the third annual report of the East Lothian and Midlothian Public Protection Committee (EMPPC) and to provide an opportunity to reflect and take stock of activities and achievements within this complex area of service.

The report highlighted that people did not neatly fit into one category and issues like domestic abuse and substance misuse were common themes with many of the service users with whom they worked. Bringing together the individual partnerships into one Public Protection Committee across two local authorities had streamlined processes considerably and now demonstrated a significant level of trust and integrity for example, senior officers chairing case reviews for the other local authority.

## Summary of discussion

Having heard from the Chief Social Work Officer, the Board discussed the excellent work undertaken by the East Lothian and Midlothian Public Protection Committee.

## Decision

### The Board:

- **Noted the contents of the report; and**
- **Noted the progress made by the East and Midlothian Public Protection Committee during 2016/17.**

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Report No.	Report Title	Presented by:
5.11	MAPPa Annual Report 2016/2017	Alison White

## Executive Summary of Report

The purpose of this report was to bring to the IJB's attention the MAPPa Annual Report for 2016/2017; the final report of the national MAPPa Joint Thematic Review which had been published in November 2015; and the Lothian and Borders response to the areas for development identified in the Joint Thematic Review report. Copies of which were appended to the report.

## Summary of discussion

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

## Decision

### The Board:

- **Noted the content of this report and background papers.**
-

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Report No.	Report Title	Presented by:
5.12	Climate Change Report under the Climate Change (Scotland) Act 2009	Alison White

## Executive Summary of Report

This report summarises the IJB's responsibility to produce a Climate Change Report under the Climate Change (Scotland) Act 2009.

## Summary of discussion

The Board, having heard from the Chief Social Work Officer discussed the Climate Change Report; a copy of which was appended to the report.

## Decision

### The Board:

- **Approved the Midlothian Integration Joint Board Climate Change Report 2016/2017 for submission to Sustainable Scotland Network.**

## 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 11<sup>th</sup> January 2018      2pm    **Midlothian Integration Joint Board**
- Thursday 8<sup>th</sup> February 2018      2pm    Development Workshop

The meeting terminated at 4.17 pm.