

Minute Volume



Outstanding Minutes of Meetings

Further to a Report by the Director, Resources dated 8 March 2017 which was considered and subsequently approved by Midlothian Council on 28 March 2017 to invoke Standing Order 7.13 for the period up to the conclusion of the statutory meeting of the new Council, the undernoted outstanding Minutes are submitted for approval.

Presented to the Meeting
of **Midlothian Council**
on **Tuesday, 23 May 2017**

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Minute of Meeting



Special Meeting of Midlothian Council

Date	Time	Venue
28 March 2017	1pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Provost Wallace	Depute Provost Coventry
Councillor Johnstone – Leader of the Council	Councillor Constable – Depute Leader of the Council
Councillor Baxter	Councillor Beattie
Councillor Bennett	Councillor Bryant
Councillor de Vink	Councillor Imrie
Councillor Milligan	Councillor Montgomery
Councillor Muirhead	Councillor Parry
Councillor Pottinger	Councillor Rosie
Councillor Russell	Councillor Young

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

In attendance:

1. Apologies

1.1 No apologies were received in respect of this meeting.

2. Order of Business

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

3. Declarations of interest

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

4. Minutes of Previous Meetings

4.1 No previous minutes were submitted to this special meeting of Midlothian Council for approval or noting

5. Reports

Report No.	Report Title	Presented by:
5.1	Community Council Boundary Change	Chief Executive

Outline of report and summary of discussion

The Council heard from the Chief Executive who presented a report which outlined the proposed changes to the boundary between Gorebridge and District and Moorfoot Community Councils and further which sought formal approval for the change to be made by Midlothian Council.

Councillor Johnstone was then heard in support of the recommendations in the report which was seconded by Councillor Muirhead.

Following this the Council agreed to accept the recommendations in the report.

Decision

The Council agreed to:

- a) Approve the proposed changes to the Gorebridge and District and Moorfoot Community Council boundaries.

Action

Chief Executive

Minute of Meeting



Midlothian Council

Date	Time	Venue
28 March 2017	2pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Provost Wallace	Depute Provost Coventry
Councillor Johnstone – Leader of the Council	Councillor Constable – Depute Leader of the Council
Councillor Baxter	Councillor Beattie
Councillor Bennett	Councillor Bryant
Councillor de Vink	Councillor Imrie
Councillor Milligan	Councillor Montgomery
Councillor Muirhead	Councillor Parry
Councillor Pottinger	Councillor Rosie
Councillor Russell	Councillor Young

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

Mr V. Bourne	Rev. R. Halley
Mrs M. Harkness	

In attendance:

1. Apologies

- 1.1 It was noted that no apologies had been received.

2. Order of Business

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

The Clerk confirmed that the Provost had agreed to include the follow paper under agenda item 9.1 as urgent business.

3. Declarations of interest

- 3.1 The 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

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

5. Minutes of Previous Meetings

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

The minutes of the meeting of the special meeting of Midlothian Council which took place on 28 February 2017 were submitted for approval. The Council approved the minute as a correct record so moved by Councillor Beattie and seconded by Councillor Johnstone.

- 5.2 The minutes of the meeting of the Petitions Committee which took place on 20 December 2016 were submitted for approval under Standing Order 7.9. The Council approved the minute as a correct record so moved by Councillor Coventry and seconded by Councillor Baxter. An amendment to the minute was proposed by Councillor Imrie that,

A meeting is arranged with the three local Councillors, Lothian Buses and Council Officers in relation to Auchendinny bus services.

The motion was seconded by Councillor Parry and further supported by Councillor Beattie following which the Council agreed to the amendment and the action required.

The minutes of the meeting of the Police and Fire and Rescue Board which took place on 21 February 2017 were submitted for approval under Standing Order 7.9. The Council approved the minute as a correct record so moved by Councillor Parry and seconded by Councillor Baxter

The minutes of the meeting of the Standards Committee which took place on 15 October 2013 were submitted for approval under Standing Order 7.9. The Council approved the minute as a correct record so moved by Councillor Milligan and seconded by Councillor Muirhead.

- 5.3 The following minutes were submitted for noting and consideration of any recommendations:

Meeting	Date of Meeting	Council response
Cabinet	10 January 2017	Noted
Planning Committee	10 January 2017	Noted
General Purposes Committee	15 November 2016	Noted
Appeals Committee	1 June 2016	Noted
Local Review Body	24 January 2017	Noted
Audit Committee	13 December 2016	Noted
Performance Review and Scrutiny Committee	24 January 2017	Noted
Special Performance Review and Scrutiny Committee	21 February 2017	Noted
Police and Fire and Rescue Board	15 November 2016	Noted

- 5.4 The minutes of the Midlothian Integration Joint Board meeting held on 1 December 2016 were presented to the Council for noting and consideration of any recommendations therein. The Council noted the minute.

6. Questions to the Leader of the Council

- 6.1 It was noted that no questions had been submitted to the Leader for consideration.

7. Notices of Motions

Motion No.	Motion Title	Proposed by:	Seconded by:
7.1	Kevoch Choir	Councillor Montgomery	Councillor Bryant

Motion:

Midlothian Council congratulates The Kevoch Choir on their 50th anniversary.

Council thanks choristers, conductor and accompanists past and present for their dedication and commitment , which has ensured the Choir has a reputation for excellence that has led to performances at many high profile events both at home and abroad.

We wish them continued success and best wishes for the future.

Summary of discussion

Councillor Montgomery presented the motion speaking about the history and reputation of the choir.

Further contributions were made by Councillors Bryant, Beattie and Wallace.

Following this the Council heard from Margaret Harkness, who as a member of the Choir expressed thanks to the Council for their good wishes and recognition and further confirmed she would pass on the Council's sentiments to the Choir at the scheduled rehearsal for the same evening.

Decision

The Council agreed to wish the Kevoch Choir continued success and best wishes for the future and congratulates them on the 50th anniversary.

Motion No.	Motion Title	Proposed by:	Seconded by:
7.2	GMB Scotland	Councillor Bennett	Councillor Imrie

Motion:

Midlothian Council agrees to immediately provide full recognition rights to GMB Scotland, thus enabling the Trade Union to represent and negotiate on behalf of its members.

Summary of discussion

The Council heard from Councillor Bennett who presented the motion requesting the Council recognise the GMB Trade Union.

The Council then heard from Councillor Imrie who spoke in support of the motion.

Following this the Council heard from Councillor Johnstone who spoke to correspondence she had received from Unison in relation to the motion which was circulated to Members and further proposed the direct negative of the motion.

Councillor Constable was then heard in support of Councillor Johnstone's motion.

Following further contributions from Councillors Coventry, Bennett, Baxter and de Vink the Council voted on the motion.

Six Councillors voted in favour of Councillor Johnstone's motion and twelve Councillors voted in favour of the Councillor Bennett's motion which consequently became the decision of the Council.

Decision

The Council agreed to immediately provide full recognition rights to GMB Scotland, thus enabling the Trade Union to represent and negotiate on behalf of its members.

Action

Chief Executive

Motion No.	Motion Title	Proposed by:	Seconded by:
7.3	Council Tax	Councillor de Vink	Councillor Milligan

Motion:

As instructed by Scottish Government, this Council has been forced to increase Council Tax for properties within bands E to H significantly, some bands by as much as a 22.5% increase.

The Scottish Government's initial attempts to take this funding to spend on National priorities in areas out-with Midlothian was eventually abandoned after a huge public outcry.

However, Scottish Government Grants to Midlothian Council were subsequently cut by a figure beyond what had been expected, leaving the Council having to raid its limited reserves and cut services to balance the 2017/2018 budget. Midlothian Council is now in a position that may thousands of Council Tax payers will pay considerably more but Midlothian Council will have millions of pounds less and as such must cut services drastically to balance its books next year.

The Council now instructs the Chief Executive to write with immediate effect to all Midlothian households explaining the significant increase in Council Tax has resulted from the direct instruction from the Scottish Government and not from Midlothian Council's own decision makers. He should use the table below to explain the rises:

Table 1: Increase in Council Tax Bands E-H

	Band E	Band F	Band G	Band H
Equivalent No of Dwellings (as at Sept 2016)	4145.3	2927.8	1861.3	158.6
Existing Council Tax	£1,478.89	£1,747.78	£2,016.67	£2,420.00
Increased Council Tax*	£1,585.10	£1,966.25	£2,369.58	£2,964.50
Increase *	£106.21	£218.47	£352.91	£544.50
Percentage Increase*	7.2%	12.5%	17.5%	22.5%

**Note this is before a 3% increase across all bands is applied*

The Council is aware that other local authorities have also written to their customers making the aware of this direct interference by the Scottish Government in Council Tax policies, interference which threatens the independence of Local Government and hence local democracy.

Summary of discussion

The Council heard from Councillor de Vink who presented the motion which was seconded by Councillor Milligan.

Councillor Parry then moved that the information was posted on the Council website rather than residents being written to. Councillor Parry's motion was seconded by Councillor Constable.

Following further contributions from Councillors Constable, Milligan, Coventry and de Vink, Councillor Baxter moved that the information contained within the motion was only written to the residents in Council Tax Bands E to H. However, no Councillor was heard in support of Councillor Baxter's motion and therefore the motion failed.

The Council then voted on the motions. Six Councillors voted in favour of Councillor Parry's motion and eleven Councillors voted in favour of Councillor de Vink's motion which then became the decision of the Council.

Decision

The Council agreed to write to all Midlothian households in relation to the Council Tax increases for 2017/18 as outlined within the motion moved by Councillor de Vink and seconded by Councillor Milligan.

Action

Chief Executive

Motion No.	Motion Title	Proposed by:	Seconded by:
7.4	Local Politics	Councillor Parry	Councillor Baxter

Motion:

Midlothian Council believes that local politics should be available and accessible to all those who wish to participate in it, including candidates in the upcoming elections. Research shows that negative politics create barriers for participation, particularly from women and minority groups.

We therefore pledge that our respective parties will campaign on local issues, relevant to the people of Midlothian; that we will avoid personal attacks on individuals and unilaterally condemn such attacks from wherever they appear; that we will seek to promote our own distinctive messages in a positive way, avoiding negative campaigning. We call on all members of this council and all political parties and independent candidates contesting the local elections in Midlothian to agree and sign up to this pledge.

Summary of discussion

The Council heard from Councillor Parry who presented the motion which was formally seconded by Councillor Baxter.

Councillor Milligan moved no action on the motion which was seconded by Councillor Muirhead.

Following debate with contributions with input from Councillors Young, de Vink and Constable, the Council voted **Page 12 of 120**.

Seven Councillors voted in favour of the motion and eleven Councillors voted against the motion which ultimately became the decision of the Council.

Decision

The Council agreed to take no action in relation to the motion.

Motion No.	Motion Title	Proposed by:	Seconded by:
7.5	Commercial Sexual Exploitation	Councillor Beattie	Councillor Parry

Motion:

Midlothian Council agrees with the Scottish Government's NHS guidelines on Commercial Sexual Exploitation which outlines the harmful effects on prostituted women: that a majority suffer high levels of physical violence, rape and post traumatic stress; that there is a significant effect on mental health; and that there is a significant link with drug abuse. Conference further acknowledges that in countries where prostitution is legalised there is an associated increase in human trafficking, child prostitution and other forms of criminality.

Midlothian Council recognises the successful legislative approach to prostitution pioneered in Sweden over the last sixteen years, also now adopted in Norway, Finland, Iceland and more recently in Canada, Northern Ireland and France, which focuses on reducing demand for commercial sexual exploitation.

Midlothian Council therefore supports the development of a Scottish model of legislation that (1) decriminalises the sale of sex, (2) criminalises the purchase of sex and (3) offers appropriate support for those wishing to exit commercial sexual exploitation.

Midlothian Council further agrees that such actions are in accordance with the Scottish Government's Equally Safe strategy regarding violence against women and in particular that commercial sexual exploitation, including prostitution and human trafficking, is a form of violence against women.

Summary of discussion

The Council heard from Councillor Beattie who presented the motion in and in doing so spoke of concerns to the impact of sexual exploitation on the women who suffer as a result of this.

Councillor Parry was then heard in support of Councillor's Beattie's motion and formally seconded the motion.

Councillor Baxter was then heard confirming the position of the Scottish Green Party in relation to this topic and confirmed that as such he would not support the motion.

Following further discussion, the Council voted in relation to the motion.

Four Councillors voted against the motion and fourteen voted in favour of the motion which then became the decision of the Council.

Decision

The Council agreed to supports the development of a Scottish model of legislation that (1) decriminalises the sale of sex, (2) criminalises the purchase of sex and (3) offers appropriate support for those wishing to exit commercial sexual exploitation.

Midlothian Council further agrees that such actions are in accordance with the Scottish Government's Equally Safe strategy regarding violence against women and in particular that commercial sexual exploitation, including prostitution and human trafficking, is a form of violence against women.

Action

Member Services

Note – The Provost invited Council to take a ten minute recess at this point.

8. Reports

Agenda No.	Report Title	Presented by:
8.1	Outstanding Minutes of Meetings	Director, Resources

Outline of report and summary of discussion

The Council heard from the Director, Resources who presented a paper which invited Council to invoke Standing Order 7.13 in respect of all outstanding Minutes of Meetings which have not to-date been considered and approved by their respective Committees.

Councillor Johnstone was heard in support of the recommendations following which the Council agreed to accept the recommendations contained in the report.

Decision

The Council agreed to:

- (a) Invoke Standing Order 7.13 for the period up to the conclusion of the statutory meeting of the new Council and;
- (b) All outstanding minutes to be submitted for approval to the statutory meeting of the new Council scheduled for Tuesday 23 May 2017.

Action

Director, Resources

Report No.	Report Title	Presented by:
8.2	Service Plans	Chief Executive

Outline of report and summary of discussion

The Council heard from the Chief Executive who presented a report which sought approval for the Council's Service Plans for 2017/18.

Councillor Johnstone was heard in agreement of the approach suggested in the report and following this the Council agreed to the recommendations contained within the report.

Decision

The Council agreed to:

- a) Approve the 2017/18 Service Plans

Action

Chief Executive

Report No.	Report Title	Presented by:
8.3	Scottish Government Regeneration Capital Grant Fund	Director, Resources

Outline of report and summary of discussion

The Council heard from the Director, Resources who presented a report advising the Council of the position with the outcome of the three funding applications submitted to the fourth round of the Scottish Government Regeneration Capital Grant Fund 2016/17.

Councillor Parry requested clarification in relation to the Council motion that was passed in September 2015 in respect of Rosewell to which the Director, Resources confirmed that, as per the motion, the Council has received further reports relating to Rosewell and feasibility options which Officers have prepared.

Councillor de Vink then spoke about the situation at Mayfield Industrial Estate and whether further commercial options could be sought. The Director, Resources confirmed that the funding had been unsuccessful largely due to the fact that matched funding wasn't made available to support the development.

Councillor Imrie then moved an amendment to the recommendations as follows:

(c) Note the unsuccessful funding bid, at stage, for the Regenerating Rosewell Project to the Regeneration Capital Grant Fund and as a result the Council will now implement the motion agreed by Council in 2015 and underwrite the project and further advise Rosewell Development Trust that the Council will underwrite £670,000.

Councillor Imrie then spoke of the work that had already been completed by Rosewell Development Trust in relation to this project coupled with his concerns in relation to accessing funding streams to support the Rosewell project.

Councillor Baxter was then heard in support of Councillor Imrie's comments and further expressed his view in relation to the potential to deploy renewable energy at Mayfield.

In responding to the comments, the Director, Resources reminded Councillors of the obligation to 'follow the public pound'. The Director, Resources also referenced the report stating that at this stage any funding commitments by the Council would be premature without further work and due diligence.

The Head of Finance and Integrated Service Support confirmed that there was no provision within the General Services Capital Plan for this project and therefore a further evaluation of what is currently within the plan would be required with a decision being sought from the new Council in June 2017.

Councillor Milligan raised a query in relation to the fact that the Council had previously agreed to underwrite the project and the Director, Resources cited the subsequent reports that had been brought forward to Council outlining the position.

Councillor Beattie requested further information in relation to the impact to Mayfield Industrial Estate. The Director, Resources confirmed that a further report would be brought to the new Council outlining the proposed strategy for Industrial Estates across Midlothian.

Councillor Russell was heard in relation to the Woodburn Hub project and the need for community facilities in the Woodburn area. The Director, Education, Communities and Economy provided clarification in relation to the support that the Council had provided to this project.

Councillor Parry in adding her support to Councillor Imrie's amendment then proposed additional wording to the recommendations that there should be a letter of support from the Council in support of future funding bids for this project.

Following further debate which included contributions from Councillors Bennett and Coventry the Council agreed to the recommendations as contained in the report as amended.

In conclusion, the Director, Resources drew the Council's attention to the fact that had it not been for the work of the Director and his team the business plan would not have been so well developed notwithstanding the considerable work undertaken from within the community.

Decision

The Council agreed to:

- (a) Note the successful funding bid for Track 2 Train from the Regeneration Capital Grant Fund;
- (b) Note the unsuccessful funding bid for the Mayfield Industrial Estate Repair and Regeneration Project to the Regeneration Capital Grant Fund;
- (c) Note the unsuccessful funding bid, at stage, for the Regenerating Rosewell Project to the Regeneration Capital Grant Fund and as a result the Council will now implement the motion agreed by Council in 2015 and underwrite the project and further advise Rosewell Development Trust that the Council will underwrite £670,000. Coupled with this the Council will provide an official letter of support to the Rosewell Development Trust to support future funding applications;

- (d) Instruct the Director Resources to arrange an urgent meeting with Scottish Government regarding feedback on the Regenerating Rosewell bid;
- (e) Instruct the Director Resources to continue to work with the Rosewell Community Development Trust to explore other funding solutions and options; and
- (f) Instruct the Director Resources to provide an update report to future Council Meetings.

Action
Director, Resources

Report No.	Report Title	Presented by:
8.4	New Build Council Housing – Local Letting Initiative	Head of Housing and Customer Services

Outline of report and summary of discussion
<p>The Council heard from the Head of Housing and Customer Services who presented a report proposing a Local Letting Initiative (LLI) to be used for the allocation of housing in the two phases of new council housing being developed at Stobhill Road, Gorebridge.</p> <p>Councillor Johnstone was heard in support of the additional housing stock and allocations of these.</p> <p>Following this, Councillor Muirhead was further heard in support of the introduction of the Local Letting Initiative and further eluded to the clarification he had received from the Head of Customer and Housing Services in relation to the application of the priorities of letting. Councillor Muirhead then sought clarification in relation to the Local Letting Initiative and matters that cannot be taken into account including ownership of property; how long a household has been resident in Midlothian; and which of the regulations are legislative and which are guidance. The Head of Housing and Customer Services provided clarity in relation to these points.</p> <p>Following further input from Councillors Young, Milligan, Johnstone and Beattie, the Council agreed to accept the recommendations contained within the report.</p>

Decision
<p>The Council agreed to:</p> <ul style="list-style-type: none"> a) Approve a Local Letting Initiative outlined in Section 2.7 of the report for the allocation of housing at Stobhill Road, Gorebridge to ensure the creation of a sustainable, balanced community.

Report No.	Report Title	Presented by:
8.5	Creating a World-Class Education Service: Positive Destination Update	Head of Education

Outline of report and summary of discussion

The Council heard from the Head of Education who presented a report to Council which informed Council that 95.1% of school leavers have now secured a positive destination. This is the highest recorded figure that Midlothian has ever achieved with Midlothian school leaver destinations now 1.8% higher than the national average. The Scottish Government report, *Initial Destinations of Senior Phase School leavers*, published on 7 March 2017 provides information on initial destinations of school leavers and outlines the performance across the 32 local authorities with Midlothian now ranking joint 4th place.

Councillor Constable welcomed the report confirming that this was a good news story for Midlothian and formally moved that the recommendations were accepted by the Council.

Following further contributions from Councillors Bennett, Coventry, Muirhead and the Reverend Ruth Halley, the Council agreed to accept the recommendations.

Decision

The Council agreed to:

- a) Note the progress made in positive destinations;
- b) Congratulate our school leavers on securing an initial positive destination; and
- c) Thank staff, partners and the third sector for their continued hard work and commitment ensuring that young people progress into positive destinations.

Action

Head of Education

9. Exclusion of Members of the Public

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:-

- (a) Head Teacher Appointments for Approval by Midlothian Council – presented by Director, Education, Communities and Economy - Approved

Minute of Meeting



Special Cabinet

Date	Time	Venue
Tuesday 28 February 2017	9.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

Councillor Johnstone (Chair)	Councillor Constable
Councillor Bryant	Councillor Parry
Councillor Rosie	

Religious Representatives:

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In attendance:

Kenneth Lawrie	Chief Executive
Mary Smith	Director Education, Communities and Economy
John Blair	Director Resources
Kevin Anderson	Head Customer and Housing Services
Ian Johnson	Head of Communities and Economy
Grace Vickers	Head of Education
Janet R Ritchie	Democratic Services Officer (Minutes)

1. Apologies

Apologies were received from Mr Vic Bourne and Ruth Halley

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Reports

Report No.	Report Title	Submitted by:
4.1	Midlothian Council Quarter 3 Performance Report 2016/17	Chief Executive
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Midlothian Council was presented by the Chief Executive. The report highlights the delivery of the Council's priorities through the Community Planning Partnership and the Single Midlothian Plan.</p> <p>The Chief Executive highlighted the achievements and challenges within Report and thereafter responded to comments raised by Members which included:</p> <ul style="list-style-type: none"> • The Financial Challenge. • The excellent service provided and how to maintain this throughout Midlothian. • Adopting Best Practice. • Sickness Absence. 		
Decision		
<p>To provide further information on sickness absence.</p> <p>To otherwise note the report.</p>		
Action		
Chief Executive		

Report No.	Report Title	Submitted by:
4.2	Adult Social Care Quarter 3 Performance Report 2016/17	Head of Adult and Social Care
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Adult and Social Care was presented by the Head of Customer and Housing Services highlighting to the Cabinet the progress in the delivery of strategic outcomes and a summary of the emerging challenges as detailed in the Report.</p> <p>Councillor Johnstone requested an update on two of the action points detailed in the report which were listed as off target:</p> <ul style="list-style-type: none"> • Improvements in the numbers and length of wait for occupational therapy and • The increased capacity using social care transformation monies <p>The Head of Customer and Housing Services advised that although he was unable to provide this information during the meeting he assured the Committee that this information would be provided to them.</p>		
Decision		
To note the report.		
Action		
Head of Customer and Housing Services		

Report No.	Report Title	Submitted by:
4.3	Customer and Housing Services Quarter 3 Performance Report 2016/17	Head of Communities and Economy
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Customer and Housing Services was presented by the Head of Customer and Housing Services highlighting to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>Thereafter Members of the Cabinet commented on some of the excellent achievements and challenges within the report. Councillor Constable raised a question with regards to the delay in the completion of the Studio Flats located in Bonnyrigg. The Head of Customer and Housing Services explained the reason for this delay was due to the Utility installation but these Flats were now complete and in the process of being let.</p>		
Decision		
To note the report.		

Report No.	Report Title	Submitted by:
4.4	Children's Services Quarter 3 Performance Report 2016/17	Director of Education, Communities and Economy
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Children's Services was presented by the Director of Education, Communities and Economy highlighting to the Cabinet the progress in the delivery of strategic outcomes and a summary of the emerging challenges as detailed in the Report.</p> <p>Councillor Constable commented on the excellent report and expressed his congratulations on the Policy Development Award for the Framework for Permanence. Various Members commented on the re-opening of Lady Brae residential house and the positive consultation which took place with the neighbours.</p>		
Decision		
To note the report.		

Report No.	Report Title	Submitted by:
4.5	Communities and Economy Quarter 3 Performance Report 2016/17	Head of Communities and Economy
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Communities and Economy was presented by the Head of Communities and Economy highlighting to the Cabinet the progress in the delivery of strategic outcomes and a summary of the emerging challenges as detailed in the Report.</p> <p>The Head of Communities and Economy highlighted to the Cabinet that the Local Development Plan is now at public examination and once the formal process has been completed the plan should be formally adopted by the end of the year.</p> <p>Councillor Bryant commented on the good report in particular the LEADER programme and expressed his congratulations on the Service development improvement.</p> <p>Thereafter the Head of Communities and Economy responded to a question raised by Councillor Bryant regarding the water sampling values going down and confirmed that this was not highlighted as a risk.</p>		
Decision		
To note the report.		

Report No.	Report Title	Submitted by:
4.6	Education Quarter 3 Performance Report 2016/17	Head of Education
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Education was presented by the Head of Education highlighting to the Cabinet the progress in the delivery of strategic outcomes and a summary of the emerging challenges as detailed in the Report.</p> <p>Councillor Constable commented on the positive achievements within the report in particular the conference at Murrayfield Stadium and the 'Uplifting Leadership' programme and expressed his congratulations on the excellent report.</p>		
Decision		
To note the report.		

Report No.	Report Title	Submitted by:
4.7	Commercial Operations Quarter 3 Performance Report 2015/16	Head of Commercial Operations
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Commercial Operations was presented by the Director Resources highlighting to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>Various members commented on the report and some of the excellent positives within the report in particular which included:</p> <ul style="list-style-type: none"> • the good progress in waste management; • the ELBF (East Lothian, Borders and Fife) group; • the decriminalised parking; • the progress with Viridor; • the work at Gore Glen Bing; • the outdoor gym proposal at King George Fifth Park and • Green Santa collection. <p>Councillor Rosie also expressed his congratulations on the Roads Services achievement, UK finalists in the Association of Public Service Excellence (APSE).</p>		
Decision		
To note the Report.		

Report No.	Report Title	Submitted by::
4.8	Finance and Integrated Service Support Quarter 3 Performance Report 2016/17	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Finance and Integrated Service Support was presented by the Director Resources highlighting to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>Councillor Parry pointed out the importance of business transformation and the work carried out by the Business Transformation Steering Group.</p>		
Decision		
To note the Report.		

Report No.	Report Title	Submitted by:
4.9	Property and Facilities Management Quarter 3 Performance Report 2016/17	Head of Property and Facilities Management
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Property and Facilities was presented by the Director Resources highlighting to the Cabinet the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report. In particular the Director commented on the very successful MIDAID project and the advantages of working closely with the Churches.</p> <p>Councillor Rosie commented on the positive achievements within this report and the many good projects within building services.</p>		
Decision		
To note the report.		

5. Private Reports

No private reports were submitted to this meeting.

Meeting terminated at 10.00 am

Minute of Meeting



Cabinet

Date	Time	Venue
28 February 2017	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Johnstone	Councillor Bryant
Councillor Parry	Councillor Constable
Councillor Rosie	

Religious Representatives:

Mrs M Harkness	
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1 Apologies

1.1 Apologies were received from V. Bourne and Rev. R. Halley.

2 Order of Business

The Clerk advised that a substitute paper had been circulated with regard to Item No 5.6 on the Agenda entitled “Complaints about Midlothian Council Services handled by the Scottish Public Services Ombudsman 2015/16” and that an additional Item of business entitled “Carbon Dioxide affecting Residential Properties at Newbyres Avenue, Gorebridge” had also been circulated and would be considered as Item No 6.6 on the Agenda.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of the Meetings of the Cabinet of 10 January 2016 were submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Inspection of Shared Lives Midlothian	Head of Adult Services

Outline of report and summary of discussion

The report outlined the outcome of the inspection as carried out by the Care Inspectorate. Following inspection, Noted below are the evaluations for Shared Lives:

Quality of Care and Support	6 - Excellent
Quality of Staffing	5 – Very Good
Quality of Management and Leadership	Not assessed

The following particular strengths were indicated by the inspection team:

- That the adults on placement were at the heart of the support, with both carers and shared lives workers working together to improve the quality of the person’s life.
- The Support to the carers and adults in placement in clearly based on mutual respect.
- The team were very good in recording detailed person centred information.

The following area for improvement was agreed between Shared Lives and the Care Inspectorate:

- Whilst the overall quality of recording keeping was high there were some gaps identified which will be addressed.

The Head of Housing and Customer Services was heard in amplification of the report.

Decision

(a) To note the content of the inspection report.

(b) To congratulate the carers and staff connected with Shared Live Midlothian on the key strengths and areas for improvement highlighted in the report; and

(c) To pass this report on to the Performance Review and Scrutiny Committee for their information.

Action

Head of Adult Services

Agenda No	Report Title	Presented by:
5.2	Inspection of MELDAP	Head of Adult Services

Outline of report and summary of discussion

The report provided a summary of the Care Inspectorate's Report on the work of MELDAP with regards to the progress made in the implementation of The Quality Principles: Standard Expectations of Care and Support in Drug & Alcohol Services (2014). The final report highlighted a total 28 strengths many of which were considerable. In the key areas of strategic planning and leadership a total of 14 strengths were noted:

- Policy, service development and planning (5 strengths)
- Partnership working and resources (4 strengths)
- Leadership and direction (5 strengths).

The strengths identified included:

- the consistently high level of service performance (98%) against the HEAT standard of three weeks referral to treatment (90% of clients), the use of LEAN methodology and the role of the innovative Gateways to Recovery in increasing access
- the ADP was well governed and had an administrator who communicates and supports all services with their performance outcomes. This role was deemed a crucial success factor in terms of supporting the recording and reporting agendas
- service users were offered high quality evidence based treatment, care and support interventions

- there was strengthening access to harm reduction services, with robust relationships to appropriate MELDAP thematic groups
- services were staffed by workers who had the right attitude and values and worked in a supportive way; the Peer Support Project was discussed in very positive terms
- there was good evidence that the ADP had laid strong foundations in terms of their community work to develop Recovery System of Care (ROSC)
- the ADP had developed robust governance arrangements; it had sound mechanisms in place for reporting progress on its delivery plan through both the Integration Joint Boards and Community Planning Partnerships
- MELDAP demonstrated a robust approach to self-evaluation and had implemented a framework based on the Quality Principles
- there was robust evidence throughout that the ADP was working collaboratively and effectively with stakeholders across all services; staff survey findings highlighted that all staff felt that there was a positive working relationship amongst practitioners across different services
- despite the complex challenges facing the ADP, it had successfully worked in partnership to realign a large proportion of their budget to post treatment and recovery focused services evidencing agility and ability to jointly meet changing priorities
- there was a strong collaboration, transparent and robust governance in place with routine reporting on performance, both internally and externally, to joint accountable bodies
- there was evidence of a high level of innovation and commitment to self-evaluation and ongoing improvement. This culture was being well supported and encouraged by the leaders the inspectorate team met.

A central part of the process was the submission of the MELDAP Position Statement and did it accurately reflect the partnership's performance against the Quality Principles. Of the 27 suggestions for improvement 19 were noted in the MELDAP submission. Nearly all the remaining recommendations were identified through staff surveys or meeting with services users, sources of evidence not readily available to the partnership. A number of the Areas for Improvement were to develop further areas of work already identified by the partnership or currently underway, for example:

- the need to improve accommodation in Midlothian (SMS)
- the growing demand on services of those presenting with complex psychological needs
- the need to continue to focus on areas of activity to reduce stigma for those accessing services for support for their addiction
- more could be done to communicate more effectively with frontline staff and service users and to manage change more effectively
- improve the quality of recovery plans and ensure that clients have a copy
- strengthening the role and understanding of independent advocacy
- there is a need to refresh and implement its revised commissioning plan to align with the IJB strategic plan, joint needs assessment activity and agreed financial plans
- the ADP would benefit from developing joint processes, for example, shared assessments, outcomes tools and recovery plans

The Head of Housing and Customer Services was heard in amplification of the report.

Decision

- (a) To note the content of the Care Inspectorate's report;
- (b) To note the significant strengths included in the report particularly in the areas of *Policy, service development and planning, Partnership working and resources and Leadership and direction*;
- (c) Support the development of a local recovery hub which will enable sustainable delivery of high quality services within Midlothian; and
- (d) To pass the report on to the Performance Review and Scrutiny Committee for their information.

Action

Head of Adult Services.

Agenda No	Report Title	Presented by:																								
5.3	Inspection of St Mary's Primary School and Nursery Class	Director of Education, Communities and Economy																								
<p>The report outlined the outcome of the inspection carried out by HM Inspectorate of Education and the Care Inspectorate which was communicated in their letter dated 21 February 2017. Following inspection, Education Scotland gathered evaluations of the core quality indicators to keep track of how well all Scottish Early, Learning and Childcare settings and schools were doing. Noted below are the evaluations for St Mary's Primary School and Nursery class:</p> <p>Primary Stages</p> <table><tr><td>Leadership of change</td><td>Good</td></tr><tr><td>Learning, Teaching and Assessment</td><td>Good</td></tr><tr><td>Raising attainment and achievement</td><td>Good</td></tr><tr><td>Ensuring wellbeing, equality and inclusion</td><td>Good</td></tr></table> <p>Nursery Stage</p> <table><tr><td>Leadership of change</td><td>Satisfactory</td></tr><tr><td>learning, Teaching and Assessment</td><td>Satisfactory</td></tr><tr><td>Securing children's progress</td><td>Satisfactory</td></tr><tr><td>Ensuring wellbeing, equality and inclusion</td><td>Satisfactory</td></tr></table> <p>Care Inspectorate gradings for the nursery class:</p> <table><tr><td>Quality of care and support</td><td>Good</td></tr><tr><td>Quality of environment</td><td>Good</td></tr><tr><td>Quality of Staffing</td><td>Good</td></tr><tr><td>Quality of management and leadership</td><td>Adequate</td></tr></table>			Leadership of change	Good	Learning, Teaching and Assessment	Good	Raising attainment and achievement	Good	Ensuring wellbeing, equality and inclusion	Good	Leadership of change	Satisfactory	learning, Teaching and Assessment	Satisfactory	Securing children's progress	Satisfactory	Ensuring wellbeing, equality and inclusion	Satisfactory	Quality of care and support	Good	Quality of environment	Good	Quality of Staffing	Good	Quality of management and leadership	Adequate
Leadership of change	Good																									
Learning, Teaching and Assessment	Good																									
Raising attainment and achievement	Good																									
Ensuring wellbeing, equality and inclusion	Good																									
Leadership of change	Satisfactory																									
learning, Teaching and Assessment	Satisfactory																									
Securing children's progress	Satisfactory																									
Ensuring wellbeing, equality and inclusion	Satisfactory																									
Quality of care and support	Good																									
Quality of environment	Good																									
Quality of Staffing	Good																									
Quality of management and leadership	Adequate																									

The following particular strengths were indicated by the inspection team:

- The experienced headteacher who had gained a high level of respect for the school within its community.
- Children who were confident, enjoyed learning and were motivated to do their best.
- All children in the primary stages were involved in committees and have ideas about how to make further improvements to their school. They feel valued and were well cared for by staff. Across the nursery class and primary stages, staff worked well with parents and other professional partners to support children.
- Children were making good progress in literacy and in particular were developing effective talking and listening skills.
- The school provided well-targeted support for children who had additional support needs and strived to ensure they made the best progress possible.

The following areas for improvement were agreed between HMIE, the Nursery and the Education service:

- Further develop the shared leadership of change across the school and in particular of the nursery class.
- Continued to improve consistency in the quality of learning, teaching and the use of assessment.
- Raise attainment and the level of challenge for all children.

In addition, the Care Inspectorate identified one requirement and six recommendations which were detailed within the appendix to the report.

Both the Director, Education, Communities and Economy and Liz Laird, Head Teacher, St Mary's Primary School were heard in amplification of the report.

Decision

(a) To note the content of the report;

(b) To congratulate the pupils, parents and staff connected with St Mary's Primary School on the key strengths highlighted in the report;

(c) To note the areas for further development;

(d) To note that the Care Inspectorate would return within twelve months to inspect the progress the nursery had made; and

(e) To pass the report to the Performance, Review and Scrutiny Committee for its consideration.

Action
Director of Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Inspection of Midlothian Residential Service for Young People	Head of Children's Services
<p>The report outlined the outcome of the unannounced inspection as carried out by the Care Inspectorate in October 2016.</p> <p>Based on the findings of this Inspection the Care Inspectorate awarded the following grades:</p> <ul style="list-style-type: none"> • Quality of care and support Grade 5 – Very Good • Quality of Environment Grade 5 – Not assessed • Quality of Staffing Grade 5 – Not assessed • Quality of Management and Leadership Grade 5 – Very Good <p>The Inspectors reported that the service was operating to a very good standard in relation to all areas that were inspected.</p> <p>The Inspection Team noted the following strengths:</p> <ul style="list-style-type: none"> • At the time of the Inspection it was noted that the majority of the young people had a sense of belonging and all the young people reported that they received nurturing care from staff working in the houses; • Improved safety for some young people, development of independence skills, young people becoming more active and an improvement in relationships with family; • Staff spoke about being consistent in emphasising their relationships with young people as essential in providing, nurture, influencing their behaviours and supporting good outcomes; and • The 'relational' approach to care was seen as a positive way of working across the staff teams as was the commitment to working alongside families. <p>The Inspection Team reported that the authority could do better in the following areas:</p> <ul style="list-style-type: none"> • To maintain positive morale of staff, the need to ensure that transitions and particularly endings were managed sensitively for both staff and the young people; 		

- The service should try and give more consideration to matching young people within the service. Staff reported they did not have a voice in these decisions and we therefore need to consider how we communicate more effectively with staff around these placement decisions; and

The need to consider how to maintain staff within each house, thereby ensuring continuity of care.

The Director, Education, Communities and Economy was heard in amplification of the report.

Decision

(a) To note the content of the report;

(b) Pass the report to the Performance, Review and Scrutiny Committee for information; and

(c) Acknowledge the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with the Midlothian Residential Services for Young People.

Action

Director of Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Inspection of Highbank	Joint Director, Health and Social Care
<p>The report outlined the outcome of the inspection as carried out by the Care Inspectorate.</p> <p>The following particular strengths were indicated by the inspection team:</p> <ul style="list-style-type: none"> • The personal plans that were examined described and treated people respectfully and positively, and unique and personal information was recorded; • Medication was reviewed regularly; • The staff practice that was observed was respectful, warm and positive. We found that staff were encouraged to develop their skills and had access to a variety of training opportunities; • It was noted that regular team meetings and staff forums had occurred. Staff interviewed confirmed they attended and could participate freely and shape the agenda; and 		

- It was also noted that the management team regularly provided supervision.

There were no recommendations or requirements for improvement. The Head of Housing and Customer Services was heard in amplification of the report.

Decision

- (a) To note and endorse the content of the report;
- (b) To acknowledge the contents of the inspection report and the high quality service that Highbank care home provided; and
- (c) Pass the report to the Performance, Review and Scrutiny Committee for information.

Action

Joint Director, Health and Social Care

Agenda No	Report Title	Presented by:
5.6	Complaints about Midlothian Council Services handled by the Scottish Public Services Ombudsman 2015/16	Director Education, Communities and Economy

The report informed Cabinet of the number of complaints submitted to the Scottish Public Services Ombudsman (SPSO) in 2015/16 which related to Midlothian Council services and identified any lessons that could be learned from the outcome of the decisions of the SPSO.

In 2015/16 the SPSO received a total of 20 such complaints (a reduction from 31 in 2014/15), representing 1.2% of all complaints received by the SPSO in that year. The breakdown by individual Council service was:

Subject Group	Number of Complaints
Housing	8
Planning	5
Social Work	2
Building Standards	2
Finance	1
Welfare fund – Community Care Grants	1
Land and Property	1
	20

A full analysis of SPSO complaints relating to Midlothian in 2015/16 was appended to the report. The Director, Education, Communities and Economy was heard in amplification of the report.

Decision

(a) To note the number of complaints about Midlothian Council services submitted to the Scottish Public Services Ombudsman in 2015/16, and the SPSO's decisions on those complaints;

(b) To note the SPSO decision report in relation to the one complaint against Midlothian Council which was partially upheld and the actions taken in respect of this;

(c) To endorse the action to ensure complainants are fully aware of the need to adhere to the Council's complaints handling procedures prior to submitting a complaint to the Scottish Public Services Ombudsman; and

(d) To refer the report to the Performance, Review & Scrutiny Committee for information.

Action

Director of Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Pupil Equity Fund	Head of Education
<p>The report advised that the Pupil Equity Funding was additional funding from the Scottish Government which was to be allocated directly to schools to support targeted interventions designed to close the poverty related attainment gap by interrupting the cycle poverty. The Scottish Government had committed to this funding as part of the Scottish Attainment Challenge programme from 2017-18. The Pupil Equity Funding formed part of the £750m Attainment Scotland Fund.</p> <p>The report advised that the Pupil Equity Fund allocation for Midlothian schools totalled £2,272,800. A copy of the school level allocations for Midlothian was included in appendix to the report. Midlothian Council were delighted that the work of Lawfield Primary School and the Lawfield Community Project had been recognised with Zena Richardson, Head Teacher of Lawfield Primary School, invited to present her work at a number of the national Pupil Equity Fund events.</p> <p>The Head of Education as well as Zena Richardson, Head Teacher, Lawfield Primary School were heard in amplification of the report.</p>		

Decision

(a) To note the Pupil Equity Fund allocation for Midlothian;

(b) To thank the Head Teacher of Lawfield Primary School for her high quality presentations at the national events.

(c) To note that, as stated in the draft national guidance, the Headteacher would be accountable to their local authority for the use of Pupil Equity Funding within their school.

To ensure transparency, schools would be expected to incorporate details of their Pupil Equity Funding plans into existing reporting processes to their Parent Council and Forum, including in their School Improvement Plans and Standards and Quality Reports. These reports should be publicly available so that parents could understand what was happening in their school. The arrangements for publication would be confirmed by their local authority; and

(d) To note that ongoing progress would be reported through the quarterly reporting cycle and the attainment reports which were presented to Council each year in May and December.

Action

Head of Education

Agenda No	Report Title	Presented by:
6.1	Dog Control and Dog Fouling	Head of Communities and Economy
<p>The report provided an update on the enforcement of legislation relating to out of control dogs and dog fouling and to inform Members of the outcome of the review of the current arrangements for dog control.</p> <p>The Control of Dogs (Scotland) Act 2010 (The Act) concentrated on tackling irresponsible dog ownership. The Act came into force in 2010 to complement the dangerous dogs legislation which is enforced by the Police. It focuses on the "deed not the breed" approach and is designed to highlight the responsibilities of dog owners and those in charge of dogs, by identifying out of control dogs at an early juncture and providing measures to change the behaviour of such dogs and their owners, before the dogs become dangerous. The Act states it is an offence to fail to keep a dog under control so as to cause alarm or apprehensiveness to a reasonable person.</p> <p>Dog fouling legislation made it an offence to fail to immediately pick up and correctly dispose of dog fouling in public areas.</p> <p>In addition to these specific matters there is also legislation relating to stray dogs, micro-chipping and animal welfare matters i.e. dog breeding or dog boarding at commercially designed premises and home boarding, on a smaller scale, at residential properties.</p> <p>In reviewing the numbers of staff who could potentially be trained and authorised to issue fixed penalties and undertake the enforcement duties of the Dog Fouling (Scotland) Act it was necessary to identify Services across the Local Authority where their duties place them in locations where dog fouling was known or likely to occur. The two services identified were Waste Management and Land and Countryside Services.</p> <p>In the case of Waste Management Services it was concluded that given the enforcement nature of the role it would not be appropriate for all levels of staff within Waste Management Services to be trained to undertake such a role.</p>		

In addition for those levels of staff where it may be considered appropriate there is potential for a significant detrimental effect on the performance of their primary roles in the delivery of an already tightly scheduled operation.

With regards to Land and Countryside Services a pilot study was conducted for a period of three months to determine the numbers of incidents where employees of the Land and Countryside Service witnessed incidents of dog fouling such that the service of a fixed penalty notice may have been possible. The study took place between April and August 2016 and recorded zero occasions where it was considered that dog fouling had been witnessed by Land and Countryside Services staff such that a fixed penalty could be served.

In terms of the legislation as regards out of control dogs the local authority must appoint at least one “authorised officer” for the purposes of the Act and the Authority must satisfy themselves that such an officer is skilled in the control of dogs and has the capacity to instruct and advise others in matters relating to the control of dogs. In fulfilment of this requirement one of the above listed Environmental Wardens is an authorised officer under this Act.

There was legislation in place providing local authorities with powers to enforce dog fouling and dog control. Data for Midlothian over the past five years shows a declining number of complaints over dog fouling, but a steady rise in reported cases of out of control / dangerous dogs.

On both matters the Council required to reaffirm its commitment to appropriate enforcement measures. Current staffing levels would enable enforcement to continue, with an increased emphasis on dog control, although the existing resource was fully occupied. The Head of Communities and Economy was heard in amplification of the report.

Decision

- (a) To note that the current number of officers authorised to issue fixed penalty notices under the Dog Fouling (Scotland) Act was being maintained;
- (b) To note the continued overall reduction in the numbers of complaints regards dog fouling received by Environmental Health and the increasing numbers of complaints regards out of control dogs;
- (c) To note the outcome of the review to examine the level of resource to provide the service; and
- (d) To refer the report to the Performance, Review and Scrutiny Committee for information.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
6.2	Schemes for Reduction and Remission of Non-Domestic Rates	Head of Communities and Economy

The report advised of new powers granted to local authorities to instigate schemes in their area for the relief of non-domestic rates; and the relevant matters to be considered in contemplating such a scheme.

In contemplating any scheme of non-domestic rates relief there are a number of matters that it would be relevant to consider and assess, such as:-

- Clarity of purpose and clearly defined intended outcomes;
- The actual effectiveness of any such scheme in achieving those outcomes;
- A check on the consistency of approach across the Council area;
- The operational demands of the scheme on the Council;
- Any unintended consequences arising from the scheme which could detrimentally impact on areas or activities outwith the scheme; and
- The likely impact on businesses when the period of the scheme ends and rates are then charged.

A further key consideration was the financial impact on the Council of a scheme. The Explanatory Notes which accompanied the Act stated,

“Section 140(2) amends Schedule 12 of the Local Government Finance Act 1992 (payments to local authorities) to ensure that the arrangements for pooling income from non-domestic rates and funding of rating authorities will accommodate and remain unaffected by the authority’s power to create relief schemes, so that any loss of income from non-domestic rates incurred by the scheme must be funded from the local authority’s wider budget.”

Therefore, in drawing up a scheme, the Council would need to quantify the direct costs to the Council of meeting the non-domestic rates charges for the exempted premises. It would also need to consider whether incurring those costs was not only acceptable in budgetary terms, but that it was demonstrably effective in enabling the overall economic development outcomes of the scheme to be achieved. The Head of Communities and Economy was heard in amplification of the report.

Decision

(a) To note the relevant provisions of the Community Empowerment (Scotland) Act 2015 which granted powers to local authorities to introduce schemes for the reduction and remission of non-domestic rates within all or parts of their administrative area;

- (b) To note the matters to be considered in preparing any such scheme; and
- (c) To note that whilst no scheme was currently proposed, the matter would be regularly reviewed by Council officers, with any scheme proposals submitted to Cabinet for consideration.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
6.3	Fireworks Enforcement 2016 – Storage and Test Purchasing	Head of Communities and Economy

The report provided an update on the enforcement of legislation relating to fireworks storage and test purchasing for under-age sales.

The report advised that the number of retailers selling fireworks in Midlothian had reduced over the years. By the end of October 2016 there were 9 retailers licensed to store fireworks. In contrast, there were 22 premises on the list in 2011 and in 2008 there were 30 premises.

In October 2016, the 9 premises storing fireworks for retail sale were inspected jointly by a Trading Standards officer and an officer from the Scottish Fire and Rescue Service. Only minor non-compliances were discovered at 3 of the premises, mainly relating to the official warning notice not to sell to under 18s. No serious issues relating to the safety of the storage were found. Relevant advice was given and where required, new warning notices provided.

A 16 year old female volunteer was recruited and trained to assist officers in conducting test purchases. Six premises were selected for visiting and the test purchasing was scheduled for 29th October 2016.

On the day, our volunteer attempted to purchase fireworks at three shops, none of which sold to her, asking her the correct questions, i.e. do you have any identity, how old are you etc. The fourth retailer however did unfortunately sell fireworks to our volunteer. Enforcement action has been taken and the seller is being reported to the Procurator Fiscal.

On completion of the test purchasing exercise, the volunteer was presented with a certificate and some vouchers, to thank her for assisting us in our duties. The Head of Communities and Economy was heard in amplification of the report.

Decision

To note the work of Trading Standards in relation to the enforcement of fireworks legislation.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
6.4	Tobacco Test Purchasing	Head of Communities and Economy
<p>The report provided an update on the enforcement of legislation relating to Tobacco test purchasing for under-age sales.</p> <p>Midlothian Trading Standards has conducted tobacco test purchasing exercises since 2005. As resources have been limited however, it has not been possible to organise test purchasing in each year since then. Prior to the most recent exercise (November 2016), the last programme of test purchasing was in 2014.</p> <p>On that occasion and to gauge compliance with the law in Midlothian, as best possible, 'informal' test purchasing was conducted (see below for explanations). An officer accompanied a 16 year old volunteer to 58 shops. There were six sales, a failure rate of 10%.</p> <p>Trading Standards officers were in the process of organising formal test purchasing for Autumn/Winter 2016, when a letter from Professor McCallum, Director of Public Health and Health Policy, Lothian NHS Board was sent to all Lothian local authorities' Chief Executives, including Kenneth Lawrie. This letter which was appended to the report highlighted that although there had been a decline in recent years in the number of young people (aged between 13 and 15) in the Lothians, claiming to be regular smokers, there was still a high proportion of those young people reporting that they could buy cigarettes in shops. Professor McCallum asked for Midlothian's plans for test purchasing. As Midlothian Trading Standards was now in partnership with East Lothian Trading Standards, a letter of reply which was also appended to the report was sent jointly under the names of both authorities' Chief Executives.</p> <p>A 16 year old female volunteer was recruited and trained to assist officers in conducting test purchases. Twenty retail premises were selected for visiting and formal test purchasing was carried out on three dates during November 2016.</p> <p>Ultimately, of the twenty premises initially identified for visiting, twelve were visited. This was because four shops sold cigarettes to our volunteer. This resulted in time spent cautioning the sellers and taking witness statements, prior to deciding formal enforcement action. Legislation now allows for fixed penalty notices (FPNs) to be issued and as such, six FPNs were issued (four to the actual sellers and in addition two to shop proprietors). All of the FPNs were paid. It should be noted that if penalties were not paid, reports could be presented to the Procurator Fiscal.</p> <p>The ramifications for shop staff can be very serious. As a consequence of selling to an underage person, retailers generally take internal disciplinary action against the actual seller, according to their company's policies and on occasion that disciplinary action can mean staff were dismissed.</p> <p>Four sales of cigarettes out of twelve test purchase attempts at a failure rate of 33%, was most disappointing. On completion of the test purchasing exercise, our volunteer was presented with a certificate and some vouchers, to thank her. The Head of Communities and Economy was heard in amplification of the report.</p>		

Decision

(a) To note the work of Trading Standards in relation to the enforcement of tobacco legislation, and

(b) To note that the Trading Standards section would continue with its tobacco test purchasing, resources permitting.

Action**Head of Communities and Economy**

Agenda No	Report Title	Presented by:
6.5	Council House Building Programme Phases 2 and 3 Progress Update February 2017	Director, Resources
<p>The report provided an update with progress being made on the Council House Building Programme.</p> <p>The report advised that the first phase provided 864 additional homes within the Midlothian area over a period of 7 years with a total budget of £108,700,000 and was now completed.</p> <p>Phase 2 was providing a further 412 additional homes within the Midlothian area with a total budget of £63,663,000 funded from the Housing Revenue Capital Account and Scottish Government grant funding.</p> <p>There remained approximately 70 homes yet to reach the target of 412 in addition to the 75 homes committed for replacement at Newbyres Crescent/Gore Avenue. The Phase 2 Contractor Framework allowed for an extension of one year beyond the expiry date of 31 July 2017.</p> <p>All the available sites previously approved for Phase 2 had now been developed and further sites had since been identified, including those proposed for the Social Housing Programme Phase 3 new build.</p> <p>The report also advised that at the Council meeting of 15 December 2015 it was agreed a Phase 3 social housing programme would follow on from Phase 2.</p> <p>The sites comprising Phase 3 were approved by Council in September 2016 and would comprise up to 240 homes to be constructed from a budget of £36 million funded by the Housing Revenue Capital Account and Scottish Government Affordable housing subsidy allocation</p> <p>Phase 3 would develop the immediately available sites following on from Phase 2 in addition to further sites that had since been identified as becoming available over the next few years. The Director, Resources was heard in amplification of the report.</p>		

Decision

To note the progress made on Phases 1, 2 and 3 of the Council House Building Programme.

Action

Director, Resources

Agenda No	Report Title	Presented by:
6.6	Carbon Dioxide affecting Residential Properties at Newbyres Avenue, Gorebridge	Chief Executive
<p>The report provided an update with regard to the ongoing investigation into recent carbon dioxide gas emissions affecting residential properties in an area of Newbyres Avenue, Gorebridge.</p> <p>In September 2016, following representation from occupiers of two properties, that formed part of a terrace of four houses within the development, the Council commenced an investigation and identified the presence of elevated levels of carbon dioxide in enclosed areas of some houses. The areas particularly affected were the service entry points for utilities, including electricity, gas and water.</p> <p>NHS Lothian were informed and an Incident Management Team (IMT) was convened, chaired by a Consultant in Public Health Medicine, at NHS Lothian. This Team included representatives from a number of organisations including NHS Lothian, Midlothian Council, Health Protection Scotland and Scottish Environment Protection Agency (SEPA), with other relevant agencies and organisations such as Melville Housing and The Coal Authority invited to attend as necessary. The IMT continued to actively investigate the situation. The Director, Resources was heard in amplification of the report.</p>		

Decision

- (a) To note the current situation in relation to a carbon dioxide incident at Newbyres Avenue Gorebridge;
- (b) To note the ongoing actions being taken by the Incident Management Team, the Newbyres Care for People Group, and other actions being taken by the Council to investigate, monitor and address matters; and
- (c) To instruct the Chief Executive to report further to Cabinet on this matter, as necessary.

Action

Director, Resources

Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Cabinet agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 3, 6, 8 and 9 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

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

The meeting terminated at 11.10am.

Minute of Meeting



Special Meeting of Cabinet

Date	Time	Venue
Tuesday 14 March 2017	2.00 pm	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

Councillor Johnstone (Chair)	Councillor Constable
Councillor Bryant	Councillor Rosie

In attendance:

John Blair	Director, Resources
Allister Short	Head of Primary Care and Older People's Services
Janet R. Ritchie	Democratic Services Officer

1. Apology

An apology for absence was received from Councillor Parry.

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Reports

Report No.	Report Title	Submitted by:
4.1	Newbyres Village Care Home, Gorebridge – Report by Joint Director, Health and Social Care	Allister Short, Head of Primary Care and Older People's Services
Outline of report and summary of discussion		
<p>Allister Short spoke to the terms of the Report which summarised the terms of a Report compiled by the Care Inspectorate following an unannounced follow-up inspection to the Care Home on 24 January 2017. He advised that following the previous inspection, the Service had undergone a restructuring which included a review of staff roles and incorporating registered nurses within the establishment. He advised that the 4 areas reviewed by the Care Inspectorate, namely (1) Quality of Care and Support; (2) Quality of Environment; (3) Quality of Staffing and (4) Quality of Management and Leadership had received Grade 4 - Good ratings.</p> <p>He addressed the improvements noted within the report and the 3 requirements which have not been met. He advised that an Action Plan was now in place to address the unmet requirements.</p> <p>Thereafter, the Chair advised that having visited the establishment she very much appreciated the work undertaken by staff to achieve the improved ratings. Councillor Constable requested that the staff be congratulated for their efforts.</p>		
Decision		
<p>Thereafter, Cabinet:-</p> <p>(a) noted the content of the Report and Inspection Report;</p> <p>(b) requested that the staff at Newbyres be congratulated and thanked for their hard work and;</p> <p>(c) requested that the Inspection Report be forwarded to the Performance, Review and Scrutiny Committee for consideration.</p>		
Action		
Head of Primary Care and Older People's Services		

Meeting terminated at 2.10 pm

Minute of Meeting



Planning Committee

Date	Time	Venue
28 February 2017	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Bryant (Chair)	Councillor Baxter
Councillor Beattie	Councillor Bennett
Councillor Constable	Councillor de Vink
Councillor Imrie	Councillor Johnstone
Councillor Milligan	Councillor Montgomery
Councillor Muirhead	Councillor Pottinger
Councillor Rosie	Councillor Russell
Councillor Wallace	Councillor Young

1. Apologies

Apologies received from Councillors Coventry and Parry.

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

The Minutes of Meeting of 10 January 2017 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	'Places, People and Planning' The Scottish Government's White Paper on Reforms to the Planning System – Proposed Response	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.2 of the Minutes of 10 January 2017, there was submitted report, dated 21 February 2017, by the Head of Communities and Economy, providing an update on the Scottish Government's White Paper on reforms to the Planning System and seeking approval to make a submission to the Scottish Government.

The report summarised the main changes proposed to the Planning System, together with setting out a draft response to the 38 questions contained in the White Paper.

Summary of Discussion

The Committee, having heard from the Planning Manager, acknowledged the excellent work that had gone into preparing the draft response.

Decision

After further discussion, the Committee:-

- (a) noted the contents of the report; and
- (b) agreed to submit the response to the White Paper questions as set out in the report

Action

Head of Communities and Economy

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

Executive Summary of Report

There was submitted report, dated 14 February 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.

Summary of Discussion

The Committee, heard from the Planning Manager who, in responding to Members' questions, gave updates on the progress of the applications for proposed developments at land north of Oak Place, Mayfield and land at Newton Farm and Wellington Farm, Millerhill. He also confirmed withdrawal of the Aldi application by the applicants for 'business reasons'

Decision

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

Action

Head of Communities and Economy

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

Executive Summary of Report

There was submitted report, dated 14 February 2017, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in January 2017, and advising of the outcome of an appeal determined by Scottish Ministers.

Appended to the report was a copy of the appeal decision notice from the Scottish Government, Planning and Environmental Appeals Division, dated 21 December 2016, dismissing an appeal by Taylor Wimpey UK Ltd seeking the discharge of clause 8 planning obligation within a legal agreement (associated with planning permissions 14/00263/PPP and 14/00264/PPP) at sites I and H, land at Hopefield Farm, Bonnyrigg and refusing to discharge the planning obligation.

Summary of Discussion

The Committee, having heard from the Planning Manager, welcomed the Reporter's decision.

Decision

- (a) To note the decisions made by the Local Review Body at its meetings on 24 January 2017; and
- (b) To note the outcome of the appeal determined by Scottish Ministers

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission (16/00855/DPP) for the Erection of 28 Dwellinghouses, Formation of Access Road and Associated Works at Land East of Dalhousie Dairy, Bonnyrigg	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.7 of the Minutes of 19 April 2016, there was submitted report, dated 14 February 2017, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

Having heard from the Planning Manager, the Committee in discussing the application were encouraged by the responsive approach taken by the applicants with regards the proposed access arrangements. The Committee determined that the status of the emerging Midlothian Local Development Plan and other material considerations provided justification to support the application. However it was felt that it would be beneficial if a number of further suggestion be explored with the applicants, these included: a suggestion that consideration be given to better transport links for cyclists and pedestrians; broadband provision and the possible provision of a roundabout at the main access point onto the B6392. The provision of a letter of comfort regards potential mine workings, together with the need to address the impact on health and care services were also discussed.

Whilst it was acknowledged that some of these points were already covered in the proposed conditions, the Planning Manager agreed to raise the issue of the access arrangements/roundabout with the developer and report back directly to the local Bonnyrigg ward Members. The desired widening of the existing footpath from the south to Baird's Way to a 3 metre wide cycle/pedestrian ling and broadband provision could be secured by the approved conditions.

Decision

Thereafter, the Committee agreed that subject to clarification on the points of issue raised by Members, that planning permission be granted for the following reason:

Although the site is not allocated for housing in the adopted local plan there are material considerations which outweigh a presumption against the development, including the site's allocation for housing in the Proposed Midlothian Local Development Plan, the delivery of housing to help meet Midlothian's housing requirements and to safeguard construction jobs of a local employer. The proposed detailed scheme of development is of good design in terms of its layout, form and landscaping and meets the requirements of detailed policies in the Midlothian Local Plan and the Proposed Midlothian Local Development Plan.

subject to:

- (a) the prior signing of a legal agreement to secure the provision of affordable housing, and contributions towards: education provision; off site children's play provision; open space maintenance; Borders Rail; and, A7 Urbanisation improvements; and

- (b) the following conditions:-

1. The masterplan submitted with the application is not approved.

Reason: *The masterplan submitted with the application relates to the whole of site Hs10 which is the subject to an undetermined application for planning permission in principle ref. 16/00712/PPP.*

2. Notwithstanding that delineated on docketed drawing titled: 'Site Layout', construction of the house on each of plots 16, 17, 18 & 28 shall not commence unless and until detailed planning permission for a road crossing over the Pittendreich Burn connecting the application site with the northern part of site Hs10 has been granted by the planning authority and that crossing has been constructed in its entirety and is made available for use in accordance with the details so approved.

Reason: *The crossing over the Pittendreich Burn Corridor; which the Masterplan submitted with the current application identifies as being the principal access to the northern part of site Hs10 is not part of this current detailed planning application. The formation of the crossing over the burn corridor will require engineering works including cutting, filling and embankment formation. The proposed houses on plots 16, 17, 18 and 28 could not be constructed until after the proposed road crossing has been completed owing to the proximity of them to/part of them being*

built on the cutting/filling/embankments. If these four houses were built in advance of the road crossing being constructed then they could impede the future formation of the crossing.

3. Notwithstanding that delineated on docketed drawings the position on the plot, and the height and form of the house on plots 16, 17, 18 and 28 is not approved. A scale plan delineating finished ground levels of those plots and the finished floor levels of the houses on those plots; all in relation to a fixed datum, and revised floor plans and elevation drawings of the house types for these plots shall be submitted to and approved in advance in writing by the Planning Authority.

Reason: *The houses on plots 16, 17, 18 and 28 would be built on embankments of the crossing over the Pittendreich burn. Full details of the design of the road crossing including levels of the embankments have not yet been approved by the Council. The levels of the houses relative to the levels of the embankments require careful consideration by the Planning Authority to ensure that the houses are acceptably fitted into the landscape.*

4. Development shall not begin until a phasing plan 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 and landscaping in communal areas, SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing plan 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.*

5. 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 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 drainage details, watercourse diversions, flood prevention measures 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); and
- x details of existing and proposed services; water, gas, electric and telephone.

6. 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). The scheme shall include the following; inter alia: (i) the planting of the woodland buffer long the eastern edge of the site in phase 1 of the development; (ii) the planting of the landscaping in the open spaces prior to the houses/buildings on adjoining plots being occupied; and, (iii) the landscaping of the area adjacent to plots 8 and 9 (which is constrained by the existing sewer) in a manner to deter its use as a play area and to deter loitering.

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 in the adopted Midlothian Local Plan and the Proposed Midlothian Local Development Plan and national planning guidance and advice.*

7. Development shall not begin until details of the following has been submitted to and approved in writing by the planning authority:
- i. the proposed upgrading of the existing vehicle access from the B6392, including details of associated localised road widening of the B6392 to form a dedicated right turn lane into the site entrance and the formation of a pedestrian crossing island on the access road ;
 - ii. the upgrading of the current public transport infrastructure at the existing bus stops adjacent to the site entrance on the B6392 including the introduction of a signal controlled pedestrian crossing point linking the two bus stops, the relocation of stops to accommodate the crossing and the provision of a new bus shelter at the eastbound bus stop;
 - iii. except for over the short bridge section on the approach to the A7, the increasing in width to a minimum of 2.5m of the existing section of 2m wide public footway leading from the site entrance to the A7.
 - iv. proposed cycle and pedestrian accesses;

- v. existing and finished ground levels for all roads, visitor car parking, pedestrian and cycle ways in relation to a fixed datum;
- vi. proposed visibility splays, traffic calming measures, street lighting and signage;
- vii. measures to close-off the vehicle/pedestrian access to the proposed burn crossing to be put in place until the burn crossing is completed and the development on the northern part of burn is ready to commence; and,
- viii. a programme for completion for the construction of access, roads, footpaths and cycle paths.

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 future occupants of the houses have safe and convenient access to and from the site.*

8. Prior to the first occupation of any of the house on plots 6, 7, 8, 11, 12, 13 the following shall be carried out in its entirety:
 - i. The central open space located to the immediate east of plot 23 shall be formed and made available for use; and,
 - ii. A 1 metre high metal railing incorporating a gate shall be erected along the roadside (north and east) boundaries of the central open space in accordance with details to be approved in advance by the Planning Authority.

Once formed the open space shall thereafter be retained as a communal open space unless otherwise approved by the Planning Authority.

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

9. The external finishing materials and finishes specified for the buildings and hard surfaces are not approved. Notwithstanding the material specified on drawings docketed to this planning permission, 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. Notwithstanding that specified on application drawings an enhanced quality of materials; including natural slate for roofs, wet dash render, good quality natural or reconstituted stone which replicates as closely as possible natural stone and coloured masonry mortar which replicates as closely as possible the colour of the masonry, shall be used in the Area of Improved Quality which shall include plots 16-18 and 24-28 inclusive. 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 in the adopted Midlothian Local Plan and the Proposed Midlothian Local Development Plan and national planning guidance and advice.*

10. 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.*

11. 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.*

12. Prior to works commencing on site a report on an assessment of the likely effects of road traffic noise on the amenity of the future occupants of the houses shall be undertaken by an acoustic specialist to identify 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.

The night time sleep disturbance criteria shall be that contained in the WHO Night Noise Guidelines for Europe, LAmax of 42 dB(A).

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

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

13. No house 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.*

14. Development shall not begin until a programme of archaeological works (Evaluation) has been submitted to and approved in writing in by the planning authority. The approved programme of works shall comprise a field evaluation by trial trenching reported upon initially through a Date 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 buried archaeological material in accordance with policies in the adopted Midlothian Local Plan and the Proposed Midlothian Local Development Plan.*

15. The recommendations made within Section 8.0 of the Dalhousie Mains Ecological Assessment report dated October 2016 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.*

16. Prior to works commencing on plots 9-18 and plot 28 a report on a walkabout survey to identify otter holts or lying up places on the part of the Pittendreich burn and burn corridor which lie within site Hs10 and is located to the immediate north of the application site shall be submitted to and approved in writing by the planning authority. Any recommended measures to mitigate the impact of the development on otters shall be carried in full.

Reason: *In the interests of safeguarding otters, a European protected species.*

17. 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.*

18. Prior to the commencement of development, the scope of and a subsequent report on a feasibility study of the operation of a community heating scheme for the development hereby approved as part of the wider HS10 site and; if practicable, other neighbouring developments/sites, in accordance with MLDP Policy NRG6, shall be submitted for the prior written approval of the planning authority.
19. No dwellinghouses on the site shall be occupied until a community heating scheme for the site and the wider HS10 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 18 and 19: *To ensure the provision of a community heating system for the site which is a part of the wider Hs10 development site, to accord with the requirements of MLDP Policy NRG6 and in order to promote sustainable development.*

20. 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.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission (16/00770/DPP) for Erection of Studio Building at 2 Viewbank Road, Bonnyrigg.	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 14 February 2017, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

Having heard from the Planning Manager, the Committee discussed the potential impact that the proposed studio building would have on the neighbouring properties. Whilst it was acknowledged that the applicants had offered reassurances that it would not be used for commercial purposes, some concerns remained regarding the height and size of the proposed building.

Thereafter, Councillor Milligan, seconded by Councillor Pottinger, moved that the applicant be advised that the Committee was minded to grant planning permission subject to a reduction in the overall height of the proposed studio building so that it was more in keeping with the existing garage, which was to be demolished.

As an amendment, Councillor Johnstone, seconded by Councillor Beattie, moved that planning permission be granted for the reasons, and subject to the conditions, detailed in the report.

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

Decision

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

The proposed building by means of its form, scale and design is compatible to the host building and the street scene and accords with the aims of Midlothian Local Plan policies RP20 and DP6.

subject to the following conditions:

1. Planning permission is hereby granted for the studio building only and not for any other outbuildings at the site.

Reason: *For the avoidance of doubt as the submitted plans refer to an outhouse being demolished however no elevations of a replacement building have been submitted.*

2. An amended copy of drawing no. 16/10/Design 003 with the elevations and floor plan drawn accurately to scale and the orientation of the elevations annotated correctly shall be submitted to the Planning Authority. The drawings shall show the height of the cupola not exceeding 3.55m and the height of the roof of the studio building not exceeding 3.2m as measured externally from ground level. No work shall start on the studio building until the amended drawing has been approved in writing by the Planning Authority.

Reason: *The plan is not to scale: for the avoidance of doubt as to what is approved.*

3. The colour of the render on the studio outbuilding shall match the colour of the render on the house at the application site.
4. Details of the material and colour finish of the frames of the windows and patio doors on the studio building shall be submitted to the Planning Authority and the patio doors and windows shall not be installed until these details have been approved in writing by the Planning Authority.

Reason for conditions 3 and 4: *To safeguard the character of the existing building at the application site and the visual quality of the area.*

Action
Head of Communities and Economy

The meeting terminated at 3.01pm.

Minute of Meeting



General Purposes Committee

Date	Time	Venue
31 January 2017	10 am	Council Chamber

Present:

Councillor Andrew Coventry (Chair)	Councillor Baxter
Councillor Bennett	Councillor Bryant
Councillor Constable	Councillor de Vink
Councillor Imrie	Councillor Johnstone
Councillor Muirhead	Councillor Pottinger
Councillor Rosie	Councillor Young
Councillor Wallace	

In attendance:

Alan Turpie	Legal Services Manager
Verona MacDonald	Democratic Services Team Leader
Inspector Andrew Toombs	Police, Scotland
Constable Jim Leslie	Police, Scotland
Steven Thomson	Trading Standards Manager, Midlothian and East Lothian Councils

1. Apologies

1.1 There were no apologies for absence intimated.

2. Order of Business

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

3. Declarations of interest

There were no Declarations of Interest intimated.

4. Minutes of Previous Meetings

4.1 On the Motion of Councillor Rosie, seconded by Councillor Constable, the Minutes of Meeting of 15 November 2016 were approved as a correct record.

5. Public Reports

Report No.	Report Title	Presented by:
5.1	Civic Government (Scotland) Act 1982 – Procedure for Disposal of Applications for Licences – Report by Director, Resources	Alan Turpie
Outline of report and summary of discussion		
Alan Turpie spoke to the terms of the Report which outlined the procedure to be followed by the Committee when considering applications for licences.		
Decision		
The Committee noted the terms of the Report.		

Exclusion of Members of the Public

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

6.1 Application for a Second Hand Car Dealers Licence – Z. Gilani

The Meeting terminated at 10.55 am

Minute of Meeting



General Purposes Committee

Date	Time	Venue
28 March 2017	11 am	Council Chamber

Present:

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

In attendance:

Alan Turpie	Legal Services Manager
Verona MacDonald	Democratic Services Team Leader
Inspector Frank Smith	Police, Scotland

1. Apologies

- 1.1 Apologies for absence were intimated on behalf of Councillors Bennett, de Vink, Milligan and Montgomery.

2. Order of Business

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

3. Declarations of interest

There were no Declarations of Interest intimated.

4. Minutes of Previous Meetings

- 4.1 On the Motion of Councillor Constable, seconded by Councillor Muirhead, the Minute of Meeting of 15 November 2016 (Public) and on the Motion of Councillor Johnstone, seconded by Councillor Young, the Minute of Meeting of 15 November 2016 (Private), were approved as a correct record.

5. Public Reports

Report No.	Report Title	Presented by:
5.1	Civic Government (Scotland) Act 1982 – Procedure for Disposal of Applications for Licences – Report by Director, Resources	Alan Turpie
Outline of report and summary of discussion		
Alan Turpie spoke to the terms of the Report which outlined the procedure to be followed by the Committee when considering applications for licences.		
Decision		
The Committee noted the terms of the Report.		

Exclusion of Members of the Public

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

- 6.1 Application for a Private Hire Car Driver's Licence – G. Collins

The Meeting terminated at 11.10 am

Minute of Meeting



Appeals Committee

Date	Time	Venue
Thursday 9 March 2017	9.00 am	Committee Room, Midlothian House, Dalkeith, EH22 1DN

Present:

Councillor Constable (Chair)	Councillor Rosie
Councillor Russell	Councillor Wallace
Councillor Muirhead	Councillor Johnstone

1. Apologies

Apologies were received from Councillors Bennett, Coventry and Milligan.

2. Order of Business

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

3. Declarations of interest

There were no declarations of interest submitted.

4. Minutes of Previous Meetings

The minutes of the meeting of 1 June 2016 were submitted and approved as a correct record.

5. Private Reports

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

Appeal Against Dismissal
Employee in Education, Communities and Economy Division – Dealt with in accordance with the remit of the Appeals Committee.

The meeting terminated at 12.55pm.

Minute of Meeting



Local Review Body

Date	Time	Venue
7 March 2017	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

1 Apologies

Apologies received from Councillors Imrie and Milligan.

2 Order of Business

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

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 24 January 2017 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 66 Newbattle Abbey Crescent, Dalkeith [16/00508/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 24 January 2017, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mrs L Seath, 66 Newbattle Abbey Crescent, Dalkeith seeking a review of the decision of the Planning Authority to refuse planning permission (16/00508/DPP, refused on 4 October 2016) for the Erection of Store Building and Fence at that address and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following item of business, only those LRB Members who had attended the site visits on 19 October 2015 and had been present at the subsequent LRB meetings on 20 October 2015 and 24 January 2017 participated in the review process, namely Councillors Bryant, Baxter, Bennett, Constable and de Vink.

Councillors Beattie, Montgomery and Rosie whilst present during the debate had been unable to attend the site visit/meeting on 19/20 October 2015 and/or the meeting on 24 January 2017 and accordingly did not actively participate in the proceedings.

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

Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 24 January 2017, there was re-submitted report, dated 10 January 2017, by the Head of Communities and Economy providing an update on efforts to progress the legal agreement required as part of the decision to uphold a review request from RFA Ltd, 3 Walker Street, Edinburgh, seeking on behalf of their client Mr A McCulloch, a review of the decision of the Planning Authority to refuse planning permission in principle (15/00335/PPP, refused on 30 June 2015) for the erection of 10 dwellinghouses, formation of access and associated works at the Former Arniston Gas Works, Gorebridge.

The Planning Adviser reminded Members that at the January meeting it had been agreed that the Chair should write, on behalf of the LRB, to remind the applicants of the need to conclude the required legal agreement without further delay, and that the Review Request, together with the applicants response be considered further at this meeting of the Local Review Body, with a view to a decision being taken on how best to progress matters. He then went on to explain that in trying to progress the legal agreement, questions regarding ownership of the site had arisen that might ultimately invalidate the original planning application.

Decision

The Committee, having considered the update from Planning Adviser, noted the current position.

Action

Head of Communities and Economy

Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visits on Monday 6 March 2017 participated in the review process, namely Councillors Bryant (Chair), Baxter, Beattie, Bennett, Constable, de Vink and Montgomery.

Sederunt

Councillor Rosie, who had been unable to attend the site visits, withdrew from the meeting at this stage at 2.10pm.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – (a) Airybank House, Cousland Kilns Road, Cousland [15.00952.DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 February 2017, by the Head of Communities and Economy regarding an application from Andrew Bennie Planning Ltd, 3 Abbots Court, Dullatur seeking on behalf of their client Onyx Homes, a review of the decision of the Planning Authority to refuse planning permission (15.00952.DPP, refused on 7 November 2016) for the Erection of Eight Dwellinghouses at Airybank House, Cousland Kilns Road, Cousland.

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

The Local Review Body had made an unaccompanied visit to the site on Monday 6 March 2017.

Summary of Discussion

Having heard from the Planning Adviser, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the likely impact of the proposed development on the local community and the surrounding area, and on the character and appearance of the local landscape. The LRB also acknowledged the current policy position and discussed the considerable weight of public opposition to the proposed scheme

After discussion, Councillor Beattie, seconded by Councillor Constable, moved that the review request be dismissed and planning permission refused for the reasons outlined in the planning officers' decision.

As an amendment, Councillor Montgomery, seconded by Councillor Bennett, moved that the review request be upheld and planning permission granted subject to the conditions contained in the report and appropriate developer contributions.

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

Decision

To dismiss the review request, and refuse planning permission for the following reasons:

1. *The proposed development, on account of its scale, massing, form and design, is significantly out of character with the edge-of village setting and surrounding area and will have a materially detrimental impact on the character and appearance of the area. As a result of the proposed development being incompatible with the surrounding area it is contrary to policies RP20 and HOUS3 of the adopted Midlothian Local Plan.*
2. *The proposed development, on account of its massing, form, impact on existing trees and lack of additional planting, will have a significant adverse impact on the character and appearance of the local landscape and this edge-of-village site which is contrary to policies RP5, RP7, RP20 and HOUS3 of the adopted Midlothian Local Plan.*
3. *On account of the scale and layout of the proposed development the proposal represents a low quality and unimaginative urban design solution, significantly at odds with the overriding character of this semi-rural edge-of-village location, which is contrary to the aims and objectives of the Scottish Government's 'Designing Streets' and 'Creating Places' policy documents and policies RP7 and RP20 of the adopted Midlothian Local Plan.*
4. *The proposed development would result in overlooking, and loss of amenity, to the private rear garden of the dwellinghouse at 1 Hadfast Road, which is contrary to policies RP20 and DP2 of the adopted Midlothian Local Plan.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	(b) Land at Hardengreen House, Dalhousie Road, Dalkeith [16.00758.DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 February 2017, by the Head of Communities and Economy regarding an application from Halvorsen Architects, Mountskip House, Gorebridge seeking on behalf of their client Mrs C Walters, a review of the decision of the Planning Authority to refuse planning permission (16.00758.DPP, refused on 10 January 2017) for the Erection of nursery building and formation of car park at Land at Hardengreen House, Dalhousie Road, Dalkeith.

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

The Local Review Body had made an unaccompanied visit to the site on Monday 6 March 2017.

Summary of Discussion

Having heard from the Planning Adviser, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the likely impact of the proposed development on the existing building. Whilst concerns were voiced regarding the size, form and design of the proposed building, it was felt that on balance the individual circumstances of the application site meant that the proposals would be acceptable in support of the expansion of the existing nursery business.

Decision

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

The proposed building by means of its size, form and design is compatible to its location and will not distract from the existing nursery building, Hardengreen House, which is a listed building. Furthermore the proposal will support the existing business and the provision of child nursery spaces.

subject to the following conditions:-

1. Development shall not begin until the details of existing trees to be retained, removed, protected during development and in the case of damage, restored been submitted to and approved in writing by the Planning Authority. Development shall thereafter comply with the approved details unless otherwise approved in writing by the Planning Authority.
2. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

Reason for conditions 1 and 2: To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 of the Midlothian Local Plan; policy ENV11 of the Midlothian Local Development Plan; and national planning guidance and advice.

3. Prior to any external finish materials, including door and windows, being applied to the building; details, including samples if requested, of the finish materials shall be submitted to and approved in writing by the Planning Authority. Development shall comply with the approved details unless otherwise approved in writing by the Planning Authority.

Reason: *To safeguard the character and setting of the listed building.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	(c) 1D Dalhousie Avenue, Bonnyrigg [16.00762.DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 February 2017, by the Head of Communities and Economy regarding an application from Mr and Mrs R McKenna, 1D Dalhousie Avenue, Bonnyrigg seeking a review of the decision of the Planning Authority to refuse planning permission (16.00762.DPP, refused on 6 January 2017) for the erection of porch at that address.

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

The Local Review Body had made an unaccompanied visit to the site on Monday 6 March 2017.

Summary of Discussion

The LRB, having heard from the Planning Adviser, 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 neighbouring properties.

After discussion, Councillor Constable, seconded by Councillor Baxter, moved that the review request be upheld and planning permission granted.

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

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

Decision

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

The proposed porch in terms of its size, form and design will not distract from the host dwellinghouse or the streetscape and therefore complies with policy RP20 of the Midlothian Local Plan (2008).

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	(d) Land South West of Wellington School, Penicuik [16.00460.PPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 February 2017, by the Head of Communities and Economy regarding an application from Mr Colin Campbell, White Heather Cottage, Ruddenleys Farm, Lamancha, West Linton seeking a review of the decision of the Planning Authority to refuse planning permission in principle (16.00460.PPP, refused on 21 November 2016) for the Erection of a Dwellinghouse at Land 200m South West of Wellington School, Penicuik.

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

The Local Review Body had made an unaccompanied visit to the site on Monday 6 March 2017.

Summary of Discussion

Having heard from the Planning Adviser, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the likely impact of the proposed development on what was an open and highly visible site. The LRB also discussed whether in terms of the current policy position which aimed to restrict developments to those required for the furtherance of an established, and acceptable, countryside activity or business, there was sufficient evidence to justify a departure.

After discussion, Councillor Constable, seconded by Councillor Baxter, moved that the review request be dismissed and planning permission refused for the reasons outlined in the planning officers' decision.

As an amendment, Councillor Montgomery, seconded by Councillor Bennett, moved that the review request be upheld and planning permission granted subject to the conditions contained in the report.

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

Decision

To agreed to dismiss the review request, and refuse planning permission for the following reasons:

1. *It has not been demonstrated to the satisfaction of the Planning Authority that the house is required for the furtherance of an established countryside activity and so the proposal is contrary to policies RP1 and DP1 of the adopted Midlothian Local Plan.*
2. *It has not been demonstrated to the satisfaction of the Planning Authority that the house can be sited and integrated without having a significant detrimental impact on the landscape character of the area and therefore the proposal is contrary to policy RP7 of the adopted Midlothian Local Plan.*

Action

Head of Communities and Economy

The meeting terminated at 3.06 pm.

Minute of Meeting



Performance, Review and Scrutiny Committee

Date	Time	Venue
7 March 2017	11.00am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Milligan (Chair)	
Councillor Baxter	Councillor Bennett
Councillor Montgomery	Councillor Muirhead
Councillor Pottinger	Councillor Russell
Councillor Wallace	

Also in Attendance:

Kenneth Lawrie	Chief Executive
Eibhlin McHugh	Joint Director Health and Social Care
Grace Vickers	Head of Education
Joan Tranent	Head of Children's Services
Ian Johnson	Head of Communities and Economy
Edel Ryan	Group Manager Environmental Health
Janet Ritchie	Democratic Services Officer

1 Apologies

Apologies received from Councillors de Vink, Beattie, Imrie and Young.

2 Order of Business

The order of Business was as set out on the Agenda

3 Declarations of interest

No declarations of interest were intimated.

4 Minutes of Previous Meetings

The minutes of the following meetings were submitted:

- 4.1 Performance, Review and Scrutiny Committee of 24 January 2017 approved as a correct record.
- 4.2 Special Performance, Review and Scrutiny Committee of 21 February 2017 approved as a correct record.
- 4.3 Performance, Review and Scrutiny Sub Committee of 24 November 2016 for information.
- 4.4 Performance, Review and Scrutiny Sub Committee of 27 January 2017 for information.

5 Public Reports

Agenda No	Title	Submitted by:
5.1	Inspection of St Mary's Primary School and Nursery Class	Director Education Communities and Economy
Outline and summary of item		
<p>With reference to paragraph 5.3 of the Minutes of Cabinet dated 28 February 2017, there was submitted a report by Director Education Communities and Economy dated 21 February 2017 providing the Members with the outcome of the inspection carried out by HM Inspectorate of Education and the Care Inspectorate which was communicated in their letter dated 21 February 2017.</p> <p>The Cabinet on 28 February had agreed the following recommendations:</p> <ul style="list-style-type: none"> (a) To note the content of the report; (b) To congratulate the pupils, parents and staff connected with St Mary's Primary School on the key strengths highlighted in the report; 		

- (c) To note the areas for further development;
- (d) To note that the Care Inspectorate would return within twelve months to inspect the progress the nursery had made; and
- (e) To pass the report to the Performance, Review and Scrutiny Committee for its consideration.

The Head of Education presented the Report to the Performance Review and Scrutiny Committee highlighting the evaluations for St. Mary's Primary School and Nursery Class, as well as the strengths indicated by the inspection team and the areas for improvement as detailed in the report.

Decision

The Performance Review and Scrutiny Committee:

- Noted the content of the inspection report
- Congratulated the pupils, parents and staff connected with St Mary's Primary School on the key strengths highlighted in the report
- Noted the areas for further development
- Noted that the Care Inspectorate will return within twelve months to inspect the progress the nursery has made.

Action

Head of Education

Agenda No	Title	Submitted by:
5.2	Inspection of Midlothian Residential Service for Young People	Head of Children's Services
Outline and summary of item		
<p>With reference to paragraph 5.4 of the Minutes of Cabinet dated 28 February 2017, there was submitted a report by Head of Children's Services dated 14 February 2017 providing the Members with the outcome of the inspection carried out by the Care Inspectorate dated 28 October 2016</p> <p>The Cabinet on 28 February had agreed the following recommendations:</p> <ul style="list-style-type: none"> • To note the content of the Inspection report. • To pass the report to the Performance, Review and Scrutiny Committee for information. • To acknowledge the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with the Midlothian Residential Services for Young People. 		

The Head Children's Services presented the Report to the Performance Review and Scrutiny Committee highlighting the grades awarded by the Care Inspectorate and the areas that the authority could do better. There were no requirements or recommendations from this report.

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

- The positive improvements with Dalkeith House.
- The challenge in matching young people to the appropriate service and the relationship between the staff and the young people.
- Timescale for receiving the final version of the Care Inspectorate Report.
- Clarification that the inspection report relates to all 3 residential homes in Penicuik, Dalkeith and Gorebridge

Decision

The Performance Review and Scrutiny Committee:

- Passed on their congratulations on this very good report.
- Noted the content of the inspection report.
- Acknowledged the continued improvement since the last Inspection and the positive and ongoing work by management and staff connected with the Midlothian Residential Services for Young People.

Action

Head of Children's Services

Agenda No	Title	Submitted by:
5.3	Inspection of Highbank Care Home	Joint Director Health and Social Care
Outline and summary of item		
<p>With reference to paragraph 5.5 of the Minutes of Cabinet dated 28 February 2017, there was submitted a report by Joint Director Health and Social Care dated 14 February 2017 providing the Members with the outcome of the inspection carried out by the Care Inspectorate dated 11 January 2017.</p> <p>The Cabinet on 28 February had agreed the following recommendations:</p> <ul style="list-style-type: none"> • To note and endorse the attached Inspection report. • To acknowledge the contents of the inspection report and the high quality service that Highbank care home provides. • Pass the report to the Performance, Review and Scrutiny Committee for information. 		

The Joint Director Health and Social Care presented the Report to the Performance Review and Scrutiny Committee highlighting the section with the report regarding the strengths that were indicated by the inspection team. There were no recommendations or requirements for improvement.

Thereafter the Joint Director Health and Social Care responded to a question raised by Councillor Baxter regarding the turnover of staff at Highbank and how this compares with similar Homes.

Decision

The Performance Review and Scrutiny Committee:

- Passed on their congratulations on this good report.
- Acknowledged the contents of the inspection report and the high quality service that Highbank care home provides.

Action

Joint Director Health and Social Care

Agenda No	Title	Submitted by:
5.4	Inspection of Shared Lives Midlothian	Head of Adult Services
Outline and summary of item		
<p>With reference to paragraph 5.1 of the Minutes of Cabinet dated 28 February 2017, there was submitted a report by Head of Adult Services dated 14 February 2017 providing the Members with the outcome of the inspection carried out by the Care Inspectorate dated 1 August 2016.</p> <p>The Cabinet on 28 February had agreed the following recommendations:</p> <ul style="list-style-type: none"> • To note the content of the inspection report. • To congratulate the carers and staff connected with Shared Live Midlothian on the key strengths and areas for improvement highlighted in the report; and • To pass this report on to the Performance Review and Scrutiny Committee for their information. <p>The Joint Director Health and Social Care presented the Report to the Performance Review and Scrutiny Committee outlining the range of services that Shared Lives provides. The Joint Director also highlighted to the committee the sections within the report regarding the strengths of the service and quality of care and the improvements that were agreed between Shared Lives and the Care Inspectorate.</p> <p>Thereafter the Joint Director Health and Social Care responded to comments and questions raised by various members which included:</p>		

- The statutory requirements for providing this type of service.
- The continuation of this type of service and the possibility of extending this type of service which is cost effective and gives good outcomes.
- Working with external organisations.
- Within the Inspection and grading history the environment has never been assessed and this is due to the care taking place within the client's own home not within a care home.
- Acknowledging the difficulties in caring for people with complex needs and congratulations on the excellent report and achieving positive outcomes.

Decision

The Performance Review and Scrutiny Committee:

- Noted the content of the inspection report.
- Passed on their congratulations and comments on this excellent report to the carers and staff connected with Shared Lives Midlothian on the key strengths and areas for improvement highlighted in the report.

Action

Joint Director Health and Social Care

Agenda No	Title	Submitted by:
5.5	Inspection of MELDAP	Head of Adult Services
Outline and summary of item		
<p>With reference to paragraph 5.2 of the Minutes of Cabinet dated 28 February 2017, there was submitted a report by Head of Adult Services dated 14 February 2017 providing the Members with a summary of the Care Inspectorate's Report on the work of MELDAP with regards to the progress made in the implementation of The Quality Principles: Standard Expectations of Care and Support in Drug & Alcohol Services (2014).the outcome of the inspection carried out by the Care Inspectorate dated 1 August 2016.</p> <p>The Cabinet on 28 February had agreed the following recommendations:</p> <ul style="list-style-type: none"> • To note the content of the Care Inspectorate's report; • To note the significant strengths included in the report particularly in the areas of <i>Policy, service development and planning, Partnership working and resources</i> and <i>Leadership and direction</i>; • Support the development of a local recovery hub which will enable sustainable delivery of high quality services within Midlothian; and • To pass the report on to the Performance Review and Scrutiny Committee for their information. 		

The Joint Director Health and Social Care presented the Report to the Performance Review and Scrutiny Committee highlighting that although this service works across East and Mid the focus of this report is on Mid. This is a validated self-evaluation involving all 30 Alcohol and Drug Partnerships (ADPs) across the country. The aim was to help ADPs determine the extent to which the Quality Principles had been embedded in practice in their areas in order to support better experiences and outcomes for people affected by substance misuse. The Director outlined the difference in this type of inspection and highlighted the strengths identified and the number of areas for improvement which were already identified by the partnership or currently underway.

Councillor Russell commented on the Recovery Cafe and the excellent work done by MELDAP and thereafter the Joint Director responded to a question raised by Councillor Russell regarding the recommendation on the development of a local recovery hub which will enable sustainable delivery of high quality services within Midlothian.

Decision

The Performance Review and Scrutiny Committee:

- Noted the content of the inspection report.
- Noted the significant strengths included in the report particularly in the areas of Policy, service development and planning, Partnership working and resources and Leadership and direction.
- Supported the development of a local recovery hub which will enable sustainable delivery of high quality services within Midlothian.

Agenda No	Title	Submitted by:
5.6	Complaints about Midlothian Council Services handled by the Scottish Public Services Ombudsman 2015/16	Director Education Communities and Economy
Outline and summary of item		
<p>With reference to paragraph 5.6 of the Minutes of Cabinet dated 28 February 2017, there was submitted a report by Director Education Communities and Economy dated 22 February 2017. The Cabinet on 28 February had agreed the following recommendations:</p> <ul style="list-style-type: none"> • To note the number of complaints about Midlothian Council services submitted to the Scottish Public Services Ombudsman in 2015/16, and the SPSO's decisions on those complaints; • To note the SPSO decision report in relation to the one complaint against Midlothian Council which was partially upheld and the actions taken in respect of this. 		

- To endorse the action to ensure complainants are fully aware of the need to adhere to the Council's complaints handling procedures prior to submitting a complaint to the Scottish Public Services Ombudsman.
- To refer this report to the Performance, Review & Scrutiny Committee for information.

The report was presented by Head of Communities and Economy informing the Performance Review and Scrutiny Committee of the number of complaints submitted to the Scottish Public Services Ombudsman (SPSO) in 2015/16 which related to Midlothian Council services: and identifies any lessons that can be learnt from the outcome of the decisions of the SPSO.

In 2015/16 the SPSO received a total of 20 such complaints (a reduction from 31 in 2014/15) the table below shows a breakdown by individual Council service on the number of complaints:

Subject Group	Number of Complaints
Housing	8
Planning	5
Social Work	2
Building Standards	2
Finance	1
Welfare fund – Community Care Grants	1
Land and Property	1
	20

Thereafter the Head of Communities and Economy responded to comments and questions raised by various members which included:

- The complaints received are quite low at 20, Housing showing the highest numbers received and noted that Education is not included in this table.
- Police, Fire and Rescue board and other services deal with complaints through their own processes.
- Complaints received and the timescale for reporting back to complainant and when they should contact the Ombudsman.

Decision

The Performance Review and Scrutiny Committee:

- Noted the number of complaints about Midlothian Council services submitted to the Scottish Public Services Ombudsman in 2015/16, and the SPSO's decisions on those complaints;
- Noted the SPSO decision report in relation to the one complaint against Midlothian Council which was partially upheld and the actions taken in respect of this.
- Noted the action to ensure complainants are fully aware of the need to adhere to the Council's complaints handling procedures prior to submitting a complaint to the Scottish Public Services Ombudsman.

Agenda No	Title	Submitted by:
5.6	Dog Control and Dog Fouling	Head of Communities and Economy
Outline and summary of item		
<p>With reference to paragraph 6.1 of the Minutes of Cabinet dated 28 February 2017, there was submitted a report by Head of Communities and Economy dated 9 February 2017. The Cabinet on 28 February had agreed the following recommendations:</p> <ul style="list-style-type: none"> • To note that the current number of officers authorised to issue fixed penalty notices under the Dog Fouling (Scotland) Act was being maintained; • To note the continued overall reduction in the numbers of complaints regards dog fouling received by Environmental Health and the increasing numbers of complaints regards out of control dogs; • To note the outcome of the review to examine the level of resource to provide the service; and • To refer the report to the Performance, Review and Scrutiny Committee for information. <p>The Head of Communities and Economy presented the report to the Committee providing an update on the enforcement of legislation relating to out of control dogs and dog fouling and to inform Members of the outcome of the review of the current arrangements for dog control. The overall decline in the number of reported incidents of dog fouling does not lead to complacency and may not fully reflect the degree of concern within the community regarding this offence. The details of the options examined within the review are set out within section 4 of the report.</p> <p>Thereafter the Environmental Health Manager responded to questions raised by Members which included:</p> <ul style="list-style-type: none"> • Confirmation of the complaints contained within the report and what is not included in these figures. • Ongoing engagement with the public to report dog fouling and the inappropriate disposal of dog foul. • The dog fouling on pitches and parks across Midlothian and the possibility of a pilot scheme on monitoring these pitches early morning and evening. • Reacting to complaints and patrolling areas which have been reported. • Assessing signage. • Providing training to Supervisors from other services within Midlothian Council to assist in this and the outcome of the pilot study with Land and Countryside Services witnessing incidents of dog fouling such that the service of a fixed penalty notice may have been possible. • The criteria for serving a fixed penalty and the restrictions preventing fixed penalties being served. 		

Decision

The Performance Review and Scrutiny Committee:

- Noted that the current number of officers authorised to issue fixed penalty notices under the Dog Fouling (Scotland) Act was being maintained.
- Noted the continued overall reduction in the numbers of complaints regards dog fouling received by Environmental Health and the increasing numbers of complaints regards out of control dogs;
- Noted the outcome of the review to examine the level of resource to provide the service.

6 Private Reports

No private reports submitted for discussion

The meeting terminated at 12 noon

Minute of Meeting



Special Performance Review and Scrutiny

Date	Time	Venue
Tuesday 8 March 2017	11.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

Councillor Muirhead	Chair
Councillor Beattie	
Councillor Imrie	
Councillor Pottinger	
Councillor Russell	
Councillor Wallace	

Religious Representatives:

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In attendance:

John Blair	Director Resources
Joan Tranent	Head of Children's Services
Grace Vickers	Head of Education
Ian Johnson	Head of Communities and Economy
Janet R Ritchie	Democratic Services Officer (Minutes)

1. Apologies

An apology was received from the Chair, Councillor Milligan. In his absence Councillor Muirhead was nominated as Chair by Councillor Imrie and seconded by Councillor Pottinger. Apologies were also received from Councillors Baxter, Bennett, Montgomery, Young, Mr Vic Bourne and Rev Ruth Halley.

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Reports

Report No.	Report Title	Submitted by:
4.1	Communities and Economy Quarter 3 Performance Report 2016/17	Head of Communities and Economy
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Communities and Economy was presented by the Head of Communities and Economy highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges as detailed in the Report.</p> <p>The Head of Communities and Economy highlighted that the Local Development Plan is now at public examination and once the formal process has been completed the plan should be formally adopted by the end of the year.</p> <p>Thereafter the Head of Communities and Economy responded questions raised by the Members which included:</p> <ul style="list-style-type: none"> • The status on the LEADER programme and the timetable for applications. • City Deal and the expectations of Midlothian in the areas of infrastructure, housing, skills and innovation. To ensure that all areas of Midlothian benefit from the City Deal. • Borders Rail and good transport links for all of Midlothian. <p>Discussion then took place regarding City Deal and various members highlighted their concerns and raised the possibility of a Seminar on City Deal.</p>		
Decision		
<ul style="list-style-type: none"> • To congratulate the staff involved in the number of invoices processed within 30 days. • To otherwise note the report. 		
Action		
Head of Communities and Economy		

Report No.	Report Title	Submitted by:
4.2	Education Quarter 3 Performance Report 2016/17	Head of Education
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Education was presented by the Head of Education highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges as detailed in the Report.</p> <p>Thereafter the Head of Education responded to questions raised by the Members which included:</p> <ul style="list-style-type: none"> • The communication between Education and parents/carers and how to encourage parents in the partnership between the child and the parent. • The Named Person and the new legislation. 		
Decision		
<ul style="list-style-type: none"> • To congratulate staff on the excellent outcomes. • To otherwise note the report. 		
Action		
Head of Education		

Report No.	Report Title	Submitted by:
4.3	Children's Services Quarter 3 Performance Report 2016/17	Head of Children's Services
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Children's Services was presented by the Head of Children's Services highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges as detailed in the Report. The Head of Children's Services provided the Committee with an update on the Children's Services Review and the new multi-disciplinary teams.</p> <p>Thereafter the Head of Children's Services responded to questions and comments raised by various members which included:</p> <ul style="list-style-type: none"> • Managing sickness absence and the impact of the Service Review. • The new structure and the remit of the Early Intervention posts. • The increase in the number of referrals and the change in the type of referrals received, also the difference in them way referrals are managed. 		
Decision		
To note the report.		

Report No.	Report Title	Submitted by:
4.4	Adult Social Care Quarter 3 Performance Report 2016/17	Head of Primary Care and Older People's Services and Head of Adult Services
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Adult and Social Care was presented by the Head of Primary Care and Older People's Services and Head of Adult Services highlighting the progress in the delivery of strategic outcomes and a summary of the emerging challenges as detailed in the Report.</p> <p>Thereafter the Head of Primary Care and Older People's Services and the Head of Adult Services responded to questions and comments raised by the Members which included:</p> <ul style="list-style-type: none"> • The positive comments in bringing Audiology into the Community Hospital and the promotion of this service. • Future possible services in the Community Hospital. • The statistics on COPD and links to the mining community. • High care financial packages and targets on improving these. • Extra care properties adjoining Newbyres Care Home and looking at additional provision. • Positive changes in the MERRIT team and congratulations to the staff providing the quality of care. • Substance Misuse and the work with voluntary agencies. • Criminal Justice and reducing reoffending with working collaboratively with partners in addressing the challenges. 		
Decision		
To note the report.		
Action		
Head of Primary Care and Older People's Services		

Report No.	Report Title	Submitted by:
4.5	Customer and Housing Services Quarter 3 Performance Report 2016/17	Head of Customer and Housing Services
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Customer and Housing Services was presented by the Head of Customer and Housing Services highlighting the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>Thereafter the Head of Customer and Housing Services responded to questions and comments raised by Members which included:</p>		

- Rent arrears and the impact of the Welfare Reform.
- Anti-social behaviour and the Problem solving Partnership and how issues are addressed in different areas.
- The Strategic Housing Investment Plan.
- Issues around Universal Credits.

Councillor Beattie commented on the positive achievements by the Customer and Housing team and expressed her thanks to Mr Anderson and his team and he responded in appropriate terms of his appreciation of the support provided by Members.

Decision

To note the report.

5. Private Reports

No private reports were submitted to this meeting.

Meeting terminated at 1.10 pm

Minute of Meeting



Special Performance Review and Scrutiny

Date	Time	Venue
Tuesday 8 March 2017	2.00 pm	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

Councillor Beattie	Chair
Councillor Pottinger	
Councillor Russell	
Councillor Wallace	

Religious Representatives:

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In attendance:

Kenneth Lawrie	Chief Executive
Garry Sheret	Head of Property and Facilities Management
Alan Turpie	Legal Services Manager
Ricky Moffat	Head of Commercial Operations
Janet R Ritchie	Democratic Services Officer (Minutes)

1. Apologies

An apology was received from the Chair, Councillor Milligan. In his absence Councillor Beattie was nominated as Chair by Councillor Wallace and seconded by Councillor Pottinger.

Apologies were also received from Councillors Baxter, Bennett, Imrie, Montgomery, Muirhead, Young, Mr Vic Bourne and Rev Ruth Halley.

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Reports

Report No.	Report Title	Submitted by:
4.1	Property and Facilities Management Quarter 3 Performance Report 2016/17	Head of Property and Facilities Management
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Property and Facilities was presented by the Head of Properties and Facilities highlighting the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>Thereafter the Head of Property and Facilities responded to questions raised by Members which included:</p> <ul style="list-style-type: none"> • PPP1 (Public Private Partnership) contract with regard to change notices and Furniture and fittings availability requirements. • PPP1 contractor challenges and a further explanation on these challenges detailed in the report. • Trainees completing courses through training and employability and the type of courses and skills. • Dalkeith Town Centre regeneration and timescale when this will be completed. • Developing Disability Sports within Midlothian. • PPP1 contractor annual customer satisfaction survey. • Schools and the challenge of the Nora Virus and the procedure followed. • Challenge of school meals and how this is managed with regards to the Scottish Government Food policy. • Absence management and maintaining services. • Destination Hillend and the year round business case for the Council's consideration. 		

Decision	
<ul style="list-style-type: none"> To congratulate Strathesk and Kings Park primary schools and staff on the Gold Award by Sportscotland. To thank staff within Property and Facilities Management for all their hard work. To otherwise note the report. 	
Action	
Head of Property and Facilities Management	

Report No.	Report Title	Submitted by:
4.2	Commercial Operations Quarter 3 Performance Report 2015/16	Head of Commercial Operations
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Commercial Operations was presented by the Head of Commercial Operations highlighting the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>Thereafter the Head of Commercial Operations responded to questions and comments raised by Members which included:</p> <ul style="list-style-type: none"> Clarification on the change regarding X95 First bus. Waste management contamination. External funding to promote food waste recycling. External funding for Landscape and Countryside. Review of fleet procurement operation and maintenance. The completion of the work on the Ironmill's steps. 		
Decision		
<ul style="list-style-type: none"> To congratulate the Commercial Operation Teams for all their hard work. To otherwise note the Report. 		
Action		
Head of Commercial Operations		

Report No.	Report Title	Submitted by::
4.3	Finance and Integrated Service Support Quarter 3 Performance Report 2016/17	Head of Finance and Integrated Service Support

Outline of report and summary of discussion	
<p>The Quarter 3 Performance Report 2016/17 for Finance and Integrated Service Support was presented by the Legal Services Manager highlighting the progress in the delivery of strategic outcomes and summary of the emerging challenges as detailed in the Report.</p> <p>The Legal Services Manager responded to comments and questions raised by Members which included:</p> <ul style="list-style-type: none"> • The drop in the percentage of the council employees in the top 5% of earners that are women. • Issues around the Reviews and the information sent to staff. • A great place to grow and the changes within the Council. • Digital phishing exercise and the impact of a digital threat to the Council. • Digital Software working across the Council. 	
Decision	
<ul style="list-style-type: none"> • To congratulate to the division and the ongoing work. • To otherwise note the Report. 	
Action	
Legal Services Manager	

Report No.	Report Title	Submitted by:
4.4	Midlothian Council Quarter 3 Performance Report 2016/17	Chief Executive
Outline of report and summary of discussion		
<p>The Quarter 3 Performance Report 2016/17 for Midlothian Council was presented by the Chief Executive. The report highlights the delivery of the Council's priorities through the Community Planning Partnership and the Single Midlothian Plan.</p> <p>Councillor Beattie commented on the Partnership working and the opportunities for Midlothian as well as cost savings and how the Council will meet the challenge of this transformation and growth.</p>		
Decision		
To note the report.		

5. Private Reports

No private reports were submitted to this meeting.

Meeting terminated at 3.10 pm

Minute of Meeting



Audit Committee

Date	Time	Venue
21 March 2017	11.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

Peter Smaill (Independent Chair)	Councillor Baxter
Councillor Bryant	Councillor de Vink
Michael Thomas (Independent Member)	

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
Kevin Anderson	Head of Housing and Customer Services
Graham Herbert	Internal Audit Manager
Elaine Greaves	Internal Audit Manager
Chris Lawson	Risk Manager
Myra Forsyth	Quality and Scrutiny Manager
Mike Broadway	Democratic Services Officer

1. Apologies

Apologies were received from Councillors Milligan, Muirhead and Parry.

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

4.1 The minutes of the Audit Committee meeting of 13 December 2016 were approved as a correct record.

4.2 Matters Arising from previous Minutes:

With regards to paragraph 5.12, reference was made to the Treasury Management Investment Strategy and in particular to the deposits made with the German bank, 'Heleba', the Committee discussed the governance and the potential risks, both financial and reputational, associated with such investments.

In response to the points raised by Members, the Director, Resources and the Head of Finance and Integrated Service Support:-

- confirmed that the actions taken had been in accordance with the governance provisions contained in the approved Treasury Management Investment Strategy;
- reminding Members that this was a dynamic area that necessitated a responsive approach;
- emphasised that it was an area in which the Council had a good track record and that it was critical to the Council's overall financial strategy;
- acknowledge the points Members had raised and agreed to take them into account when the Strategy was next reviewed; and
- advised that following May's Local Government elections a dedicated session on Treasury Management was planned when such matters could be explored further.

5. Reports

Report No.	Report Title	Submitted by:
5.1	Midlothian Council Annual External Audit Plan	External Auditors, Ernst & Young LLP

Outline of report and summary of discussion

There was submitted the Midlothian Council Annual External Audit Plan for the financial year ending 31 March 2017. Stephen Reid, External Auditor in presenting the Plan to the Committee explained that it covered the audit approach to the financial statements and the wider responsibilities under the Audit Scotland code which included a review of governance and performance. In addition, the report outlined the key areas and challenges in the current year including the financial pressures and the identification of significant audit risks. Also included within the report was a timetable on the key phases of the audit for 2016/17.

Thereafter he responded to questions raised by members of the Committee which included comments on how the figures used in the accounts were made up. It being pointed out that depending on what was, or was not, included figures varied greatly. This made comparisons difficult and did little to assist understanding.

The Head of Finance and Integrated Service Support added by way of explanation that the variance in figures in terms of what was and was not included was normally due to the requirements of what the figures were being produced for. In terms of the example quoted regarding the budget deficit the £55m was a do nothing figure whilst £30m was the figure as a result of the various budget savings.

Decision

To note the Report.

Action

EY, External Auditors

Report No.	Report Title	Submitted by:
5.2	Risk Management, Update for 1 October – 31 December 2016	Chris Lawson, Risk Manager

Outline of report and summary of discussion

The Risk Manager presented the 2016/17 quarter 3 reports to the Audit Committee providing strategic risk management updates for the period 1 October to 31 December 2016.

Thereafter he responded to questions raised by the Members including:

- The possible inclusion of 'money on deposit' as a strategic risk;
- As a result of ongoing issues connected to CO₂ emissions at Newbyres the potential for further risk exposure to the Council; and
- Welcomed the inclusion of opportunities such as the 'City Deal'.

Decision

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

Action

Risk Manager

Report No.	Report Title	Submitted by:
5.3	Business Transformation Programme Update	Kenneth Lawrie, Chief Executive

Outline of Report

With reference to paragraph 5.7 of the Minutes of 20 September 2016, there was submitted report, dated 14 February 2017, by the Chief Executive providing an update on the Business Transformation Programme. The report gave an overview of the programme by way of background and examined the important role played by the Transformation Programme in driving improvement in Midlothian in line with the Council's ambitious agenda, whilst also generating significant savings to enable the Council to meet its budget challenges.

Summary of Discussion

Thereafter the Chief Executive who had presented the report to the Audit Committee responded to questions raised by the Committee, these included:

- Role of the Audit Committee in the scrutiny of the transformation programme going forward
- Internal Audit review of 'Delivering Service Excellence' scheduled to start in March 2017

Decision

To note the Report

Action

Chief Executive

Report No.	Report Title	Submitted by:
5.4	Internal Audit Plan 2017/18	Internal Audit Manager

Outline of Report

There was submitted report, dated 22 February 2017, by the Internal Audit Manager, presenting, for approval, the draft Internal Audit Plan for 2017/18; a copy of which was appended to the report. In addition, the report also provided an explanation on how the plan had been developed and the priorities for the internal audit activity during the year. The Audit Committee was invited to review and comment on the draft plan.

Summary of Discussion

The Committee, having heard from the Internal Audit Manager, discussed the need for the plan to be responsive to change given the nature of the current and emerging challenges facing local government.

In response to questions regarding the vetting of employees/potential employees who were in debt to the Council, the Director, Resources provided an update on progress and took on board to investigate whether similar provisions could be applied to candidates in the forthcoming local government elections. The Committee also noted advice from the Head of Finance and Integrated Service Support regarding the legislative requirements for Members in this regards when setting the council tax.

Decision

- To note that 80 days had been set aside for Health and Social Care within the plan but that the proposed audits and time allocated may change following input from the Midlothian Integration Joint Board Audit and Risk Committee;
- To approve the proposed Internal Audit plan for 2017/18 and
- To otherwise note the report.

Action

Internal Audit Manager

Report No.	Report Title	Submitted by:
5.5	Update on 2016/17 Plan	Internal Audit Manager

Outline of report and summary of discussion

The Internal Audit Manager provided the Audit Committee with an update on the progress with the current audit plan, in particular the intention to delay until 17/18 the following audits:-

- Insurance – currently going through a tendering exercise;

- Bank and Cash – new till management/management information system currently being installed in Leisure; and
- Sickness Absence – project in place to review current processes

Decision

To note the update.

Action

Internal Audit Manager

Report No.	Report Title	Submitted by:
5.6	Audit Scotland Report Local Government in Scotland Financial Overview 2015/16 (Audit Scotland, March 2017)	Head of Finance and Integrated Service Support

Outline of Report

A summary of the Audit Scotland Report – ‘Local government in Scotland: Financial Overview 2015/16’, which had been published in November 2016, was presented to the Audit Committee by the Head of Finance and Integrated Service Support; a link to the full report was contained in the report. In addition, the report also provided details of the Council’s position in relation to the report’s findings.

The report provided a high-level, independent view of Councils’ financial performance and position in 2015/16. It was aimed primarily at Councillors and senior council officers as a source of information and to support them in their complex and demanding roles, and was the first of two parts:

- Part 1 focused on Councils income and expenditure in 2015/16 and trends over time; and
- Part 2 commented on the financial outlook of Councils at the end of 2015/16 and outlined important factors to be considered in assessing future spending plans.

In addition, the Accounts Commission had produced a Self-assessment tool for Councillors; a copy of which was appended to the report.

Summary of Discussion

The Committee, having heard from the Head of Finance and Integrated Service Support, discussed the changing position in relation to the Council’s reserves. Part of which was attributable to the difference in the Scottish Government settlement, the remainder was due to a utilisation of reserves to fund ongoing expenditure for 17/18 and agreed funding for transformation. The contingent reserve at the financial year end was expected to be in the region of £5.4m against a target of £8m.

In response to questions regarding the fact that the Audit Scotland report appeared to create a somewhat different picture to the one being reported to Council, the Head of Finance and Integrated Service Support explained the reasons for this, empathising that the utilisation of reserves was an important, albeit unsustainable means of funding ongoing expenditure.

The Chief Executive acknowledged the seriousness of the challenges facing the Council, but emphasised that Officers were working hard to bridge the gap, albeit it was very likely that the incoming Council would require to take some very difficult decisions.

Decision

After further discussion, the Committee:-

- Noted the Audit Scotland report; and
- Noted the position of Midlothian Council in relation to the report's recommendations.

Action

Head of Finance and Integrated Service Support

Report No.	Report Title	Submitted by:
5.7	Financial Monitoring 2016/17 and Financial Strategy 2017/18 to 2021/22	Director Resources

Outline of report and summary of discussion

The report dated 9 March 2017 was presented to the Audit Committee by the Director Resources bringing to the Committee's attention reports presented to Council on 7 February 2017 by the Head of Finance and Integrated Service Support, in relation to Financial Monitoring and Financial Strategy. The report refers to the following reports:

- Financial Monitoring 2016/17 – General Fund Revenue
- General Services Capital Plan 2016/17
- Housing Revenue Account
- Financial Strategy 2017/18 to 2021/22
- Treasury Management Mid-Year Review Report

Thereafter the Head of Finance and Integrated Service Support responded to questions raised by the Committee, these included:

- Use of reserves as a means of funding ongoing expenditure, and the transformation programme; and
- Service pressures in Adult Social Care.

Decision

To note the reports.

Action

Director Resources

6. Private Reports

No private reports were submitted to this meeting.

7. Valediction

The Committee joined the Chair in thanking the Internal Audit Manager, Graham Herbert, for all his hard work in supporting the Audit Committee, and wishing him well in his retirement.

As this was the final meeting of the Audit Committee prior to the local government elections in May, Members expressed their gratitude and thanks to the Independent Chair, Peter Smaill and the Independent Member, Michael Thomas for their invaluable input to the work of the Committee.

It was noted that both positions would be advertised shortly should either of them wish to stand again.

The meeting terminated at 12:48 pm

Minute of Meeting



Midlothian Integration Joint Board

Date	Time	Venue
Thursday 9 February 2017	2pm	Conference Room, Melville Housing, The Corn Exchange, 200 High Street, Dalkeith, EH22 1AZ.

Present (voting members):

Cllr Bob Constable	Peter Johnston (Vice Chair)
Cllr Bryan Pottinger	John Oates

Present (non voting members):

Eibhlin McHugh (Chief Officer)	Alison White (Chief Social Work Officer)
David King (Chief Finance Officer)	Dave Caesar (Medical Practitioner)
Patsy Eccles (Staff side representative)	Margaret Kane (User/Carer)
Keith Chapman (User/Carer)	Ruth McCabe (Third Sector)

In attendance:

Ewan Aitken (Cyrenians)	Suzanne McShane (Chief Officers Network)
Chris Lawson (Risk Manager)	Mike Broadway (Clerk)

Apologies:

Cllr Catherine Johnstone (Chair)	Cllr Derek Milligan
Cllr Andrew Coventry (substitute for Cllr Catherine Johnstone)	Alex Joyce
Alison McCallum	Hamish Reid (GP/Clinical Director)
Caroline Myles (Chief Nurse)	Aileen Currie (Staff side representative)

Midlothian Integration Joint Board

Thursday 9 February 2017

1. Welcome and introductions

The Vice-Chair, Peter Johnston, welcomed everyone to this meeting of the Midlothian Integration Joint Board, in particular Ewan Aitken (Cyrenians) and Suzanne McShane (Chief Officers Network).

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

- 4.1 The Minutes of Meeting of the Midlothian Integration Joint Board held on Thursday 1 December 2016 was submitted and approved as a correct record.
- 4.2 The Minutes of Meeting of the Midlothian Integration Joint Board Audit and Risk Committee held on Thursday 8 September 2016 was submitted and noted.

5. Public Reports

Report No.	Report Title	Presented by:
5.1	Appointment of Standards Officer for the Midlothian Integration Joint Board	Eibhlin McHugh

Executive Summary of Report

The purpose of this report was to confirm the recommendation to the Standards Commission for Scotland in relation to the appointment of the Standards Officer to the Midlothian Integration Joint Board.

The report summarised the Standards Officer's key responsibilities and recommended that the Council's Legal Manager, Alan Turpie (who was also the Council's Monitoring Officer) be nominated to the Standards Commission as the Standards Officer for the Midlothian Integration Joint Board.

Decision

The Board agreed:

- To approve the remit of the Standards Officer as outlined in the report;
- To approve that Alan Turpie be recommended for the position of Standards Officer to the Midlothian Integration Joint Board to the Standards Commission for Scotland; and
- To instruct the Chief Officer to communicate the same to the Standards Commission for Scotland.

Midlothian Integration Joint Board

Thursday 9 February 2017

Action
Chief Officer

Report No.	Report Title	Presented by:
5.2	Budget Setting, Financial Planning and Financial Management 2017/18 – Outline and Approach	David King

Executive Summary of Report
<p>This report provided a preparatory briefing for the finance paper that would be presented to the Special IJB Meeting on 16th March 2017, when agreement would be sought on the 2017/18 Budget and Directions.</p> <p>On 15th December 2016, the Scottish Government had announced its proposed budget settlements for both Local Authorities and the NHS in Scotland for 2017/18. The announcement had also contained further details about the social care fund and laid out the Government's clear ambitions for IJBs.</p> <p>In summary the Council's budget had been reduced and NHS Lothian had a net uplift of 0.4%.</p> <p>Both the Council and NHS Lothian had provided the IJB with estimates of expenditure in 2017/18, these forecasts based on current models of service delivery were considerably in excess of the budgetary resources that would be available.</p>

Summary of discussion
<p>The Chief Finance Officer in presenting the report emphasised that it was clear from the experience of 2016/17 that the IJB required a detailed financial management agreement with its partners to ensure that financial pressures and the proposed actions to resolve them were reported timeously to the Board. He also updated the Board on the position reached with regards the budgetary offers from the Council and NHS Lothian.</p> <p>The Board, in considering the current financial position and likely financial pressures, discussed the importance of affecting a positive shift in the models of service delivery.</p>

Decision
<p>The Board noted:</p> <ul style="list-style-type: none"> • the projected out-turn position for 2016/17; • the magnitude of the financial challenge facing the IJB in 2017/18; and • the issues surrounding the 2017/18 budget settlement and in particular the implications of Scottish Government's clear ambitions for IJBs which would require to be achieved within the financial resources available.

Midlothian Integration Joint Board

Thursday 9 February 2017

Action

Chief Finance Officer

Report No.

5.3

Report Title

Chief Officer's Report

Presented by:

Eibhlin McHugh

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 provided an update on the progress made by the Council in addressing the new Direction issued by the Board at its meeting on 18th August 2016 requiring a review of the current design of care at home services and to develop proposals which address the current risks facing the service.

Summary of discussion

The Board, in considering the Chief Officer's Report, discussed the potential impacts arising from the service pressures and how these were being addressed.

Decision

The Board:

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

Report No.

5.4

Report Title

Risk Register

Presented by:

Chris Lawson

Executive Summary of Report

The purpose of this report was to invite comments on the risks and controls contained in the MIJB Risk Register and to seek formal approval of the Register. It also sought agreement that the Register be routinely monitored by the IJB Audit and Risk Committee.

The report explained that the development of the MIJB Risk Register followed on from the approval of initial proposals by the IJB on 20th August 2015 and built upon the consideration and approval of the formal Risk Management Policy at the IJB meeting on 11th February 2016. It also incorporated the high level risks identified at the Risk Management Workshop held on 14th January 2016, which had been further developed and considered initially by the IJB on 14th April 2016 and subsequently by the IJB Audit and Risk Committee on 9th June 2016.

Summary of discussion

The Board, having heard from the Risk Manager, discussed the Risk Register; a copy of which was appended to the report.

Midlothian Integration Joint Board

Thursday 9 February 2017

Decision

The Board:

- **Approved the Risk Register;**
- **Agree to remit the responsibility for monitoring the Risk Register to the IJB Audit and Risk Committee;**
- **Agree to receive regular reports on the risks facing the IJB to support informed and effective decision making; and**
- **Confirmed that the risks presented in this report reflect the current risks/opportunities facing the IJB.**

Report No.	Report Title	Presented by:
5.5	MAPPA Annual Report 2015/2016	Alison White

Executive Summary of Report

The purpose of this report was to bring to the IJB's attention the MAPPA Annual Report for 2015 – 2016; 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.**

Report No.	Report Title	Presented by:
5.6	East Lothian and Midlothian Public Protection Committee Biennial Report 2014/16	Alison White

Executive Summary of Report

The purpose of this report was to explain the requirement that the Convener of East Lothian and Midlothian Public Protection Committee submit a Biennial Report to Scottish Government on the exercise of the Committee's functions under Section 42 of the Adult Support and Protection (Scotland) Act 2007.

The Biennial Report, a copy of which was appended to the report, reflected the work undertaken by the East Lothian and Midlothian Public Protection Committee during the period 2014 to 2016 thereby informing the IJB of its progress during that period.

Midlothian Integration Joint Board

Thursday 9 February 2017

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 2014/16.**

Report No.	Report Title	Presented by:
5.7	Reserves Policy	David King

Executive Summary of Report

The purpose of this report was to provide the IJB for consideration and approval, a draft Reserves Policy, which laid out what reserves would be held and how these would be reported.

The report explained that because governance of the IJB was under the local authority regulations, the IJB was permitted to hold a reserve. Put simply a reserve was a mechanism to carry forward from one financial year to another a balance of unused funds. These funds may be specifically earmarked for a particular purpose(s) or just held as a general financial buffer against unforeseen in year events or as part of a longer term financial plan. As the IJB had not the current capacity to build up a reserve there would not be any reserves in the current financial year.

Summary of discussion

The Board, having heard from the Chief Finance Officer discussed the draft Reserves Policy; a copy of which was appended to the report.

Decision

The Board:

- **Noted the content of this report; and**
- **Approved and agreed to adopt the reserves strategy.**

Report No.	Report Title	Presented by:
5.8	Development of IJB Strategic Indicators	Eibhlin McHugh

Executive Summary of Report

The purpose of this report was to make the IJB aware of national and local developments that would change the performance information received by the IJB.

Midlothian Integration Joint Board

Thursday 9 February 2017

The report advised that as a result of these developments a more detailed paper would be presented to the IJB meeting in March along with details of the new performance indicators and proposed improvement trajectories.

Summary of discussion

The Board, having heard from the Chief Officer, discussed the shift in the expectation on IJBs to improve system-performance.

Decision

The Board:

- **Noted the national and local developments that would change the performance information received by the IJB;**
- **Noted the plan to update the performance information that the IJB received to reflect the new directions and recent correspondence from Scottish Government; and**
- **Noted that a more detailed report would be presented to the IJB in March.**

Report No.	Report Title	Presented by:
5.9	Proposed Meeting Schedule and Workshop Dates 2017/18	Eibhlin McHugh

Executive Summary of Report

The purpose of this report was to set the dates for the Board meetings and Development Workshops for the Midlothian Integration Joint Board for 2017/18 as prescribed by Midlothian Integration Joint Board Standing Orders 5.2.

Summary of discussion

Having heard from the Chief Officer, the Board considered the proposed dates for 2017/18 it being noted that some fine tuning was required particularly with regards the Development Workshops dates for the latter part of 2017.

Decision

The Board agreed that subject to resolution of the above, to:

- **Approved the schedule of meetings of the Midlothian Integration Joint Board as outlined in the report;**
- **Approved the schedule of meetings of the Midlothian Integration Joint Board Audit and Risk Committee as outlined in the report;**
- **Approved the schedule of Development Workshops for the Midlothian Integration Joint Board as outlined in the report; and**
- **Noted the approach for service visits for the Midlothian Integration Joint Board.**

Midlothian Integration Joint Board

Thursday 9 February 2017

6. Private Reports

No private business to be discussed at this meeting.

7. Any other business

No additional business had been notified to the Chair in advance

8. Date of next meeting

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

- Thursday 16th March 2017 * 2pm **Special Midlothian Integration Joint Board**
- Thursday 20th April 2017 2pm **Midlothian Integration Joint Board**
- Thursday 25th May 2017 2pm Development Session

* Please note carefully that this date will now be a formal Board meeting.

The meeting terminated at 3.28 pm.

Appendix

(relative to paragraph 5.9)

Midlothian Integration Joint Board Meeting Schedule and Development Workshops Dates 2017-18

MIJB Meetings

- Thursday 16th March 2017, 2pm - Special
- Thursday 20th April 2017, 2pm
- Thursday 15th June 2017, 2pm
- Thursday 24th August 2017, 2 pm
- Thursday 5th October 2017, 2pm
- Thursday 7th December 2017, 2pm
- Thursday 11th January 2018, 2pm
- Thursday 1st March 2018, 2pm
- Thursday 3rd May 2018, 2pm

Development Workshops

- *Thursday 25th May 2017, 2pm
- *Thursday 14th September 2017, 2pm
- *Thursday 16th November 2017, 2pm
- Thursday 8th February 2018, 2pm
- Thursday 5th April 2018, 2pm
- Thursday 7th June 2018, 2pm

* Please note that the three dates marked with an asterisk have been adjusted as agreed by the Board meeting (paragraph 5.9 refers).

Service Visits

Further service visits will be scheduled as required or at the request of members of the Midlothian Integration Joint Board.

MIJB Audit and Risk Committee Meetings

- Thursday 9th March 2017, 2pm
- Thursday 8th June 2017, 2pm
- Thursday 7th September 2017, 2pm
- Thursday 14th December 2017, 2pm
- Thursday 22nd March 2018, 2pm

Minute of Special Meeting



Midlothian Integration Joint Board

Date	Time	Venue
Thursday 16 th March 2017	2pm	Conference Room, Melville Housing, The Corn Exchange, 200 High Street, Dalkeith, EH22 1AZ.

Present (voting members):

Cllr Catherine Johnstone (Chair)	Peter Johnston (Vice Chair)
Cllr Bob Constable	Alex Joyce
Cllr Bryan Pottinger	Alison McCallum
	John Oates

Present (non voting members):

Eibhlin McHugh (Chief Officer)	David King (Chief Finance Officer)
Hamish Reid (GP/Clinical Director)	Patsy Eccles (Staff side representative)
Aileen Currie (Staff side representative)	Keith Chapman (User/Carer)
Margaret Kane (User/Carer)	Ewan Aitken (Third Sector) (substitute for Ruth McCabe)
Fiona Huffer (substitute for Caroline Myles (Chief Nurse))	

In attendance:

Gary Fairley (Head of Finance and Integrated Service Support, Midlothian Council)	Allister Short (Head of Healthcare, Midlothian Council)
Jamie Megaw (Strategic Programme Manager)	Mike Broadway (Clerk)

Apologies:

Cllr Derek Milligan	Ruth McCabe (Third Sector)
Alison White (Chief Social Work Officer)	Dave Caesar (Medical Practitioner)
Caroline Myles (Chief Nurse)	

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1. Welcome and introductions

The Chair, Catherine Johnstone, welcomed everyone to this Special Meeting of the Midlothian Integration Joint Board in particular Ewan Aitken, who was substituting for Ruth McCabe (Third Sector) and Fiona Huffer, who was substituting for Caroline Myles (Chief Nurse).

2. Order of Business

The Chair advised the meeting that –

- (a) the follow paper - “Budget Setting 2017/18” which relating to Agenda Item 4.1 Finance Paper had been circulated electronically under separate cover;
- (b) an additional item of business had been tabled, namely a report by the Chief Officer, entitled “Midlothian Integration Joint Board – Publication Scheme” which would be considered as Agenda Item 4.6; and
- (c) Agenda Item 4.4 would be taken as the second item of business immediately after the Finance Paper.

3. Declarations of interest

No declarations of interest were received.

4. Reports

Report No.	Report Title	Presented by:
4.1	Budget Setting 2017/18	David King

Executive Summary of Report

The purpose of this report was to set out the 2017/18 budget propositions from Midlothian Council and NHS Lothian to the IJB, and to examine the projected financial pressures for 2017/18 which had been developed by Midlothian Council, NHS Lothian and the IJB.

The report explained that the IJB required financial resources to allow it to deliver its Strategic Plan. These resources were provided by the IJB’s partners – Midlothian Council and NHS Lothian. Midlothian Council had set its 2017/18 budget and made a proposition to the IJB and NHS Lothian had provided an indicative position which would be formally agreed by the NHS Lothian Board at its meeting in April 2017. These two propositions represented the total of the financial resources available to the IJB in 2017/18.

Both NHS Lothian and Midlothian Council in collaboration with the IJB had also considered the potential financial pressures inherent in these budgetary offers and it was clear that without a significant change to the current model of the delivery of services there would be a significant gap between the resources available and the projected expenditure.

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The paper then discussed two issues :-

- a) Whether the budget proposals from the Partners were a fair share of the resources available to them; and
- b) The risks inherent in the delivery of a balanced financial position given that the forecasts suggest a significant overspend and thus a significant financial recovery plan would have to be delivered.

Summary of discussion

The Chief Finance Officer advised that a great deal of work had already been carried out by both partners, individually and collectively, in developing the financial propositions put forward to the IJB and that whilst it was acknowledged that there were significant challenges ahead, it was nonetheless considered extremely important that the process be allowed to continue, in order that the changes that needed to be made were allowed to take place.

The Board, in discussing some of the key challenges likely to be faced in the coming year(s), acknowledged that although the current position was not entirely satisfactory, it was extremely important that the process of change was allowed to continue.

Decision

After further discussion, the Board agreed to:-

- **Accept the formal budget proposition from Midlothian Council.**
- **Accept the indicative budget proposition from NHS Lothian.**
- **Receive a further report at the April IJB meeting laying out the financial risk mitigating propositions.**

Action

Chief Finance Officer

Report No.	Report Title	Presented by:
4.4	Measuring Performance under Integration – Agreeing the IJB's Performance Measurements	Jamie Megaw

Executive Summary of Report

The purpose of this report was to present to the Board the emerging draft objectives for the IJB to monitor progress against the indicators agreed by the Ministerial Strategic Group for Health and Community Care, namely:- unplanned admissions; occupied bed days for unscheduled care; A&E performance; delayed discharges; end of life care; and the balance of spend across institutional and community services.

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The report explained that all IJB's had been asked to set local objectives for each indicator and to describe expected performance per quarter during 2017/18. Details of the proposed objectives for the Midlothian IJB were appended to the report.

Summary of discussion

The Board, heard from the Strategic Programme Manager, who advised that the IJB needed to consider its ambitions for change across the system and ensure that these were reflected in its objective for each target. An un-ambitious objective may fail to keep up with increasing demand on services from an ageing population but an over-ambitious objective may be impossible to deliver within system constraints. It was also important to consider the ownership of the objectives because system-level change would require all parts of the system to be working towards each goal and share ownership of it.

Members of the IJB, in considering the emerging local objectives, discussed the means by which appropriate targets could best be set. The view being that whatever targets were finally agreed upon needed to reflect the IJB's aspirations as set out in both the Strategic and Delivery Plans. There also needed to be a clear understanding of established baselines and also the potential impact of any interventions.

Decision

The Board:

- **Noted the emerging objectives for the Midlothian IJB to monitor progress using the indicators agreed by the Ministerial Strategic Group for Health and Community Care;**
- **Noted that discussions regarding the emerging objectives with the Joint Management Team were ongoing; and**
- **Agreed to receive a further report updating the emerging objectives as a result of these and other discussions.**

Action

Chief Officer

Report No.	Report Title	Presented by:
4.2	2017-18 Delivery Plan for Health and Social Care	Eibhlin McHugh

Executive Summary of Report

The purpose of this report was to introduce and seek approval of the 2017-18 Delivery Plan; a copy of which was appended to the report.

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The report summarised the development of the 2017-18 Delivery Plan, which was based upon the Strategic Plan 2016-19, providing an update on the progress made in implementing the 2016-19 Strategic Plan and summarising the key actions planned for 2017-18.

Summary of discussion

The Board, having heard from the Chief Officer, who responded to questions from Members of the IJB, considered the key issues addressed in the Delivery Plan, namely: increasing the capacity and managing the demands upon Primary Care; Reducing the use of acute hospitals particularly in relation to delayed discharge and preventable admissions; Improving mental health wellbeing given the high levels of prescribed medication and the links to offending and substance misuse; Reducing the cost of Learning Disability services and Strengthening the multi-agency approach to Health Inequalities.

Decision

The Board:

- **Approved the 2017-18 Delivery Plan; and**
- **Agreed to the preparation of a summary version.**

Action

Chief Officer

Report No.	Report Title	Presented by:
4.3	IJB Directions 2017/18	Eibhlin McHugh

Executive Summary of Report

The purpose of this report was to introduce a draft version of the 2017-18 Directions to be issued by the IJB to Midlothian Council and NHS Lothian.

The report explained that the Directions were intended to provide greater clarity about the key changes which need to be made during 2017-18 in the delivery of health and care services in Midlothian, and should be considered alongside the Strategic Plan 2016-19 and the Delivery Plan 2017-18.

Summary of discussion

The Board, having heard from the Chief Officer, who responded to Members questions, discussed the topics covered in the Directions in particular, the involvement of the third sector, the provision of pan-lothian services and health inequalities.

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Decision

The Board:

- Noted the current position on the development of the IJB's Directions;
- Noted that the Directions would flow from the IJB's agreed Strategic Plan;
- Agreed to delegate the authority to (i) finalise the detail in terms of financial information and performance data related to each Direction; and (ii) issue the Directions for 1st April 2017 to the IJB's Chief Officer;
- Agreed to receive a further report detailing the Directions issued by the Chief Officer; and
- Agreed that a summary paper be provided to ensure there is no dubiety about the key changes which need to be made

Action

Chief Officer

Report No.	Report Title	Presented by:
4.5	Chief Officer's Report	Eibhlin McHugh

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 and forthcoming key service developments.

Summary of discussion

Having heard from the Chief Officer and the Head of Healthcare, Midlothian Council, the Board acknowledged that the development that from 1 April 2017, no further Midlothian patients would be admitted to Liberton Hospital for post-acute rehabilitative care, marked an important milestone in achieving the IJB's stated aim of rebalancing care from acute to community settings.

Decision

After further discussion, the Board:

- Noted the issues outlined in the report.

Report No.	Report Title	Presented by:
4.6	Midlothian Integration Joint Board – Publication Scheme	Eibhlin McHugh

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Executive Summary of Report

The purpose of this report is to confirm the requirement of the Midlothian Integration Joint Board to adopt and maintain a publication scheme under the Freedom of Information (Scotland) Act 2002 which has the approval of the Scottish Information Commissioner and further to publish information in accordance with the scheme.

Decision

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

- To note the requirement to adopt and maintain a publication scheme under the Freedom of Information (Scotland) Act 2002;
- To delegate and instruct the Chief Officer to prepare the Midlothian Integration Joint Board publication scheme in line with the Model Publication Scheme prescribed by the Information Commissioner for Scotland;
- To delegate and instruct the Chief Officer to submit this scheme to the Information Commissioner for Scotland for formal approval; and
- To delegate and instruct the Chief Officer to submit information to the Information Commissioner in line with the requirements under Freedom of Information commencing in April 2017.

Action

Chief Officer

5. Date of next meeting

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

- | | | |
|--|-----|---|
| • Thursday 20 th April 2017 | 2pm | Midlothian Integration Joint Board |
| • Thursday 25 th May 2017 | 2pm | Development Workshop |
| • Thursday 15 th June 2017 | 2pm | Midlothian Integration Joint Board |

The meeting terminated at 3.42pm.

