

Minute Volume



Presented to the Meeting
of **Midlothian Council**
on **Tuesday, 27 March 2018**

Midlothian Council

Midlothian Council 13 February 2018

5 - 50

Cabinet

Cabinet 16 January 2018

51 - 62

Planning

Planning Committee 9 January 2018

63 - 70

General Purposes

No Minutes submitted for consideration.

Appeals

No Minutes submitted for consideration.

Local Review Body

Local Review Body 16 January 2018

71 - 80

Performance Review and Scrutiny

Performance Review and Scrutiny Committee 30 January 2018

81 - 90

Audit

Audit Committee 12 December 2017

91 - 102

Standards

No Minutes submitted for consideration.

Petitions

No Minutes submitted for consideration.

Police, Fire and Rescue

Police and Fire and Rescue Board 13 November 2017

103 - 108

Additional Minutes

No Additional Minutes submitted for consideration.

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

Midlothian Integration Joint Board

No Minutes submitted for information.

Minute of Meeting



Midlothian Council

Date	Time	Venue
13 February 2018	11.30 am and 1.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

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

Mr V. Bourne	
--------------	--

In attendance:

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

The Chief Executive, apologised for the delay in the start of proceedings which was due to technical problems with the webcast equipment.

Agenda No.	Report Title	Presented by:
8.1	Formal Intimation of the Death of Councillor Montgomery	Chief Executive
Outline of report and summary of discussion		
<p>The Chief Executive formally reported to Council the sudden and unexpected death of Provost and Councillor Adam Montgomery on 10 January 2018. He paid tribute to the late Provost Montgomery, recognising how he had served in local government for more than 30 years both with Lothian Region and Midlothian and how he had worked extremely hard for his Penicuik constituents. Provost Montgomery had been a wonderful ambassador for the county in his role as Provost and had also served as Council Leader between 2003 and 2007. His funeral took place on 26 January with the Council being extremely well represented at it.</p> <p>The meeting then stood for a minute's silence as a mark of respect for the late Provost and Councillor Montgomery.</p>		
Decision		
<p>The Council:</p> <ul style="list-style-type: none"> (a) recorded, with deep sadness, the death of Provost and Councillor Montgomery, Member for Electoral Ward 1 – Penicuik, on 10 January 2018 and; (b) noted the Council's sympathies had been conveyed to his wife and family. 		

Due to ongoing technical issues with the webcasting equipment, the Chief Executive, adjourned the meeting until 1.00 pm.

When the meeting re-convened at 1.00 pm, the Acting Provost assumed the role of Chair.

1. Apology

The Clerk intimated an apology on behalf of Mr Matin Khan, Religious Representative.

2. Order of Business

The order of business was confirmed by the Clerk as that which was outlined in the agenda circulated subject to an additional urgent report under "Private Reports" which the Acting Provost had agreed to take in terms of Standing Order 7.8.

3. Declarations of interest

No declarations of interest were made.

4. Deputations

No deputations had been received.

5. Minutes of Previous Meetings

5.1 The Minute of the meeting of Midlothian Council which took place on 19 December 2017 was submitted for approval. The Council unanimously approved the minute as a correct record.

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

Meeting	Date of Meeting
Cabinet	21 November 2017
Planning Committee	14 November 2017
Special Planning Committee	5 December 2017
General Purposes Committee	14 November 2017
Local Review Body	21 November 2017
Performance, Review and Scrutiny Committee	28 November 2017
Audit Committee	26 September 2017
Midlothian Integration Joint Board	7 December 2017

6. Questions to the Leader of the Council

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

7. Notices of Motions

No Motions had been received.

8. Reports

Report No.	Report Title	Presented by:
8.2	Appointment of Provost	Director, Resources
Outline of report and summary of discussion		
The Council heard from the Director, Resources who advised of the requirement to fill the vacancy in the role of Provost following the sudden death of Councillor Montgomery. He advised that, in terms of Standing Orders 5 and 6, the Deputy Provost, Councillor Margaret Russell had been acting as Provost.		

However it is a requirement of Section 4 (6) of the Local Government (Scotland) Act 1994, that a casual vacancy in the role of Provost be filled as soon as practicable at a meeting of the Council. Accordingly, it was a requirement of that Act that the casual vacancy in the role of Provost be now filled.

Mr Blair referred to another report to Council later in the agenda by the Chief Executive, advising that the By-Election to fill the casual vacancy in Ward 1, Penicuik would be held on 22 March 2018 and any change to the political balance of the Council would not be known until 23 March 2018 at the earliest. He noted the requirement in terms of the Local Government etc (Scotland) Act 1994 was simply to appoint the Provost and the Act did not specify a set period for the appointment. Furthermore, there was no requirement to fill any other casual vacancy within a set period of time and therefore it was competent for the Council to appoint Councillor Russell to act as Provost from this meeting until the forthcoming meeting of the Council on 27 March 2017 and to leave the role of Deputy Provost vacant during that period. Councillor Russell could then revert to her current role as Deputy Provost at that meeting. This would allow the appointment of Provost to be made by the full Council on that date.

Decision

The Council agreed to:

- (a) appoint Councillor Russell to act as Provost until the Council meeting on 27 March 2018;
- (b) leave the role of Deputy Provost vacant meantime;
- (c) note that Councillor Russell would revert to her role as Deputy Provost on demitting the role of Provost at the commencement of the meeting on 27 March 2018 and;
- (d) hold a further election to appoint a Provost on Councillor Russell demitting that office at the said meeting on 27 March 2018.

Action

Director, Resources

Report No.	Report Title	Presented by:
8.3	Vacancy on Midlothian Licensing Board	Director, Resources
Outline of report and summary of discussion		
<p>Alan Turpie, Legal Services Manager, spoke to the terms of the report which invited Council to fill the vacancy on the Midlothian Licensing Board, which had arisen following the sudden death of Councillor Montgomery.</p> <p>Mr Turpie advised that, at its meeting on 23 May 2017, the Council agreed the Licensing Board would consist of 10 members and appointed the members to the Board. Amongst those so appointed was Councillor Adam Montgomery. In terms of paragraph 2 (4) of Schedule 1 to the Licensing (Scotland) Act 2005, where a vacancy occurs in the membership of the Licensing Board, the Council must, at the first meeting after the vacancy has arisen, hold an election to fill the vacancy.</p>		
Decision		
<p>The Council agreed to appoint Councillor Kieran Munro as a member of the Licensing Board.</p>		

Action
Director, Resources

Report No.	Report Title	Presented by:
8.4	Casual Vacancy in Midlothian Council Electoral Ward No 1 – Penicuik Arrangements for By-Election	Chief Executive
Outline of report and summary of discussion		
<p>The Chief Executive presented a report which provided an update to Council with regard to the arrangements he had made in his capacity as Returning Officer, for the By-Election to fill the casual vacancy which had occurred in Electoral Ward No 1 – Penicuik following the sudden death of Councillor Montgomery.</p> <p>He noted that the By-Election would take place on Thursday 22 March 2018 with polling taking place under the single transferable voting system between 7 am and 10 pm. The counting of votes would be carried out manually and would take place the following day on Friday 23 March 2018 in the Ladywood Leisure Centre, Penicuik. His report sought approval of the financial arrangements relating to the By-Election.</p>		
Decision		
<p>The Council agreed to:</p> <ul style="list-style-type: none"> (a) approve and note, for its interest, the arrangements for the forthcoming Midlothian Council By-Election for the Electoral Ward No 1 – Penicuik to be held on Thursday 22 March 2018 and; (b) authorise the Chief Executive, as Returning Officer, to make appropriate financial arrangements and payments for the By-Election. 		
Action		
Chief Executive		

Report No.	Report Title	Presented by:
8.5	Financial Strategy 2018-19 to 2021-22	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report providing an update on the Financial Strategy encompassing the years 2018/19 to 2021/22 and which set out recommendations to enable the Council to set a balanced budget and to determine Council Tax levels for 2018/19.</p> <p>It included:-</p> <ul style="list-style-type: none"> • An assessment of the 2018/19 and future years Scottish Government Grant prospects; 		

- Final budget projections for 2018/19 and updated budget projections for 2019/20 to 2021/22;
- A sensitivity analysis reflecting the potential impact of different pay and grant settlement scenarios;
- Details of the arrangements for the delegation of resources to the Midlothian Integration Joint Board;
- An update on the Change Programme proposed to address the projected budget shortfall in 2018/19 and to significantly reduce the budget shortfall in later years;
- Feedback from the budget engagement activity;
- An update on Reserves.

Thereafter, the Council Leader, seconded by the Depute Council Leader, referred to the Labour Group's alternative budget proposals (Appendix 1 to this Minute), which had been shared with the other political parties during the course of the previous weekend and with the public via social media, and formally moved them. He further moved that, in terms of recommendation 8.7 in respect of Fees and Charges contained within the Labour Group's alternative budget proposals that this be remitted to the Director, Resources in conjunction with the Leaders of the 3 political parties within the Council.

As an amendment, Councillor Parry, seconded by Councillor Baird, moved the SNP Group's alternative budget proposals, copies of which were subsequently distributed to the meeting (Appendix 2 to this Minute).

Councillor Winchester, on behalf of the Conservative Group of Members, then requested an adjournment to allow consideration of the 2 alternative budget proposals moved.

The Provost agreed to the request and the meeting adjourned at 1.25 pm.

The meeting resumed at 1.37 pm.

There then followed a lengthy discussion regarding elements within the budget savings proposals lodged by the Labour and SNP Groups with questions put to and answered by the Head of Finance and Integrated Service Support.

Councillor Hardie advised that the Conservative Group acknowledged that the Labour and SNP Groups had realistically looked at the problems facing the Council and that the budget proposals moved by them were not too far apart. However, he expressed concern regarding both proposals.

The Provost, then advised that the meeting would move to a vote on the Motion lodged by the Labour Group and the Amendment by the SNP Group. Councillor Parry, seconded by Councillor Johnstone, moved that the vote be taken by way of a Roll Call. 13 Councillors supported the request that the vote be taken by way of a roll call:

Councillor	For Labour Group Motion	For SNP Group Amendment
Councillor Alexander		√
Councillor Baird		√
Councillor Cassidy		√
Councillor Curran		

Councillor Hackett	√	
Councillor Hardie	√	
Councillor Imrie	√	
Councillor Johnstone		√
Councillor Lay-Douglas	√	
Councillor McCall		√
Councillor Milligan	√	
Councillor Muirhead	√	
Councillor Munro	√	
Councillor Parry		√
Councillor Russell	√	
Councillor Smail	√	
Councillor Winchester	√	

The Motion was passed by 11 votes to 6.

Decision

The Council:

- a) Noted the position in respect of the Scottish Government Grant Settlement for 2018/19 as set out in section 2 of the report by the Head of Finance and Integrated Service Support;
- b) Noted the current projected cost of services, key assumptions and resultant budget shortfalls as set out in section 3 and endorse the key assumptions on which the budget projections are based;
- c) In line with the provisions of the Grant Settlement package set a Band D Council Tax of £1,283 for 2018/19 as set out in appendix 3 to this Minute;
- d) Noted the continuing uncertainties and the potential impact as outlined in the differing scenarios as set out in section 6;
- e) Considered the Change Programme elements proposed by the Strategic Leadership Group as set out in section 8 and:-
 - I. Approved the amended savings proposals associated with the additions to the Transformation Programme as set out in the amended appendix 2;
 - II. In respect of the Strategic Leadership Group savings proposals associated with the additions to the Transformation Programme in later years, which were for noting:-
 - i. Removed the savings targets for Integrated Health and Social Care resulting in the amended savings target as set out in appendix 3;
 - ii. At this time noted the exclusion from the assessment of the remaining budget gaps for later years of the amended savings targets amounting to £1.245 m for 2019/20 rising to £7.345 m by 2021/22;
 - iii. Noted that this provided a clearer assessment of the remaining financial challenge facing the Council for future years as set out in the amended table 10;
 - III. Noted the amended operational savings summarised in the amended appendix 4;

- IV. Approved the amended service review and policy savings proposals as set out in the revised appendix 5;
 - V. Noted the additional income, as amended, anticipated from fees and charges as set out in Section 8.7 of the report by the Head of Finance and Integrated Service Support and remitted to the Director, Resources, in conjunction with the Leader of the Council and the Leaders of the other 2 political parties, to finalise the detailed charges set out in appendix 6;
- f) Approved the resultant amended allocation of £39.750 m to the Midlothian Integrated Joint Board for 2018/19 in respect of delegated services;
 - g) Approved the resultant 2018/19 service budget as set out in the revised appendix 7 with a contribution to earmarked reserves of £0.200m;
 - h) Agreed that the earmarked reserves of £0.200 m be utilised to support training and development opportunities for staff seeking redeployment;
 - i) Agreed that the Chief Executive in conjunction with the Council Leader bring forward as part of a revised transformation programme proposals which include a bottom up/cross Council service review programme to be overseen by a 3 member cross party working group, in addition to the Council Leader, with recommendations from the working group being reported directly to Council;
 - j) In reaching the above decisions, recognised the feedback from engagement activity set out in appendix 9 of the report by the Head of Finance and Integrated Service Support and the amended overarching EQIA set out in appendix 10 to the same report and recorded the Council's gratitude to all of those in the Midlothian community who participated in the engagement activity;
 - k) Otherwise noted the content of the said report.

Action

Chief Executive; Directors; Heads of Service

Prior to consideration of the following item, Councillor Parry left the meeting and did not return

Report No.	Report Title	Presented by:
8.6	Financial Monitoring 2017-18 - General Fund Revenue	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		

The Council heard from the Head of Finance and Integrated Service Support who presented a report with information on performance against the revenue

budget in 2017/18 and details of the material variances. He referred to the projected budget performance figures shown in Appendix 1 of the report indicating a net overspend of £0.756 million for the year which is 0.37% of the revised budget. He highlighted that this showed an improvement of £1.379 million on the position reported to Council on 7 November 2017.

He concluded by advising that detailed information on material variances was contained in appendix 2 of the report which identified each variance, explained why it happened, outlined what action was being taken to control variances and detailed the impact of that action.

Thereafter, the Council Leader congratulated the Management Team on the transformation in financial performance.

Decision

The Council agreed to note:

- (a) the contents of the report and;
- (b) note that along with the Chief Executive assurances continued to be sought from Heads of Service that remedial action is being taken to address the projected overspend set out in Appendix 2 of the report.

Action

Chief Executive, Directors and Heads of Service

Report No.	Report Title	Presented by:
8.7	General Services Capital Plan 2017-18 to 2021-22	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided Council with:</p> <ul style="list-style-type: none"> • an update of the General Services Capital Plan incorporating information on further additions to the Capital Plan for approval (Section 2 of the report); • information on the projected performance against budget for 2017/18 (Section 3); • a forecast expenditure and income for the General Services Capital Plan for 2018/19 through to 2021/22 (Section 4); • an update on the gross and net debt outstanding position in comparison with the previously agreed debt cap (Section 5); • an update on the capital fund (Section 6). 		
Decision		
<p>The Council:</p> <ul style="list-style-type: none"> (a) approved the amendment to the budgets and inclusion of the projects listed in Section 2.1 of the report in the General Services Capital Plan, including the release of £0.220 million from the Capital Fund to fund £0.220 million of Capital Expenditure on digital technologies in the Newbattle Community Campus and; (b) approved the revised expenditure and funding levels in the General Services Capital Plan 2017/18 to 2021/22 shown in Appendices 1 and 2 of the report. 		

Action
Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
8.8	Housing Revenue Account – Revenue Budget and Capital Plan 2017/18	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report which provided the Council with a summary of expenditure and income to 22 December 2017 for the Capital Plan and a projected outturn for both the Housing Revenue Account (HRA) and Capital Plan for 2017/18.</p> <p>He advised that the Capital Plan Budget had been revised to reflect the current re-phasing of the new social housing projects between years as shown in Appendix 1 to the report and that there were no material variances to report at this stage.</p> <p>He advised that the Revenue Account underspend reported to Council on the 7 November 2017 had been £1.281 million and that it had increased by £0.310 million to £1.591 million as shown in Appendix 2 to the report. This was due to the impact of Universal Credit on projected write-offs with the provision required not being as high as anticipated. He noted that it was still the first full year of Universal Credit implementation so the full impact may not yet be realised. He further advised that the HRA reserve balance was projected to be £34.938 million at 31 March 2018 and the longer term financial projections demonstrated that the majority of this would be required to finance existing investment commitments to 2031/32 as detailed in the Rent Setting Strategy 2019/20 – 2021/22 report presented later in the meeting.</p>		
Decision		
The Council agreed to note the content of the report.		
Action		
Head of Finance and Integrated Service Support		

Report No.	Report Title	Presented by:
8.9	Treasury Management and Investment Strategy 2018/19 and Prudential Indicators	Head of Finance and Integrated Service Support
Outline of report and summary of discussion		
<p>The Council heard from the Head of Finance and Integrated Service Support who presented a report which sought the agreement of Council to the Treasury Management and Annual Investment Strategies for 2018/19 and the Prudential and Treasury indicators contained therein.</p>		

Decision	
<p>The Council agreed to:</p> <ul style="list-style-type: none"> • approve the Treasury Management and Investment Strategy for the 2018/19 financial year, as detailed in Section 2 of the report; • approve the list of Permitted Investments outlined in Appendix 1 of the report; • adopt the Prudential Indicators contained in Appendix 2 of the report; • approve an adjustment to the authorised limit for borrowing to £482.021 million (as shown in Section 3 of the report) if market conditions indicate that this is prudent; • note that the policy to repay loans fund advances made before 1 April 2016 will be to continue to use the 'Statutory annuity method'; • approve the policy for the statutory repayment of loans fund advances made from 1 April 2016 to be the 'Statutory annuity method' and that the current annuity rate applied is 3.10%. 	
Action	
Head of Finance and Integrated Service Support	

Report No.	Report Title	Presented by:
8.10	Housing Revenue Account – Rent Setting Strategy	Head of Customer and Housing Services
Outline of report and summary of discussion		
<p>The Council heard from the Head of Customer and Housing Services who presented a report which considered the affordability of council house rents and provided feedback on consultation regarding future rental charges for council housing which will determine the level of investment and new build development in council housing beyond the Council's current programme. It recommended a 3 year increase in rents and related charges of 3% per annum with effect from April 2019.</p>		
Decision		
<p>The Council agreed to:</p> <ul style="list-style-type: none"> (a) note the positive response to consultation with tenants and housing list applicants in relation to agreement on future rent setting and; (b) agree to a 3% rent increase per annum for 3 years from 2019/20 – 2021/22; (c) note that a 3% rent increase will provide investment for a total of 1000 additional council homes, 30 temporary accommodation units and investment in environmental and fire safety improvements; (d) agree to change the policy on the new build rent premium as set out in Section 2.14 of the report; (e) note that all Elected Members would be consulted for their views on potential locations for new council housing developments; (f) approve the resultant HRA Capital Plan for 2018/19 to 2023/24 as detailed in Appendix 2 of the report and; 		

(g) approve the HRA Revenue Budget for 2018/19 and note the indicative Revenue Budget for 2019/20 to 2023/24 as detailed in Appendix 3 of the report.
Action
Head of Customer and Housing Services; Head of Finance and Integrated Service Support

Report No.	Report Title	Presented by:
8.11	Midlothian Local Development Plan 2017 Action Programme	Head of Communities and Economy
Outline of report and summary of discussion		
<p>The Council heard from the Head of Communities and Economy who presented a report which sought approval to adopt and publish the Midlothian Local Development Plan 2017 Action Programme. He advised that the Town and Country Planning (Scotland) Act 1997 as amended required the Council to prepare an Action Programme to accompany the Midlothian Local Development Plan (MLDP). The Action Programme sets out how the Council intends to implement the plan to which it relates. It contains a list of actions required to deliver each of the plan's policies and proposals; identifies the appropriate parties or organisations that are required to carry out the actions and; provides an indicative timescale for carrying out the actions. In preparing the Action Programme the Council are required to consult and consider the views of the key agencies, the Scottish Ministers; and parties specified by name in the document. Action Programmes must be published and submitted to Scottish Ministers alongside proposals Local Development Plans; adopted and published within 3 months of the Plan being adopted and; thereafter kept under review and updated at least every 2 years.</p>		
Decision		
<p>The Council agreed to:</p> <ul style="list-style-type: none"> (a) adopt by resolution the Midlothian Local Development Plan Action Programme (2017) and; (b) require the Head of Communities and Economy to make the necessary arrangements to: <ul style="list-style-type: none"> i. send 2 copies of the adopted Action Programme to Scottish Ministers; ii. place copies of the adopted Action programme in all public libraries and online and; iii. publish the adopted Action Programme, including electronically. 		
Action		
Head of Communities and Economy		

Report No.	Report Title	Presented by:
8.12	Education Seminar	Director, Resources
Outline of report and decision		
The Council noted the terms of a Note of Seminar held on 5 December 2017 relating to “Creating a World Class Education System - Examination Attainment 2017” held prior to consideration of a report with the same title by the Council on 19 December 2017.		

The meeting concluded at 2.54 pm

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

- 9.1 Procurement of the Legend Leisure Management System – Report by Director, Resources
- 9.2 Additional urgent report accepted by the Provost for consideration
- 9.3 Minute of Education Appointment Committee of 18 January 2018
- 9.4 Minute of Education Appointment Committee of 25 January 2018

Midlothian Council Labour Group Budget Proposals.

Introduction

When Labour formed the Administration of Midlothian Council in May last year we inherited a budget that already had a planned overspend of £4m. Within days we discovered that a £2.5m overspend had been incurred in 2016/17 and that there was a projected unplanned overspend for the current year of another £2.3 million. This meant the Council was on track to spend £6.3m more than it was taking in in this current year.

Substantial efforts have been made to bring the additional overspends in the current year under control and some significant headway has been made.

While we acknowledge, and have to deal with, the consequences of the immediate financial position, we do not accept that it needs to be like this, and will continue to fight for fair funding from both Westminster and Scottish Governments.

Prior to coming to any view on the proposals put before us, we first obtained detailed briefings from officers so our group fully understood the implications arising from the proposals being made. We then embarked on a meaningful engagement programme, led by representatives of the administration, during which we met with, user groups, trades unions, representatives of the voluntary sector, individual staff and groups of staff, after school clubs, community councils, school pupils and community youth groups, representatives of national groups and many individuals. We also provided opportunities for people to feedback their views on line.

We have listened carefully to all the views expressed and have read the many emails and letters that we have received before coming to our conclusions. We have taken account of the Equality Impact Assessments which accompanied the officer recommendations and had these re-assessed to reflect our amendments.

To produce a balanced budget for the 18/19 financial year, we have little choice other than to accept a number of officer recommendations, which will reduce levels of service in a number of areas. We are aware that this undoubtedly will have a detrimental impact on our communities, however we have rejected or amended a number of proposals which we believe will have too great an impact on hard working families and our most vulnerable, which we are not prepared to accept.

We have had to take this approach, which is similar to those taken in previous years, because the timescales prevented us doing otherwise. However, we fundamentally believe that the huge budget gaps projected for future years makes it imperative we take a different approach going forward.

Over the next 15 years Midlothian will be Scotland's fastest growing Council area. This presents us with some difficult challenges. For example: -

- The number of school places required will double
- The number of people over 65 will rise from 13,300 to 20,200 by 2028

- The number of over 75's will double.
- The number of over 90's will treble.

However, this also presents us with some exciting opportunities.

Labour is committed to delivering world-class education here in Midlothian within the resources available. Most of our schools are currently less than 15 years old. We have developed a programme of school building that will ensure that we will have the capacity to deal with the expected growth in the coming years. The developers of the new housing estates will predominantly pay for these. We are developing our new high schools using a "centres of excellence" model, which will help provide our young people with the best start in their working life.

In Midlothian, we have almost 5,000, individuals or families on our housing waiting lists, despite having built over 1,000 new council houses over the last 10 years. Labour has a plan in place to build at least another 1,000 over the next 5 years and are committed to delivering this. We are committed to achieving this while still maintaining high standards within our existing stock. For clarity it should be noted that the full cost of our housing programme is met from Council Rents and Government Grants and not from Council Tax.

Here in Midlothian the proportion of our population involved in volunteering is among the highest in Scotland. This Administration recognises the importance of the Voluntary Sector, our partnership with it, and how vital it is to maintaining the fabric of society.

We need to ensure that Council targets support to organisations, groups and individuals who make the most positive contribution to delivering services that are vital to our most vulnerable people, or can make the best contribution to ensuring that our young people get the best start in life. We see the voluntary sector as a vital partner in preserving what we can of the services that so many people rely on.

We listened to the concerns of our citizens regarding the safety and security of our communities and we have already reinstated one of the Police CAT teams removed by the previous administration, with the second team due to come on stream by the end of March, bringing an additional 14 front line police officers back to Midlothian.

In order to ensure that we can continue to make progress on these issues we need to place Midlothian Council on a more sustainable financial footing. We believe that the Council needs to carry out a fundamental review of the services it provides, prioritising resources to the services that are most important to those in most need in our community.

This may mean that we have to take decisions, in conjunction with local communities, that results in us stopping the delivery of some services completely. It has to mean that the services we continue to deliver, are provided as efficiently and effectively as possible. What we do, we need to do well.

Cuts in grants from both Westminster and Holyrood over the years, together with 10 years of Council Tax freezes have left us in the position we are currently in.

Until we have Governments in the UK and/or in Scotland prepared to accept that we need to raise taxes to pay for the services that people need and expect, we will continue to have these serious financial difficulties. Until then we are required to work within the constraints placed upon us, prioritising our resources to make sure we protect our most vulnerable.

To that end, we have the following amendments to the papers presented by officers today.

If accepted, these amended budget proposals will result in a surplus of £0.200m which should be earmarked to fund training for staff who are displaced to assist in enabling them to transfer into jobs in areas of growth within the Council.

Detail of Amendments

We intend to reluctantly accept the majority of the proposals presented by Officers, however we have rejected or amended the following.

Abolition of Welfare Rights Service

Universal credit and changes to other benefits are causing huge issues in our communities. We cannot afford to remove these posts as they are invaluable to support those suffering from the effects of austerity from both the Westminster and Scottish Governments. We therefore reject this proposal completely and ask that officers bring forward a report about improving access to Welfare Rights Services in Midlothian which meets the needs of the most vulnerable members of our society.

Overall Reduction in Planning Service (2 Posts)

While we accept the amount suggested here we believe the method of achieving it should be by requiring major developers to contribute towards provision of these 2 posts which would concentrate on processing the large applications as quickly as possible, while ensuring the independence of the planning process.

Delete post of Newtongrange Community Learning Centre Manager

While discussions are taking place within the Newtongrange Community regarding the redevelopment of the village centre it would not be right to prejudge the outcome by accepting this proposal.

Reduction in the Grants Budgets

Many of the papers in the officer recommendations before the council refer to the voluntary sector or community groups picking up responsibility for services or mitigating service reductions by working in partnership to deliver services in the future. In these circumstances, we do not believe that there should be any reduction in overall grants to voluntary organisations. We would expect that voluntary organisations work together creatively to ensure as efficient delivery of their services as possible. In order to achieve this we propose to extend the Grants allocated at the June 2017 Council by a further six months to give voluntary groups a full year allocation. During this period we need to review the method of allocation to ensure that the Council's strategic priorities and objectives are being met by the allocation of the grants. We would look to work in genuine partnership with all community organisations over the coming months to revise the Council's policies on this.

Deletion of Pest Control Services

From the feedback we have received from users this is clearly a valued service. We believe that this saving should be achieved by increasing charges for the service, rather than deleting the part time post.

Reduction of Early Intervention & Prevention Services

The mitigating factors given in the proposals for this saving include the potential benefits in early intervention afforded by the introduction of the 1,140 hours free child care, however this will be phased in gradually over the next few years. In the meantime, we need to make

sure that those in most need of protection receive that protection and therefore we reject this saving at this time.

Charging for Instrumental Tuition

With so many areas of Education spending protected by statute or indeed by necessity and given that Education accounts for 45% of the Council's budget, it is important that we are able to find savings or identify income generation within the service wherever possible.

It is our view that the decision of the previous administration to make music tuition free, while a laudable aim, was not appropriate when Councillors were aware that our financial position was becoming more and more difficult.

We recognise that within the proposals from officers there are safeguards, which will ensure that those least able to pay will not, and those who are often caught in the middle, can be assisted by bursaries. However, we recognise there are great concerns, expressed at all of our consultation meetings and in correspondence we have received, about the effect this may have on the numbers of pupils who may no longer choose to take up music, which we accept has wide ranging educational benefits. We therefore propose that while we support the introduction of charges for music tuition that this be limited to 50% of the levels, being proposed by officers.

Charging Schools for Instrument Tuition

During the budget engagement process, Head teachers and other teaching staff stressed the importance of music tuition in their schools. By limiting the increase in charges to parents, and given the need to find savings within education, we are prepared to accept that schools should meet the cost of music tuition fees for SQA candidates in S4 to S6.

Review let charges for after school clubs

After school clubs have developed in Midlothian over several years and are a vital resource for modern working families.

Through the budget engagement process it is clear that, within the ASC's there are wide variations in charging policies, levels of contributions from volunteers; pay, conditions and training for staff; the quality and quantity of the facilities used.

It has also become evident that Midlothian Council does not have a clear policy on after school clubs and how they can be best contribute to the needs of Midlothian families.

The Labour administration believes that the Council, after school clubs and parents must, in the coming year, work together to formulate policy, which ensures that clubs make a realistic contribution towards the cost of the Council facilities they use and which ensures that they are charging realistic prices which reflect families ability to pay.

On that basis, we reject the proposal for the reduction in the subsidy (from 5% to 50%) for After School Clubs use of Council facilities. However, they should pay the basic increases in rates for hiring facilities agreed elsewhere in this paper.

We would like to thank the After School Clubs who engaged in constructive discussions on these matters and look forward to working with them and Parents over the coming year to secure their continuing contribution to our communities.

Remove Primary School Swimming

Swimming is an essential life skill, and while there may be alternative ways for some parents to provide this, we believe that this service ensures that all children have the opportunity to learn to swim. We reject this proposal.

Reduce Central Education Budgets

Within this budget saving proposal is the removal of a number of Life Long Learning staff (Funded from the Homelink budget) who have been instrumental in supporting many of our hardest to reach young people into positive destinations. We believe this is a vital service that helps make sure some of our most vulnerable young people get the best start in their adult life and we therefore reject £97k of this saving to ensure this service is retained.

Rebalancing Care- Rebalancing Expectations

There are already savings of £1.040m within the transformation strand of work within adult social care in 2018/19 and there are £4.620m in further savings proposed by officers for future years. Recognising that there are increasing demands on this service and that there have been significant overspends in the past, we are not confident of the Council's ability to realise these savings in full in future years. We therefore do not agree the future savings proposed on this item should be reflected in the future years projections.

Telecare/Housing Support

We reluctantly accept the increase in charges for housing support for under 65's noting that the charges are means tested and the most vulnerable will be protected. However, we reject the 100% proposed increase in telecare charges, which is a flat rate non-means tested charge.

In doing so we acknowledge that the telecare facility not only provides security for our most vulnerable, but also must prevent potential additional costs for our health service.

Community Safety Team

We do not accept the proposal to withdraw the full funding from the provision of a community safety team. While we have already delivered on our election pledge to fully reinstate the CAT teams this Group has never viewed this as a binary choice between these two services. We believe that an essential component of the effective use of the CAT teams has been the quality of the data on which the Council and the Police rely in order to effectively target this resource. We therefore agree that, in addition to retaining the resolution service, to also retain a data analyst post at 0.5 FTE and a Police Anti-Social Behaviour Officer post at 0.5FTE. We agree that the Police are not always the appropriate response to anti-social behaviour and therefore agree to retain 2 Anti-Social Behaviour Officer Posts.

We also look to officers to negotiate with other Social Landlords in the County to attempt to obtain a contribution from them towards these costs. We therefore reject £130k from this item to provide the above.

Library Services

While the Council is moving to shift public interaction with the Council from phone/in person to electronic we still have to accept that not every member of the public, particularly the old and vulnerable have access to computer facilities in their homes. Our local libraries are much valued resources within our communities, providing access to computers for those who don't have this at home and advice on how to use them where required. They are also focal points within our communities and play a hugely important role in community life. We therefore oppose the closure of any of our libraries, however we accepted the revised and greatly reduced £50k saving proposed on the basis that no libraries will close as a result.

Charging for Waste Bins and Boxes

We only partly agree this proposal. We agree that developers of new estates should be charged for initial bins and boxes, but reject charging the public for replacements due to loss or vandalism.

Extend Collection Frequencies

We believe that a fundamental review of all front line services is required and we therefore reject this proposed saving at this time. Midlothian incurs considerable landfill costs resulting from significant numbers of our residents who do not participate adequately in our recycling arrangements. Additional measures for enforcement need to be put in place to make sure that they do.

Close Penicuik Recycling Centre

Given the requirement for a fundamental review of all front line services it would not be prudent at this time to accept this saving.

Reduce Street Sweeping Frequencies

Previous cuts in these services have already led to significant deterioration in the condition of our streets and we therefore reject this saving.

Reduce Grass Cutting Standards

Previous cuts in these services have already led to significant deterioration in the condition of our parks and we therefore reject this saving.

Stop Support for Gala's and Events

Local Galadays are important Historical tradition, particularly in our mining communities and are an integral part of the identity of Midlothian. We therefore reject this proposed saving. However, we need to look at the level of resources afforded to each community to ensure a fair distribution of both finance and support provided.

Review Spending on Road Maintenance

Previous cuts to this service has already led to significant deterioration in the condition of our streets and we therefore reject this saving.

Reduce the Winter Maintenance Budget

We do not consider a further reduction in this budget is acceptable. The budget has been cut over the past few years and, as a consequence, in the current financial year, which has not included a particularly bad winter we have already gone over budget. We need to radically rethink the service we provide to our residents and reduce the expectations that some of our residents have. We require a report on ways in which we can work with the community to resolve this.

Remove the non statutory school crossing service where crossing controls are in place

While this represents a change from the original officer proposals we still believe that there are problems with it. We do believe there is a need to look at areas where they could be removed. However, it is not as simple as removing where crossing controls are in place. There are still dangers in some areas even though there are crossing controls in place. We therefore reject this saving.

Stop supported bus grants and reduce community transport support

The few remaining supported bus services are vital lifelines for their communities. However, there are many more areas that are not adequately served. With Councils no longer able to provide the support it is more vital than ever that the Scottish Government re-regulates or nationalises public transport. We therefore reject this proposal.

Reduce the ring and go scheme

This scheme provides vital transport links where no bus services exist and should be retained. We therefore reject this proposal.

Stop the Taxi Card Scheme

This scheme provides vital transport links where no bus services exist and should be retained. We therefore reject this proposal.

Pass all disclosure costs to employee/volunteers

This would represent a further burden for the voluntary sector and we therefore reject it.

Cessation of Sporting Grants

We reject this saving proposal.

Accordingly The Labour Group proposes the following recommendations to Council:-

- a) Note the position in respect of the Scottish Government Grant Settlement for 2018/19 as set out in section 2;
- b) Note the current projected cost of services, key assumptions and resultant budget shortfalls as set out in section 3 and endorse the key assumptions on which the budget projections are based;
- c) In line with the provisions of the Grant Settlement package set a Band D Council Tax of £1,283 for 2018/19 as set out in appendix 1;

- d) Note the continuing uncertainties and the potential impact as outlined in the differing scenarios as set out in section 6;
- e) Consider the Change Programme elements proposed by the Strategic Leadership Group as set out in section 8 and:-
 - I. Approve the amended savings proposals associated with the additions to the Transformation Programme as set out in the amended appendix 2;
 - II. In respect of the Strategic Leadership Group savings proposals associated with the additions to the Transformation Programme in later years, which were for noting, to :-
 - i. Remove the savings targets for Integrated Health and Social Care resulting in the amended savings targets as set out in appendix 3;
 - ii. At this time note the exclusion from the assessment of the remaining budget gaps for later years of these amended savings targets amounting to £1.245 million for 2019/20 rising to £7.345 million by 2021/22;
 - iii. Note that this provides a clearer assessment of the remaining financial challenge facing this Council for future years as set out in the amended table 10 below;
 - III. Note the amended operational savings summarised in the amended appendix 4;
 - IV. Approve the amended service review and policy savings proposals as set out in the revised appendix 5;
 - V. Note the additional income, as amended , anticipated from fees and charges as set out in section 8.7 and remit to the Director of Resources, in conjunction with the Leader of the Council to finalise the detailed charges set out in appendix 6;
- f) Approve the resultant amended allocation of £39.750 million to the Midlothian Integrated Joint Board for 2018/19 in respect of delegated services;
- g) Approve the resultant 2018/19 service budget as set out in the revised appendix 7 with a contribution to Earmarked Reserves of £0.200 million;
- h) Agree that this earmarked reserve of £0.200 million be utilised to support training and development opportunities for staff who are seeking redeployment;
- i) As stated in our budget amendment proposals, continuing to deal with the financial challenges faced by this Council in this way are impossible. Therefore Council agrees that

the Chief Executive in conjunction with the Council Leader bring forward as part of a revised transformation programme proposals which include a bottom up / cross council service review programme. This programme will be overseen by a three member cross party working group, in addition to the Council Leader, and recommendations from that group will be reported directly to Council;

- j) In considering the recommendations not only consider the contents of the overview of feedback from engagement activity set out in appendix 9 and the amended overarching EQIA set out in appendix 10 but also record our gratitude to all of those in our Community who participated in the engagement activity and who have helped inform these recommendations;
- k) Otherwise note the contents of the report.

Table 10: Financial Strategy 2018/19 to 2021/22

	2018/19	2019/20	2020/21	2021/22
	£m	£m	£m	£m
Budget Shortfall Table 1	10.430	20.048	29.198	37.987
Less: Change Programme				
Transformation Programme 8.2				
- Existing Programme	(1.167)	(1.502)	(1.502)	(1.502)
- Approved additions to Programme only - as amended	(1.632)	(3.037)	(3.582)	(3.897)
Total Transformation Programme as amended	(2.799)	(4.539)	(5.084)	(5.399)
Asset Management 8.3	(0.000)	(0.288)	(0.288)	(0.288)
Loan Charges 8.4	(0.500)	(0.500)	(0.500)	(0.500)
Operational Savings 8.5	(1.370)	(2.286)	(2.601)	(2.836)
Savings Options 8.6				
- Policy Cost Reductions as amended	(3.380)	(4.574)	(4.774)	(4.974)
- Service Reviews as amended	(1.165)	(1.815)	(2.715)	(3.109)
Total Policy Savings as amended	(4.545)	(6.389)	(7.489)	(8.083)
Fees and Charges as amended 8.7	(0.142)	(0.194)	(0.234)	(0.254)
Less:				
Council Tax Increase of 3%	(1.274)	(2.569)	(3.884)	(5.218)
Sub Total	(0.200)	3.283	9.118	15.409
Transfer to Earmarked Reserves	0.200	0.000	0.000	0.000
Remaining Budget Gap	0.000	3.283	9.118	15.409

REVENUE BUDGET 2018/19 SUMMARY

Service Function	Budget 2018/19 £
Management and Members	1,868,156
<u>Education Communities and Economy</u>	
Childrens Services	15,237,667
Communities and Economy	3,251,589
Education	90,145,858
<u>Health and Social Care</u>	
Adult Social Care	39,749,938
Customer and Housing Services	11,329,784
<u>Resources</u>	
Commercial Services	14,461,662
Finance and Integrated Service Support	11,425,333
Properties and Facilities Management	13,207,746
Lothian Valuation Joint Board	550,550
Centrally Held Budget Provisions	717,900
Non Distributable Costs	1,338,437
GENERAL FUND SERVICES NET EXPENDITURE	203,284,620
Loan Charges	7,060,000
Investment Income	(371,475)
Council Transformation Programme savings targets	(3,487,965)
Allocations to HRA, Capital Account etc.	(4,934,180)
NET EXPENDITURE	201,551,000
Transfer to Earmarked Reserves	(200,000)
Scottish Government Grant	154,432,000
Council Tax	47,319,000
TOTAL FUNDING	201,551,000

Change Programme Overview

Financial Strategy Report - 13 February 2018 - Additions to Transformation Programme as Amended by Labour Group

Appendix 2

Strand	SERV	No.	DESCRIPTION	Cumulative Savings					
				Year 1	Year 2	Year 3	Year 4	TOTAL	Staff FTE
				2018/19	2019/20	2020/21	2021/22	SAVINGS	
				£m	£m	£m	£m	£m	
Entrepreneurial Council	EDUC	1.2	Review Surestart Contracts	0.050	0.050	0.050	0.050	0.050	0.0
Entrepreneurial Council	EDUC	1.3	Review Early Years Contracts	0.010	0.063	0.063	0.063	0.063	0.0
Entrepreneurial Council	CO	6	Advertising on Council refuse vehicles	0.015	0.015	0.015	0.015	0.015	0.0
Entrepreneurial Council	CO	13	Increase charges where appropriate	0.150	0.300	0.450	0.600	0.600	0.0
Entrepreneurial Council	CO	27	Increase training offer - increase income Risk Management	0.025	0.050	0.050	0.050	0.050	0.0
Entrepreneurial Council	CO	28	Sales Force Spend to Generate	0.025	0.100	0.200	0.250	0.250	0.0
Entrepreneurial Council	PFM	9	Café Service Social Enterprise/Branding	0.010	0.030	0.050	0.050	0.050	0.0
Entrepreneurial Council	PFM	11	Renegotiate Skanska subcontract	0.100	0.100	0.100	0.100	0.100	0.0
Entrepreneurial Council	PFM	20	Wrap around care provision - holiday club	0.025	0.050	0.075	0.100	0.100	0.0
Entrepreneurial Council			Total	0.410	0.758	1.053	1.278	1.278	0.0
Shared Services	PFM	6	Sharing Catering management with neighbouring LAs	0.025	0.050	0.050	0.050	0.050	1.0
Shared Services			Total	0.025	0.050	0.050	0.050	0.050	1.0
Digital Lead	CHS	4	Libraries Service	0.050	0.100	0.200	0.200	0.200	8.0
Digital Lead			Total	0.050	0.100	0.200	0.200	0.200	8.0
Integrated Service Support	FISS	1	Management Structure	0.080	0.080	0.080	0.080	0.080	1.0
Integrated Service Support	FISS	2	Digital Services Review	0.150	0.150	0.150	0.150	0.150	2.0
Integrated Service Support	FISS	4	Service Improvement Plans/Business Processes/Service Reduction	0.250	0.750	0.750	0.750	0.750	37.0
Integrated Service Support			Total	0.480	0.980	0.980	0.980	0.980	40.0
Workforce	EXE	1	Senior Management Team Review	0.050	0.250	0.250	0.250	0.250	2.0
Workforce	EDUC	1.1	Reduce Learning Assistants by 10%	0.198	0.330	0.330	0.330	0.330	13.0
Workforce	FISS	5	Remove Regular Car Allowance	0.050	0.150	0.250	0.315	0.315	0.0
Workforce	FISS	6	To remove Lease Car Scheme and the cessation of Employee Retention Allowances	0.025	0.075	0.125	0.150	0.150	0.0
Workforce	FISS	8	To Review Support to Elected Members	0.075	0.075	0.075	0.075	0.075	2.0
Workforce	PFM	10	Janitorial Service shared between 2 primary schools	0.225	0.225	0.225	0.225	0.225	11.0
Workforce			Total	0.623	1.105	1.255	1.345	1.345	28.0
IH&SC	HSC	2	Telecare/Housing Support	0.044	0.044	0.044	0.044	0.044	0.0
IH&SC			Total	0.044	0.044	0.044	0.044	0.044	0.0
TOTAL				1.632	3.037	3.582	3.897	3.897	77.000

Change Programme Overview

Financial Strategy Report - 13 February 2018 - Additions to Transformation Programme - Later years items as amended by Labour Group

Appendix 3

Strand	SERV	No.	DESCRIPTION	Cumulative Savings					
				Year 1	Year 2	Year 3	Year 4	TOTAL	Staff FTE
				2018/19	2019/20	2020/21	2021/22	SAVINGS	
				£m	£m	£m	£m	£m	
Digital Lead	FISS	3	Digital by Default across Council	0.000	0.000	0.000	0.500	0.500	0.00
Entrepreneurial Council	CW	3	Entrepreneurial Council	0.000	0.000	0.500	1.000	1.000	0.00
Entrepreneurial Council	CO	32	Provide Taxi Testing Service at Hopefield	0.000	0.000	0.060	0.060	0.060	0.00
Entrepreneurial Council	PFM	1	Building Services Company	0.000	0.000	0.250	0.610	0.610	0.00
Entrepreneurial Council	PFM	3	Construction and Design Service Consultancy	0.000	0.090	0.190	0.190	0.190	0.00
Entrepreneurial Council	PFM	4	Income from Professional Consultancy	0.000	0.050	0.050	0.050	0.050	0.00
Entrepreneurial Council	PFM	8	Expand Catering/Function Service	0.000	0.020	0.025	0.030	0.030	0.00
Entrepreneurial Council	PFM	12	Property Company	0.000	0.000	0.000	0.240	0.240	0.00
Entrepreneurial Council	PFM	13	Renewable Sources of Energy	0.000	0.000	0.000	0.280	0.280	0.00
Entrepreneurial Council	PFM	16	Community run 'Pure Gymn'	0.000	0.000	0.000	0.200	0.200	8.00
Entrepreneurial Council	PFM	22	Selling Services	0.000	0.050	0.050	0.050	0.050	0.00
Entrepreneurial Council	PFM	23	Destination Hillend	0.000	1.000	1.000	1.000	1.000	0.00
Services with Communities	CW	1	Co Production Community Engagement	0.000	0.000	0.000	1.000	1.000	0.00
Services with Communities	PFM	21	Transfer all halls and pavillions to community groups	0.000	0.000	0.100	0.100	0.100	0.00
Shared Services	CW	2	Shared Services	0.000	0.000	1.000	1.000	1.000	0.00
Shared Services	FISS	7	Shared Service	0.000	0.000	0.000	1.000	1.000	15.00
Shared Services	PFM	14	PPP Shared management with other LA	0.000	0.035	0.035	0.035	0.035	1.00
			TOTAL	0.000	1.245	3.260	7.345	7.345	24.000

Change Programme Overview

Financial Strategy Report - 13 February 2018 - Operational Savings as amended by Labour Group

Appendix 4

Strand	SERV	No.	DESCRIPTION	Cumulative Savings					
				Year 1	Year 2	Year 3	Year 4	TOTAL	Staff FTE
				2018/19	2019/20	2020/21	2021/22	SAVINGS	
				£m	£m	£m	£m	£m	
Investing in Workforce	CW	5	Investing in Our Workforce	0.000	0.100	0.250	0.300	0.300	0.0
Investing in Workforce			Total	0.000	0.100	0.250	0.300	0.300	0.0
Financial Discipline	CW	6	Financial Discipline	0.100	0.150	0.200	0.250	0.250	0.0
Financial Discipline	CORP	1	Increased Fees and Charges	0.120	0.120	0.120	0.120	0.120	0.0
Financial Discipline	RES DIR	2	Financial Discipline: Phase 2	0.100	0.100	0.100	0.100	0.100	0.0
Financial Discipline	RES DIR	3	Supplier Management	0.100	0.100	0.100	0.100	0.100	0.0
Financial Discipline	RES DIR	4	Reduce External Vehicle/Plant Hires	0.050	0.050	0.050	0.050	0.050	0.0
Financial Discipline			Total	0.470	0.520	0.570	0.620	0.620	0.0
Operational cost	CW	4	Valuation Board Savings target 1%	0.005	0.010	0.015	0.020	0.020	0.0
Operational cost	FISS	11	Further Phase of Print Copy Post reductions Strategy	0.075	0.150	0.150	0.150	0.150	0.0
Operational cost	PFM	25	Temperature Reduction (Heating Policy)	0.140	0.140	0.140	0.140	0.140	0.0
Operational cost	PFM	26	Reduce Investment in Sports Equipment	0.050	0.050	0.050	0.050	0.050	0.0
Operational cost	PFM	27	Energy Savings from SALIX Investment	0.060	0.090	0.090	0.090	0.090	0.0
Operational cost	PFM	31	New Depot Additional Floor	0.000	0.000	0.080	0.080	0.080	0.0
Operational cost			Total	0.330	0.440	0.525	0.530	0.530	0.0
Operational Workforce	CE	9	Communities Team: staff saving	0.027	0.027	0.027	0.027	0.027	0.8
Operational Workforce	CE	10	Reduction in the Economic Development Service	0.015	0.030	0.030	0.030	0.030	0.8
Operational Workforce	CE	11	Deletion of Building Standards Trainee Post	0.028	0.028	0.028	0.028	0.028	1.0
Operational Workforce	CHS	6	Service Management	0.000	0.071	0.071	0.071	0.071	1.0
Operational Workforce	CO	36	Reduce staff - Land and Countryside	0.050	0.100	0.100	0.100	0.100	4.0
Operational Workforce	CO	37	Reduce the fleet workshop budget	0.050	0.100	0.100	0.100	0.100	1.0
Operational Workforce	CO	38	Management/Service Review	0.150	0.300	0.300	0.300	0.300	8.0
Operational Workforce	CO	39	Staff Reduction Commercial Operations Management	0.000	0.080	0.110	0.110	0.110	3.0
Operational Workforce	FISS	9	Reduce Recruitment/Contract change volumes to reduce associated admin	0.050	0.050	0.050	0.050	0.050	2.0
Operational Workforce	FISS	10	Charge for non employment etc references	0.010	0.010	0.010	0.010	0.010	0.0
Operational Workforce	FISS	12	Cease all off payroll payments/reject non compliant documentation	0.000	0.000	0.000	0.100	0.100	3.0
Operational Workforce	FISS	13	Withdraw/Charge for physio support	0.000	0.000	0.000	0.030	0.030	0.0
Operational Workforce	PFM	28	New Depot Management Efficiencies	0.000	0.150	0.150	0.150	0.150	2.0
Operational Workforce	PFM	29	Management Service Review	0.090	0.180	0.180	0.180	0.180	4.0
Operational Workforce	PFM	30	Mobile cleaning service	0.050	0.050	0.050	0.050	0.050	3.0
Operational Workforce	RES DIR	1	Windfall Voluntary Severance Packages	0.050	0.050	0.050	0.050	0.050	1.0
Operational Workforce			Total	0.570	1.226	1.256	1.386	1.386	34.5
			TOTAL	1.370	2.286	2.601	2.836	2.836	34.500

Change Programme Overview

Financial Strategy Report - 13 February 2018 - Policy Savings Proposals as amended by Labour Group

Appendix 5

Strand	SERV	No.	DESCRIPTION	Cumulative Savings					
				Year 1	Year 2	Year 3	Year 4	TOTAL	Staff FTE
				2018/19	2019/20	2020/21	2021/22	SAVINGS	
				£m	£m	£m	£m	£m	
Service Review	CE	2	Overall reduction in the Planning Service Budget	0.106	0.106	0.106	0.106	0.106	0.0
Service Review	CE	6	Review of the pest control service within Environmental Health	0.007	0.007	0.007	0.007	0.007	0.0
Service Review	CE	7	Deletion of Environmental Health support post (noise control/enforcement)	0.028	0.028	0.028	0.028	0.028	0.8
Service Review	CE	8	Overall further reduction in the Environmental Health Service	0.108	0.108	0.108	0.108	0.108	2.0
Service Review	EDUC	1.5	Integration of Pathways, Pave and Pave 2	0.000	0.200	0.200	0.200	0.200	0.0
Service Review	EDUC	1.10	Reduce central education budgets, including Homelink	0.106	0.106	0.106	0.106	0.106	0.0
Service Review	CHS	2	Homelessness	0.260	0.260	0.560	0.560	0.560	0.0
Service Review	CHS	3	Housing	0.100	0.100	0.100	0.100	0.100	0.0
Service Review	CHS	5	Revenues and Benefits	0.400	0.800	1.400	1.794	1.794	11.0
Service Review	CO	19	Transform Lighting operations	0.050	0.100	0.100	0.100	0.100	3.0
Service Review			Total	1.165	1.815	2.715	3.109	3.109	16.8
Policy	CE	5	Reduce contribution to Strategic Planning Authority	0.020	0.020	0.020	0.020	0.020	0.0
Policy	EDUC	1.4	Review DSM	0.750	0.500	0.500	0.500	0.500	16.7
Policy	EDUC	1.6	Charging for Instrumental Tuition	0.099	0.165	0.165	0.165	0.165	0.0
Policy	EDUC	1.7	Charging for Instrumental Tuition for SQA courses	0.290	0.290	0.290	0.290	0.290	0.0
Policy	EDUC	1.11	Reduction in Teacher Numbers	0.236	0.378	0.378	0.378	0.378	9.0
Policy	EDUC	1.12	Reduction in Relative Teacher Numbers	0.350	0.560	0.560	0.560	0.560	14.0
Policy	EDUC	1.13	Remove Outdoor Learning Resource	0.078	0.125	0.125	0.125	0.125	2.6
Policy	EDUC	2.1	Lifelong Learning and Employability	0.184	0.209	0.209	0.209	0.209	3.5
Policy	EDUC	2.2	LL&E Further service reductions	0.050	0.119	0.119	0.119	0.119	1.0
Policy	CHS	1	Community Safety	0.300	0.300	0.300	0.300	0.300	5.0
Policy	CO	1	Charge for bins and boxes	0.050	0.110	0.170	0.230	0.230	0.0
Policy	CO	4	Charge for garden waste collection	0.000	0.510	0.510	0.510	0.510	0.0
Policy	CO	5	Charge for commercial waste at Stobhill CRC site	0.035	0.050	0.050	0.050	0.050	0.0
Policy	CO	7	Increase the level of recycling	0.025	0.075	0.075	0.075	0.075	0.0
Policy	CO	10	Reduce the number of grass football and astro pitches across Midlothian and consider the introduction of hybrid pitches	0.050	0.050	0.050	0.050	0.050	1.0
Policy	CO	11	Reduce the provision of all floral displays and shrub beds	0.065	0.130	0.130	0.130	0.130	4.0
Policy	CO	14	Increase lair provision at Dalkeith cemetery	0.025	0.050	0.050	0.050	0.050	0.0
Policy	CO	15	Close Polton Bowling Club	0.020	0.020	0.020	0.020	0.020	0.0
Policy	CO	17	Reduce the structures maintenance budgets	0.050	0.050	0.050	0.050	0.050	0.0
Policy	CO	18	Reduce street lighting maintenance budget	0.150	0.150	0.150	0.150	0.150	2.0
Policy	CO	22	Stop all open space CCTV activity	0.030	0.030	0.030	0.030	0.030	0.0
Policy	CO	23	Introduce and Increase Parking Charges	0.050	0.050	0.050	0.050	0.050	0.0
Policy	PFM	2	Reduction in Housing Voids Standards	0.080	0.080	0.080	0.080	0.080	2.0
Policy	PFM	5	Increasing the charging for school meals	0.040	0.080	0.120	0.160	0.160	0.0
Policy	PFM	7	Trolley Service/Internal Catering to cover costs	0.013	0.013	0.013	0.013	0.013	0.0
Policy	PFM	15	PPP maximised use of contracted hours	0.040	0.060	0.060	0.060	0.060	0.0
Policy	PFM	18	LifeGuard Cover	0.100	0.100	0.100	0.100	0.100	4.0
Policy	PFM	19	Concessionary Charging Policy - Leisure	0.100	0.100	0.100	0.100	0.100	0.0
Policy	PFM	24	Increased Fees and Charges	0.100	0.200	0.300	0.400	0.400	0.0
Policy			total	3.380	4.574	4.774	4.974	4.974	64.8
			TOTAL	4.545	6.389	7.489	8.083	8.083	81.6

Change Programme Overview

Financial Strategy Report - 13 February 2018 - Additions to Transformation Programme rejected by Labour Group

Appendix 2

Strand	SERV	No.	DESCRIPTION	Cummulative Savings					
				Year 1	Year 2	Year 3	Year 4	TOTAL	Staff FTE
				2018/19	2019/20	2020/21	2021/22	SAVINGS	
				£m	£m	£m	£m	£m	
Services with Communities	CE	4	A tailored and informed approach to Reduction in the Large and Small Grants budgets	0.000	0.200	0.200	0.200	0.200	0.0
Services with Communities				0.000	0.200	0.200	0.200	0.200	0.000
Workforce	CS	1	Reduction of Early Intervention & Prevention Services	0.130	0.130	0.130	0.130	0.130	4.0
Workforce	FISS	8	To Review Support to Elected Members	-0.025	-0.025	-0.025	-0.025	-0.025	-1.0
Workforce			Total	0.105	0.105	0.105	0.105	0.105	3.0
IH&SC	HSC	2	Telecare/Housing Support	0.265	0.265	0.265	0.265	0.265	0.0
IH&SC			Total	0.265	0.265	0.265	0.265	0.265	0.0
			TOTAL	0.370	0.570	0.570	0.570	0.570	3.000

Change Programme Overview

Financial Strategy Report - 13 February 2018 - Additions to Transformation Programme - Later years items rejected by Labour Group

Appendix 3

Strand	SERV	No.	DESCRIPTION	Cummulative Savings					
				Year 1	Year 2	Year 3	Year 4	TOTAL	Staff FTE
				2018/19	2019/20	2020/21	2021/22	SAVINGS	
				£m	£m	£m	£m	£m	
IH&SC	HSC	1	Rebalancing Care/rebalancing Expectations	0.000	1.040	3.080	4.620	4.620	0.00
			TOTAL	0.000	1.040	3.080	4.620	4.620	0.000

Change Programme Overview

Financial Strategy Report - 13 February 2018 - Operational Savings rejected by Labour Group

Appendix 4

Strand	SERV	No.	DESCRIPTION	Cummulative Savings					
				Year 1	Year 2	Year 3	Year 4	TOTAL	Staff FTE
				2018/19	2019/20	2020/21	2021/22	SAVINGS	
				£m	£m	£m	£m	£m	
Operational Workforce	FISS	14	Pass all disclosure costs to employees/volunteers	0.000	0.000	0.000	0.060	0.060	0.0
Operational Workforce			Total	0.000	0.000	0.000	0.060	0.060	0.0
			TOTAL	0.000	0.000	0.000	0.060	0.060	0.000

Change Programme Overview

Financial Strategy Report - 13 February 2018 - Policy Savings Proposals - rejected by Labour Group

Appendix 5

Strand	SERV	No.	DESCRIPTION	Cumulative Savings					
				Year 1 2018/19	Year 2 2019/20	Year 3 2020/21	Year 4 2021/22	TOTAL SAVINGS	Staff FTE
				£m	£m	£m	£m	£m	
Service Review	EDUC	1.10	Reduce central education budgets, including Homelink	0.097	0.097	0.097	0.097	0.097	0.0
Service Review			Total	0.097	0.097	0.097	0.097	0.097	0.0
Policy	CE	1	Review of Rights and Advice Services	0.000	0.040	0.090	0.140	0.140	0.0
Policy	CE	3	Staff saving from community asset transfer of Newtongrange Community Learning Centre building	0.025	0.025	0.025	0.025	0.025	1.0
Policy	EDUC	1.6	Charging for Instrumental Tuition	0.098	0.164	0.164	0.164	0.164	0.0
Policy	EDUC	1.8	Review let charges for after school clubs	0.250	0.450	0.450	0.450	0.450	0.0
Policy	EDUC	1.9	Remove Primary School Swimming Programme	0.038	0.061	0.061	0.061	0.061	0.6
Policy	CHS	1	Community Safety	0.130	0.130	0.130	0.130	0.130	3.0
Policy	CO	1	Charge for bins and boxes	0.020	0.020	0.020	0.020	0.020	0.0
Policy	CO	2	Extend collection frequencies	0.100	0.100	0.100	0.100	0.100	3.0
Policy	CO	3	Close Penicuik recycling centre	0.100	0.100	0.100	0.100	0.100	2.0
Policy	CO	8	Reduce Street Sweeping Frequency	0.030	0.030	0.030	0.030	0.030	1.0
Policy	CO	9	Reduce grass cutting standards	0.150	0.150	0.150	0.150	0.150	5.0
Policy	CO	12	Stop support to gala's and events	0.075	0.075	0.075	0.075	0.075	0.0
Policy	CO	16	Review spending on road maintenance	0.250	0.250	0.250	0.250	0.250	4.0
Policy	CO	20	Reduce the winter maintenance budget	0.050	0.050	0.050	0.050	0.050	0.0
Policy	CO	21	Remove the non statutory school crossing service	0.100	0.150	0.150	0.150	0.150	10.0
Policy	CO	24	Stop supported bus grants and reduce community transport support	0.150	0.250	0.250	0.250	0.250	1.0
Policy	CO	25	Reduce the ring and go scheme	0.030	0.030	0.030	0.030	0.030	1.0
Policy	CO	26	Stop the taxi card scheme	0.050	0.050	0.050	0.050	0.050	1.0
Policy	CO	29	Increase walking distance to School	0.038	0.062	0.062	0.062	0.062	0.0
Policy	PFM	17	Cessation of Sporting Grants	0.014	0.014	0.014	0.014	0.014	0.0
Policy			total	1.698	2.201	2.251	2.301	2.301	32.6
			TOTAL	1.795	2.298	2.348	2.398	2.398	32.6

Midlothian Council Budget 2018/19

SNP amendment



February 2018

2. Budget Context

Midlothian Council faces challenges and requires to change and adapt to be fit for its changing and future needs.

A significant rise in the age of Midlothian's population combined with a projected fall in working age population will likely be a complicated long term challenge, and requires a long term, well thought out approach.

The United Kingdom Government's plans for a hard Brexit represent a key risk to Scotland's and Midlothian's economy. The fall in the pound is pushing up inflation. That puts pressure on household budgets, and companies are re-evaluating their plans.

Those risks are compounded by the UK Government's continued austerity programme. In the coming years, we will face cuts to our funding for public services and to social security. Between 2010-11 and 2019-20, Tory austerity will see the Scottish Government's fiscal departmental expenditure limit budget, which funds discretionary spending and capital investment, fall by more than 9 percent, or £2.9 billion in real terms, with a share of a further £3.5 billion of cuts by 2019-20 still to come.

In the shorter term, according to the independent Fraser of Allander Institute, Scotland's budget faces cuts of £500 million over the next two years. That's half a billion less to spend on schools, hospitals and protecting the most vulnerable.

Significant overspend by the current administration have also created an additional financial challenge and created an unplanned overspend of £2.135m.

The SNP Group has therefore brought forward proposals which meet the needs of the current challenges whilst balancing the responsibility of protecting Midlothian's residents from the worst of brutal Tory austerity.

The SNP Group will continue to focus on services for the most vulnerable, to transform services rather than simply make cuts and to investigate new and progressive ways of delivering change.

3. Consultation Process

The SNP Group have raised concerns throughout the consultation process on the proposals put forward as part of this budget process. Whilst any effort to engage communities is appreciated the outline message of the consultation was flawed.

The consultation process sought only to seek approval about opinions on proposed cuts to services. Communities were given a strong message of the list being definitive and told to come up with their own initiatives to mitigate impacts of proposed cuts.

Whilst communities realise the impact and scale of changed service delivery design that is required in the years ahead the Council needs to do more to engage communities in a meaningful and transparent manner.

A lack of political leadership, vision and responsibility has affected the consultation process. The late timing in setting the budget compared with the previous administration has also led to a significant failure in terms of making fiscal decisions so close to the start of the financial year.

The SNP have consistently raised these concerns - as well as driven forward approaches to cross party working.

The SNP Group have engaged with Communities across wards in Midlothian and have actively sought out the views of Community Councils, the voluntary sector, businesses and public services, individuals, faith groups and charities.

4. Budget rejections

Looking after the health and wellbeing of our people:

- **Ring and Go Scheme**
- **Taxi Card Scheme**
- **Stop supported bus grants and reduce community support.**

The savings proposals to transport services would significantly impact disabled people, rural and vulnerable residents. Further, the removal of these services would have a negative impact on communities and impact on their local economies as well as the ability of residents to access employment and other services and further transport links.

Our Community facilities:

- **Library Services**
- **Staff saving from Community Asset Transfer of Newtongrange Community Learning Centre Building**
- **Community Run Pure Gym**
- **Stop all Open space CCTV activity**
- **Penicuik Recycling Centre**

The closure of libraries particularly has been overwhelmingly opposed by Midlothian residents and communities. Savings within library services must be achieved through coherent digital strategies and in community cooperation. [Page 42 of 108](#)

Meaningful approaches to change the way services are delivered were limited by the consultation process which only proposed outright closures.

Cuts to CCTV will undoubtedly impact directly on community safety, cohesion and wellbeing and must instead be redesigned in partnership with Police Scotland as opposed to their absolute removal.

Education

- **Reduce Learning Assistants by 10%**
- **Charging for Music Tuition**
- **Reduction in teacher numbers**
- **Reduction in relative teaching numbers**

Whilst the focus of education turns to attainment across the country the savings proposals would seriously impact on those efforts, and likely affect children with ASL needs and those from deprived areas the most. The large scale removal of Learning Assistants, music tuition and early intervention services have been met with overwhelming rejection from the public and echoed by the SNP Group.

Further, let charges for after school clubs have been shown to be counterproductive, likely to push up costs for parents and seriously impact on childcare provision across Midlothian. Any changes in this area must take a longer term approach, and carefully look at financial modelling that correctly identifies impacts to after school clubs and the people who use them.

Supporting and growing Midlothian

- **Support to Galas and Events**
- **Large and Small Grants budget**
- **Transfer all halls and pavilions to community groups**
- **Sporting Grants**

Midlothian has thriving communities, organisations and groups who work tirelessly to contribute to their communities and make Midlothian a better place. Removal of their already limited funding streams would undoubtedly end many of the traditions that have become known and loved.

5. Proposed areas for future change:

Shared services and management review programme

The SNP Group have identified areas in which councils can share more services across boundary areas, whilst maintaining local democracy and already do so in a growing number of areas such as Audit services, Trading Standards, Roads Services and Equality support.

There are undoubtedly further savings to be realised through shared services and estimates project that these could have been in excess of £2m for the financial year 18/19 and significant sums going forward.

The SNP Group estimates that the removal of a Director post could have realised a saving in the region of £0.5m per council.

A focused programme and policy should therefore be put in place immediately to identify savings of a further £2m for the next financial year of additional savings resulting from shared services, with a long term strategic proposal to lay out further savings for future years.

It has not been possible to bring forward these savings for this financial year due to the late timing of the budget set by the current administration.

6. Financial Strategy 2018/19 to 2021/22 Reflecting SNP Group Amendments

	2018/19	2019/20	2020/21	2021/22
	£m	£m	£m	£m
Budget Shortfall Table 1	10.430	20.048	29.198	37.987
Less: Change Programme				
Transformation Programme 8.2				
- Existing Programme	(1.167)	(1.502)	(1.502)	(1.502)
- Additions to Programme as amended	(1.399)	(5.602)	(9.402)	(15.142)
Total Transformation Programme as amended	(2.566)	(7.104)	(10.904)	(16.644)
Asset Management 8.3	(0.000)	(0.288)	(0.288)	(0.288)
Loan Charges 8.4	(0.500)	(0.500)	(0.500)	(0.500)
Operational Savings 8.5	(1.370)	(2.286)	(2.601)	(2.896)
Savings Options 8.6				
- Policy Cost Reductions as amended	(3.286)	(4.294)	(4.504)	(4.714)
- Service Reviews as amended	(1.262)	(1.912)	(2.812)	(3.206)
Total Policy Savings as amended	(4.548)	(6.206)	(7.316)	(7.920)
Fees and Charges 8.7	(0.180)	(0.240)	(0.280)	(0.300)
Less:				
Council Tax Increase of 3%	(1.274)	(2.569)	(3.884)	(5.218)
Sub Total	(0.008)	0.855	3.425	4.221
Transfer to Period Poverty Trial Fund	0.008	0.000	0.000	0.000
Remaining Budget Gap	0.000	0.855	3.425	4.221

7. Recommendations - Amendments highlighted

Council is recommended to:-

- a) Note the position in respect of the Scottish Government Grant Settlement for 2018/19 as set out in section 2;
- b) Note the current projected cost of services, key assumptions and resultant budget shortfalls as set out in section 3 and endorse the key assumptions on which the budget projections are based;
- c) In line with the provisions of the Grant Settlement package set a Band D Council Tax of £1,283 for 2018/19 as set out in appendix 1;
- d) Note the continuing uncertainties and the potential impact as outlined in the differing scenarios as set out in section 6;
- e) Consider the Change Programme elements proposed by the Strategic Leadership Group as set out in section 8 and:-
 - I. **Approve the amended savings proposals associated with the additions to the Transformation Programme as set out in the amended appendix 2;**
 - II. **Note the amended savings proposals associated with the additions to the Transformation Programme in later years as set out in the amended appendix 3;**
 - III. Note the operational savings summarised in appendix 4;
 - IV. **Approve the amended service review and policy savings proposals as set out in the amended appendix 5;**
 - V. Note the additional income anticipated from fees and charges as set out in section 8.7 and approve the detailed charges set out in appendix 6;
- f) **Approve the resultant amended allocation of £39.635 million to the Midlothian Integrated Joint Board for 2018/19 in respect of delegated services;**
- g) **Approve the resultant 2018/19 service budget as set out in the revised appendix 7;**
- h) In considering the recommendations also consider the contents of the overview of feedback from engagement activity set out in appendix 9 and the overarching EQIA set out in appendix 10;
- i) Otherwise note the contents of the report.

Page 46 of 108

MIDLOTHIAN COUNCIL

Appendix 7

REVENUE BUDGET 2018/19 SUMMARY (Incorporating the SNP Group Amendments)

Service Function	Budget 2018/19 £
Management and Members	1,868,156
<u>Education Communities and Economy</u>	
Childrens Services	15,237,667
Communities and Economy	3,251,589
Education	90,645,858
<u>Health and Social Care</u>	
Adult Social Care	39,634,938
Customer and Housing Services	11,329,784
<u>Resources</u>	
Commercial Services	13,918,662
Finance and Integrated Service Support	11,425,333
Properties and Facilities Management	13,247,746

Lothian Valuation Joint Board	550,550
Centrally Held Budget Provisions	717,900
Non Distributable Costs	1,338,437
GENERAL FUND SERVICES NET EXPENDITURE	203,166,620
Loan Charges	7,060,000
Investment Income	(371,475)
Council Transformation Programme savings targets	(3,177,965)
Allocations to HRA, Capital Account etc.	(4,934,180)
NET EXPENDITURE	201,743,000

Transfer to Period Poverty Trial Fund	(8,000)
Scottish Government Grant	154,432,000
Council Tax	47,319,000
TOTAL FUNDING	201,743,000

**APPENDIX 3 to Minute of Meeting of
Midlothian Council 13 February 2018**

MIDLOTHIAN COUNCIL

Council Tax for Financial Year 2018/19

This statement gives details of the 2018/19 Council Tax payable in respect of a chargeable dwelling in each of the valuation bands specified in Section 74(2) of the Local Government Finance Act 1992 determined in accordance with Section 74(1) of the Act (as amended) **Based on Band D Council Tax of £1,283.**

Band	Range of Values		Band D Proportion	Council Tax
	From £	To £		£
A	-	27,000	240/360	855.33
B	27,001	35,000	280/360	997.88
C	35,001	45,000	320/360	1,140.44
D	45,001	58,000	360/360	1,283.00
E	58,001	80,000	473/360	1,685.72
F	80,001	106,000	585/360	2,084.87
G	106,001	212,000	705/360	2,512.54
H	212,001	upward	882/360	3,143.35

Minute of Meeting



Cabinet

Date	Time	Venue
16 January 2018	11.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

Religious Representatives:

1 Apologies

Apologies were received from Vic Bourne and Matin Khan.

2 Order of Business

The Chair advised that he had agreed to consider as a matter of urgency, an additional item of business entitled “SPSO Annual Statistics for Midlothian Council Cases handled in 2016-17 - Report by Chief Executive”, as dealt with at paragraph 5.7 below.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of the Cabinet held on 21 November 2017 were submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Inspection of Midlothian Council Care at Home service	Joint Director, Health and Social Care
Outline of report and summary of discussion		
<p>The report outlined the outcome of the above inspection as carried out by the Care Inspectorate in August 2017. The inspection report graded the areas of inspection from 1 – Unsatisfactory to 6 - Excellent. This inspection report graded the three areas as follows:-</p> <p>Quality of care and support 3 – Adequate Quality of staffing 3 – Adequate Quality of Management and Leadership 2 - weak.</p> <p>The following areas of recommendation for improvement were agreed between the Care Inspectorate, Care at Home service and the Health and Social Care Partnership:</p> <ul style="list-style-type: none">• The Care Inspectorate advised that the service was operating at an adequate level and had repeated four of the requirements under “Quality of care and support”. Since 2013 the Care Inspectorate had asked the service to improve in these areas. At this inspection, the Care Inspectorate advised they were concerned that there was limited improvement.• What was highly challenging was the number of requirements and recommendations from previous inspections that had not been met. This included 17 outstanding requirements and only 1 had been partially met since the previous inspection. There were also 6 recommendations made from previous inspections and again only 3 had been met. A number of measures have already been put in place to improve the situation.		

- The Care Inspectorate advised that under the “quality of Management and Leadership” the service’s performance was weak and they had repeated 4 requirements. They saw little improvement in this area and were concerned this was having a major impact on the rest of the service.
- They found that most of the paperwork from people homes were not returned to the office to be checked and no formal record of this was made. This was discussed at length with the manager.
- Despite these concerns the Care Inspectorate also found that people were very happy with the care and support that they were receiving. They heard from people first hand how good their carers were. They could see that people had their needs met most of the time and people overall were very complimentary about the care staff who visited them in their own homes.
- They were concerned about the help that people were getting to take their medication. It was unclear what level of support some people needed and some people needed greater support than they were getting.
- However, there were no incidents of people coming to harm and this may be because people often had the same groups of regular carers who knew them well. However, people may not always have the same carer.
- Similarly, they saw that the other records in people's home, kept by the service, needed to improve. They found that personal plans did not have enough information in them and that some risk assessments were blank. Many records were not signed by the person receiving the care. This was important as it told us that the person had been involved in planning their care.
- It was a legal necessity that people care and support was reviewed with them every 6 months. However, they found that the service overall had not done this. One part of the service was up to date with this. Though the two larger parts of the service had not been able to complete their face to face reviews.

The Care at home service had responded to this inspection with a detailed action plan responding to all the requirements and recommendations with clear timescales and outputs to deliver to the plan. There was new management arrangements in place who meet on a fortnightly basis to update and review on progress against the action plan to ensure it keeps to the timescales.

The new management team had since met with the Care Inspectorate and they were happy with the recent progress and developments. The Care Inspectorate were due to re-visit in January 2018 however in light of the recent progress they had lifted their risk from high risk to medium risk and would re-visit within the next year. This provided a great opportunity to deliver on all the requirements and recommendations to ensure the grades would increase on their next inspection. Allister Short was heard in amplification of the report.

Several Members were heard providing positive anecdotal evidence received from clients of the Care at Home service and expressing their surprise at the overall gradings received from the Care Inspectorate. It was therefore considered necessary for the Cabinet to receive regular updates on the progress being made in this area.

Decision
<p>(a) To note the content of the inspection report;</p> <p>(b) To acknowledge the ongoing challenges of providing good quality care at home service to the people of Midlothian and the effort that has been established to improve the service delivery;</p> <p>(c) To receive a Quarterly report on the progress being made to address the areas for improvement agreed between the Care Inspectorate, Care at Home service and the Health and Social Care Partnership; and</p> <p>(d) To pass this report to the Performance, Scrutiny and Audit Committee for its consideration.</p>
Action
Joint Director, Health and Social Care

Agenda No	Report Title	Presented by:
5.2	Inspection of Roslin Primary School and Nursery Class	Head of Education

Outline of report and summary of discussion

The report outlined the outcome of the above inspection as carried out by Education Scotland which was communicated in their letter dated 19 December 2017. Noted below are the evaluations for Roslin Primary School and Nursery Class:

Primary Stages

Leadership of change	Good
Learning, teaching and assessment	Very Good
Raising attainment and achievement	Good
Ensuring wellbeing, equality and inclusion	Good

Nursery Stage

Leadership of change	Good
Learning, teaching and assessment	Good
Securing children's progress	Good
Ensuring wellbeing, equality and inclusion	Good

The inspection team found the following strengths in the school's work:

- The Head Teacher and her principal teacher who had led and supported staff in delivering high quality teaching for all children. This included encouraging and supporting staff to think creatively, for example, in the whole school approach taken to improving children's attainment in writing.
- In the primary stages, children knew themselves well as learners and can talk confidently within an inclusive and supportive classroom environment. The positive classroom ethos, and a focus on individual learners, enables all children to achieve success and to feel valued. In the nursery children receive positive interactions with staff who respond well to their learning interests.

- The rich and varied learning experiences offered to children across the school and nursery. At the primary stages, this includes learning across the expressive arts and in the nursery through high quality learning outdoors. Primary children experience music and singing and the opportunity to link with their local community through drama, as tour guides at Roslyn Chapel. All of this is helping to develop children's confidence and communication skills.

The following areas for improvement were identified and discussed with the Head Teacher and a representative from Midlothian Council:

- Staff should refine approaches to implementing innovation, based on a clear rationale, in order to ensure a positive impact and to ensure outcomes are sustainable for learners.
- Children in the nursery would benefit from building their opportunities in play, in order to further develop literacy skills.
- Continue to build on approaches to assessment to ensure robust evidence of children's progress and next steps in learning.

Grace Vickers was heard in amplification of the report during which Jo Wilson, Head Teacher provided detailed information at the request of elected Members.

Decision

- (a) To note the content of the inspection report;
- (b) To congratulate the pupils, parents and staff connected with Roslin Primary School and Nursery Class on the key strengths highlighted in the report;
- (c) To note the areas for further development; and
- (d) To pass this report to the Performance, Review and Scrutiny Committee for its consideration.

Action

Head of Education

Agenda No	Report Title	Presented by:
5.3	Inspection of St Luke's Primary School	Head of Education

Outline of report and summary of discussion

The report outlined the outcome of the above inspection as carried out by Education Scotland which was communicated in their letter dated 12 December 2017.

Noted below are the evaluations for St Luke's Primary School:

QI 1.1 Self-evaluation for self-improvement	Satisfactory
QI 3.2 Raising attainment and achievement	Weak

The inspection team found the following strengths in the school's work:

- The Head Teacher has a clear vision for the school. Supported by the acting Depute Head Teacher, she is developing systems to gather and analyse information on the work of the school. She knows children and their families well.
- In partnership with cluster schools she has produced a plan for next session to direct Pupil Equity Funding to reduce barriers to learning and raise attainment.
- The support given by learning assistants to raise the attainment of the most vulnerable children
- The schools' partnership working with its campus partner to plan a joint improvement programme directly linked to the context of both schools.

The following areas for improvement were identified by inspectors:

- Staff should increase the opportunities for children to be actively involved in planning and assessing their own learning to increase their understanding of the purpose of learning.
- Staff should work collaboratively to realise the whole school vision of raising attainment in a learning environment where staff and pupils have high expectations of themselves and each other.

Grace Vickers was heard in amplification of the report during which Head Teacher, Lindsey Walker provided detailed information at the request of elected Members.

Decision

- (a) To note the content of the inspection report;
- (b) To note that Education Scotland are trying out some new approaches to inspection and this inspection followed one of the new approaches called the short, more focussed school visit as outlined in the report;
- (c) To note the key strengths outlined in the report;
- (d) To note the significant areas for improvement;
- (e) To note the challenges faced by the school as outlined in the report;
- (f) To note that Education Scotland will return within one year of the published Report; and
- (g) To pass this report to the Performance, Review and Scrutiny Committee for its consideration.

Action

Head of Education

Agenda No	Report Title	Presented by:
5.4	Inspection of Midlothian Council Adoption Service	Head of Children's Services
Outline of report and summary of discussion		
<p>This report outlined the outcome of the above announced inspection as carried out by the Care Inspectorate on 17 November 2017. Based on the findings of this inspection the Care Inspectorate awarded the following grades:</p>		
Quality of Care and Support		Grade 4 – Good
Quality of Staffing		Not assessed
Quality of Management and Leadership		Grade 4 – Good
<p>The Care Inspectorate noted the following strengths:</p>		
<ul style="list-style-type: none">• The co-location of the service was found to be beneficial in terms of collaborative working practices which should improve outcomes for children.• Adopters reported positively on preparation groups, the assessment process and training. This tracking system has reduced the amount of delay in decision making for children.• Linking processes were reported to be robust and therefore adopters felt that relevant information about the child was shared. In addition Inspectors noted positive developments in terms of more robust process for life story work and later life letters.• The Inspectors observed an adoption panel and reported that the panel was child focused and demonstrated thoughtful and sound decision making.		
<p>The Inspection Team reported that the service could do better in the following areas:</p>		
<ul style="list-style-type: none">• The loss of experienced staff coupled with the high level of maternity cover has resulted in the service operating with diminished capacity and capability.• The need to ensure that Adoption Support Plans are in place for every child in particular when placing a child out-with Local Authority.• The need to raise awareness to ensure that support is offered to prospective adopters whilst waiting for a child to be placed.• To consider a Midlothian representative attending the preparations groups when they are held in neighbouring authorities to make these early links.		
<p>Mary Smith was heard in amplification of the after which she answered questions from elected Members.</p>		

Decision
<p>(a) To note the content of the inspection report;</p> <p>(b) To pass this report to the Performance, Review and Scrutiny Committee for its consideration; and</p> <p>(c) To acknowledge the progress and ongoing work to improve the service.</p>
Action
Director Education, Communities and Economy/Head of Education

Agenda No	Report Title	Presented by:
5.5	Inspection of Midlothian Council Fostering Service.	Head of Children's Services

Outline of report and summary of discussion

The report outlined the outcome of the above announced inspection as carried out by the Care Inspectorate on 17 November 2017.

Based on the findings of this inspection the Care Inspectorate awarded the following grades:

Quality of Care and Support	Grade 3 – adequate
Quality of Staffing	Not assessed
Quality of Management and Leadership	Grade 4 – Good

- The Care Inspectorate noted that since the last inspection the service has further developed by stating

“The service is now co-located with other children's services. During the past year there has been significant changes within the agency in relation to a high turn-over of staff, however a new manager has also been appointed and this has had a positive effect on the service.”

The Inspection Team noted the following strengths:

- There was evidence of a robust approach to care planning for children. Information provided to carers was usually very good and carers felt that effective matching was always attempted and their views listened to.
- Carers reported that they attended and took an active part in multi-agency meetings, reviews and hearings and where appropriate children and young people also attended.
- Training for foster carers was seen as a strength within the service. There was evidence of regular visits and contact. There was also evidence of additional support being offered to individual children and young people when requested and most carers reported positively on the support they received from the child's social worker.

- The Care Inspectorate found service development plans were coherent with the feedback received and the organisational goals. The decision to be co-located with other teams and appoint only one manager for the team was viewed positively.
- The new team manager is viewed by all staff and others as a key strength for the service and the quality of the fostering panels remains a strength within the service.

The Inspection Team reported the following areas for improvements:

- Relationships between the service and carers is an area for improvement. As a result of the service review, which seen a large number of staff leave this area of work, this has led to inconsistencies in approaches to working with carers. Some carers reported that they felt undervalued or under supported at times.
- The standard of assessments and reports was found to be variable. This was linked to the lack of expertise within the team and the turnover of staff.
- There was concern around workload management and the pressure on staff. The Care Inspectorate were concerned that staff were at times overwhelmed by their workload and this should be looked at as a matter of urgency.

Decision

- (a) To note the content of the inspection report;
- (b) To pass this report to the Performance, Review and Scrutiny Committee for its consideration; and
- (c) To acknowledge the continued progress and the ongoing work by management and staff.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Midlothian consultation on the Education (Scotland) Bill 2017	Head of Education
Outline of report and summary of discussion		
<p>With reference to paragraph 5.4 of the Cabinet Minutes of 21 November 2017, there was submitted a report advising Cabinet on the outcome of the Midlothian consultation on the new Education (Scotland) Bill 2017. A hyperlink to a copy of the national consultation was provided within the report.</p> <p>In total twenty two responses to the survey were received. A summary of respondents is shown below:</p>		

Respondent	Responses
Member of staff	16
Parent/carer Group (2 CPP, 2 CC, 1 PC) Primary Head Teacher group response Secondary Head Teacher group response	6
Grand Total	22

Overall, the responses have the following key themes:

Advantages

- Allow Head Teachers to plan for the specific needs of their School and Communities.
- Increased feedback to Parent/Pupil Councils and the wider School Community.
- Increased flexibility in staffing and recruitment.
- Wider consultation within School communities
- Ensure Head Teachers have the freedom to choose the systems of planning, reporting and monitoring that best suits the needs of their School community.

Disadvantages

- Requirements for additional training HR/Finance/Legal issues.
- Most actions already facilitated well by Local authority, worry about time required to implement in individual Schools.
- All staff already require registration to professional bodies SSSC, GTCS etc.
- Additional burden on support staff and drain on Head Teachers time.
- Already a focus within schools to ensure collaboration across the school community. Local Authority also provides support and encouragement to reach out across the school community and keeps this as focus and priority.

Grace Vickers was heard in amplification of the report during which she responded to questions from elected Members.

Decision

- (a) To note the contents of the report;
- (b) To note the outcome of the Midlothian survey; and
- (c) To authorise officers to submit the Midlothian response to the Scottish Government before 30 January 2018.

Action

Head of Education

Agenda No	Report Title	Presented by:
5.7	Midlothian consultation on the Education (Scotland) Bill 2017	Chief Executive
Outline of report and summary of discussion		
<p>With reference to paragraph 2 above, there was submitted and considered as a matter of urgency, a report providing an update regarding the annual Scottish Public Services Ombudsman (SPSO) letter and statistics relating to Midlothian Council complaint cases handled by the SPSO for 2016/17 and for which decisions were published online in October 2017.</p> <p>In addition the report also presented the Annual Complaints Report, recently approved for publication on the Council's website by the Corporate Management Team at their meeting dated 29 November 2017.</p> <p>Appendix 1 to the report provided an account of the complaints data about Midlothian Council that the SPSO had looked at and published on their website in October 2017. An extract of the information shown in appendix 1 was also included in the Annual Complaints Handling report as detailed within appendix 2 of the report. The Chief Executive was heard in amplification of the report.</p>		
Decision		
<p>(a) To note the statistics presented in Appendix 1 of the report, a summary of which was highlighted in Annual Complaints Report 2016/17, appendix 2 to the report; and</p> <p>(b) To note the newly published Annual Complaints Report provided in appendix 2 of the report.</p>		
Action		
Chief Executive		

The meeting terminated at 11.53am

Minute of Meeting



Planning Committee

Date	Time	Venue
9 January 2018	2.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

1. Apologies

Apologies received from Councillors McCall, Montgomery, Parry and Winchester.

2. Order of Business

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

3. Declarations of interest

Councillor Baird declared a non-pecuniary interest in agenda item 5.6 - Application for Planning Permission for the Erection of 179 Dwellinghouses and 20 Flatted Dwellings, Formation of Access Road and Car Parking and Associated Works at land north of Oak Place, Mayfield (16/99134/DPP) – on the ground that the proposed development site was visible from his property. He indicated that he felt the nature of his interest was such that he did not feel it necessary to withdraw and he would remain in attendance during the debate, although he would not contribute to any discussion on this particular item.

4. Minutes of Previous Meetings

The Minutes of (i) Meeting of 14 November 2017 and (ii) Special Meeting of 5 December 2017 were submitted and approved as correct records.

With regards to paragraph 5.8 of the minutes of meeting of 14 November 2017, Councillor Hackett drew the Committee's attention to remarks that had been made following the meeting concerning the way in which he had voted on this particular application having been unduly influenced by party politics. He assured Members that given the quasi-judicial nature of the Committee that this was not the case and that the reason he had called the application in was that he was interested to hear other Members' views on the matter.

The Chair reiterated Councillor Hackett's comments regarding the quasi-judicial nature of the Committee, emphasising that there was no party whip and it was for individual members to come to their own views on the individual merits of any particular application. In the event that there was a difference of opinion then by all means discuss it, but do so in a manner that befitted the standing of the Committee.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Supplementary Guidance: Green Networks	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 22 December 2017, by the Head of Communities and Economy, seeking the Committee's agreement to undertake a formal consultation on its proposed 'Green Networks' supplementary guidance; a copy of which was appended to the report.

The report explained that the Midlothian Local Development Plan 2017 (MLDP), which had been adopted by the Council at its meeting on 7 November 2017, had included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas (Section 7.2, pages 81 and 82 of the MLDP). Additional guidance was required to provide further detail and interpretation of the policies and strategy set out in its development plan. One of the topic areas which needed further clarification was with regard Midlothian's Green Networks.

The supplementary guidance provided a framework supporting the delivery of the green network across the whole of Midlothian. The green network being connected areas of green and blue spaces within, around and between towns and villages that provided usable open space, active travel routes (routes for walking and cycling), habitats for wildlife and plants, and natural surface water and flood water management opportunities.

Summary of Discussion

The Committee, having heard from the Planning Manager, welcomed the Supplementary Guidance and looked forward to seeing the comments received as a result of the public consultations.

Decision

After further discussion, the Committee:-

- a) approved the draft Green Network Supplementary Guidance for consultation; and
- b) noted that a further report on the Green Network Supplementary Guidance would be brought forward for consideration following conclusion of the consultation period.

Action

Head of Communities and Economy/Planning Manager

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

Executive Summary of Report
There was submitted report, dated 22 December 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.
Decision
The Committee, having heard from the Planning Manager, agreed:- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2018; and (b) To note the updates for each of the applications.
Action
Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.3	Appeal and Local Review Body Decisions	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 22 December 2017, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in November 2017, and advising that there were no appeals determined by Scottish Ministers to report.		
Decision		
The Committee, having heard from the Planning Manager, noted the decisions made by the Local Review Body at its meeting on 7 November 2017.		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.4	Pre-Application Consultation: Proposed Mixed Use Development Comprising Offices, Stores, Garage and Workshops, Enterprise Business Units, Parking and Ancillary Facilities at land west of Burnbrae Terrace, Bonnyrigg (17/00721/PAC).	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 22 December 2017, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed mixed use development comprising offices, stores, garage and workshops, enterprise business units, parking and ancillary facilities at land west of Burnbrae Terrace, Bonnyrigg. (17/00721/PAC).		

The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

Summary of Discussion

The Committee, having heard from the Planning Manager, acknowledged concerns regarding the change in the allocated class uses for the site and also questions regarding whether these were sufficient to accommodate the proposed development. There was also concerns expressed regarding the compatibility of such uses with the neighbour residential sites. It being suggested that, especially in the case of those neighbouring site(s) which had not yet been developed out, the provision for the inclusion of mitigating measures to allow for the prospective Classes Uses approved in relation to the adjoining 'economic development site' should be made. It was also felt that a full environment impact assessment and mitigating measures would be required for the application site.

Decision

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

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Pre-Application Consultation: Proposed Residential Development at land at Gore Avenue and Newbryes Crescent, Gorebridge (17/00913/PAC)	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 22 December 2017, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development at land at Gore Avenue and Newbyres Crescent, Gorebridge (17/00913/PAC).		

The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

Summary of Discussion

Having heard from the Planning Manager, the Committee in considering the proposed development, discussed the importance of the layout being sympathetic to the existing surrounding properties/infrastructure and topography of the site. There was also a need to avoiding the shortcomings of the previous scheme, where there had been drainage issues, a void space at the rear of the gardens of existing properties in Newbyres Crescent and rear gardens that we laid out in such a way that they made routine upkeep extremely challenging. Finally, given the history of the site, provision need to be include to ensure that appropriate measures were taken to address any geological risks.

Decision

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

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of 179 Dwellinghouses and 20 Flatted Dwellings, Formation of Access Road and Car Parking and Associated Works at land north of Oak Place, Mayfield (16/99134/DPP)	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 7 November 2017, by the Head of Communities and Economy concerning the above application.		
Decision		
Having heard from the Planning Manager, the Committee agreed that planning permission be refused for the following reasons:		

1. There is not an education solution to accommodate all of the school children that would arise from the proposed residential development of the site, in particular non-denominational primary school children and as such the proposed development does not accord with policies IMP1 and IMP2 of the Midlothian Local Development Plan 2017.
2. The provision of up to 40 (20%) affordable housing units falls below the 25% (50 units) requirement set by policy DEV3 of the Midlothian Local Development Plan 2017. No reasoned justification, for the development in an area of housing need, has been submitted to support the below policy provision.
3. The proposed development of the site for 199 residential units, when the site is allocated for 63 residential units, is an overdevelopment of the site which is detrimental to the character and amenity of the area and the future occupants of the development contrary to policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017. The overdevelopment of the site is demonstrated by the large proportion of the proposed dwellings having unduly small sized rear private gardens, there being inadequate communal open space and children's play areas, inadequate spacing between proposed and existing dwellings, excessive raising in site levels and likely engineering works, including retaining structures to facilitate the development and buildings not being optimally orientated relative to the sites contours.
4. The engineering works to re-grade the levels on the site; in particular on the western part of the site, would be unduly visually dramatic, contrived and intrusive in the landscape to the detriment to the landscape and character and amenity of the area. Therefore the proposed development is contrary to policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017.
5. It has not been demonstrated to the Planning Authority that the contiguous height of retaining structures and boundary walls/fences required to be erected on the site to facilitate the proposed number of residential units and the proposed layout, would not impose themselves on the proposed houses or appear unduly intrusive, harmful to the character and amenity of the area. Therefore the proposed development is contrary to policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017.
6. Insufficient information has been submitted with the planning application to demonstrate to the Planning Authority that the SUDS detention basin would not pose a safety and security risk as a result of it not having adequate passive surveillance. Therefore the proposed development is contrary to policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017.
7. It has not been demonstrated to the Planning Authority that service vehicles can be manoeuvred through the site without posing a risk to pedestrians and other road users and also damage to property.

8.	The proposed development does not provide a 'Safe Route to School' or 'Green Network' to Lawfield Primary School from a point in the vicinity of the south western corner of the site contrary to policies TRAN1, ENV2, IMP1 and IMP2 of the Midlothian Local Development Plan 2017 and the aspiration of the Scottish Government policy statement 'Designing Street' that a connected permeable network be provided for in new developments.
9.	Insufficient information has been submitted with the application to enable the Planning Authority to assess whether the proposed parking meets the Council's parking standards.
10.	No cycle parking is proposed for the flats. Therefore the future occupants of the proposed flats would not be afforded adequate residential amenity and the proposed development does not accord with Midlothian Council's cycle parking standards.
Action	
Head of Communities and Economy	

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission for the Formation and Installation of Sustainable Urban Drainage System (SUDS) at land at Easter Bush Campus, Bush Farm Road, Roslin (17/00773/DPP)	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 22 December 2017, by the Head of Communities and Economy concerning the above application.		
Decision		
The Committee, having heard from the Planning Manager, agreed that planning permission be granted for the following reason: <i>The proposed development will support the furtherance of existing activities within the Bush Bioscience Cluster. The proposal therefore complies with the aims of policies STRAT1, STRAT5 and ECON2 of the adopted Midlothian Local Development Plan 2017.</i>		
Action		
Head of Communities and Economy		

The meeting terminated at 2.30pm.

Minute of Meeting



Local Review Body

Date	Time	Venue
16 January 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

1 Apologies

Apologies received from Councillor Smaill.

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 21 November 2017 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 61A Clerk Street, Loanhead [17/00363/DPP].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.3 of the Minutes of 21 November 2017, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr C Allmond, DM Hall, 27 Canmore Street, Dunfermline seeking on behalf of their client, Mr N Sneddon, Full Speed Ahead Finance a review of the decision of the Planning Authority to refuse planning permission (17/00363/DPP, refused on 18 September 2017) for the Change of Use from Chiropodist (class 2) to Dwellinghouse (class 9) at 61A Clerk Street, Loanhead and granting planning permission.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 29 Waverley Road, Bonnyrigg [17/00440/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 21 November 2017, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr T Ferguson, Ferguson Planning, Shiel House, 54 Island Street, Galashiels seeking on behalf of their client Mr L Pia, a review of the decision of the Planning Authority to refuse planning permission (17/00440/DPP, refused on 31 July 2017) for the change of use of a flatted dwellinghouse to house of multiple occupation at 29 Waverley Road, Bonnyrigg and refusing planning permission.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visits on Monday 15 January 2018 participated in the review process, namely Councillors Imrie, Alexander, Baird, Cassidy, Lay-Douglas, Milligan and Muirhead.

Councillor Munro whilst present during the respective debates had been unable to attend the site visits and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – 2A Nivensknowe Road, Loanhead [17/00404/S42].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 5 January 2018, by the Head of Communities and Economy regarding an application from Mr J Sorrell, Sorrell Associates, The Green House, 41 St Bernard's Crescent, Edinburgh seeking on behalf of their client, Mr S Greenhorn, 911 Rescue & Recovery Ltd a review of the decision of the Planning Authority to refuse planning permission (17/00404/S42, refused on 7 July 2017) for the removal of Conditions 3 and 4 of Planning Permission 16/00497/DPP (Alterations to and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective)) at 2A Nivensknowe Road, Loanhead.

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

The Local Review Body had made an accompanied visit to the site on Monday 15 January 2018.

Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. He then introduced Mr Jim Sorrell, Sorrell Associates (the applicant's agent) and Mr David Christie, 911 Rescue & Recovery Ltd (the applicants)

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

The LRB then gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. Whilst noting the reasons for refusal, the LRB considered that the proposed change of use and alterations were compatible to its location and that whilst it was more normal to expect the boundary fence and access gate to be set back from the heel of the pavement to allow for landscaping, in this instance the nature of the applicant's business justified a departure; these being viewed as material considerations. The LRB welcomed the applicant's offer to paint the fence and access gates and discussed the possibility of some sort of planting although concerns were raised about the upkeep and maintenance of any planting and also possible encroaching onto the footpath. The retrospective nature of the application drew some criticism of the applicant, it being emphasised by the LRB that their initial failure to engage had undoubtedly contributed to the current situation.

Decision

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

The proposed change of use and alterations are in keeping with the character of the surrounding industrial estate, would not detract from the amenity of the surrounding area and is likely to improve the economic activity and employment levels at the site and so complies with policies DEV2 and STRAT1 of the Midlothian Local Development Plan 2017. The fence and access gate erected along Nivensknowe Road on the southern boundary and south west corner of the site are required for the operation of the business and do not have a detrimental impact on amenity as to require their removal or relocation.

subject to:-

1. The metal and timber fence and access gate erected along Nivensknowe Road on the southern boundary and south west corner of the site shall be painted green within 2 months from this grant of planning permission and maintained as such thereafter.

Reason: *In the interest of visual amenity*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – 14 High Street, Lasswade [17/00636/DPP]	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 5 January 2018, by the Head of Communities and Economy regarding an application from Mr A Hird, Cundall, 4th floor Partnership House, Regent Farm Road, Gosford, Newcastle upon Tyne seeking on behalf of their client Mrs L Toye, a review of the decision of the Planning Authority to refuse planning permission (17/00636/DPP, refused on 13 October 2017) for the change of use of office building (class 4) to restaurant (class 3) and installation of roof vent at 14 High Street, Lasswade.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p> <p>The Local Review Body had made an accompanied visit to the site on Monday 15 January 2018.</p>		
Summary of Discussion		
<p>In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. He then introduced Mrs Louise Toye (the applicant), Ms Rebecca Taylor, Cundall (applicant's agent), Mr Pete Toye (representations in favour of the application) and Mr Keith Chapman (representation against the application).</p> <p>Thereafter, oral representations were received firstly from Mrs Toye, then from Ms Taylor, Mr Toye, Mr Chapman and finally from Mr King, the local authority Planning Officer; following which they responded to Members' questions and comments.</p> <p>Thereafter, the LRB gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. Whilst noting the reasons for refusal, the LRB considered that the proposed use was compatible to its location, that it provided employment benefits and would see a vacant commercial unit brought back into use; these being viewed as material considerations. The LRB discussed at some length the issue of car parking, in particular considering various ways in which it might potentially be managed so as to minimise any detrimental impact, including the possibility of a developer contribution towards improvements to the local public car park.</p> <p>During the course of these discussions the LRB noted an intimation from Councillor Milligan that he knew both Mrs Toye the applicant and also Mr Chapman who had made representations against the application.</p>		

Decision

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

The proposed restaurant would contribute to the local economy, create jobs and bring a vacant commercial building back into use. These economic benefits along with mitigation measures to limit any impact on residential amenity outweigh concerns with regard on-site parking provision, subject to the effective management of the business with regard customer and staff parking.

subject to:-

1. The kitchen of the restaurant shall be ventilated by an extraction ventilation system which shall:
 - a) be designed to achieve 30 air changes per hour;
 - b) provide adequate ventilation to the cooking area to eliminate the need to leave doors and windows open;
 - c) prevent the emission of cooking odours likely to cause nuisance to neighbouring commercial units and surrounding residential properties; and
 - d) terminate at sufficient height to permit the free disposal of exhaust fumes.
2. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible within any nearby living apartment.
3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 (an acceptable noise rating level based on an international standard) when measured within any nearby living apartment and no structure borne vibration is perceptible within any living apartment.

Reason for conditions 1 to 3: To safeguard nearby residential amenity

4. Prior to the hereby approved restaurant coming into use a customer and staff parking management plan shall be submitted to and approved in writing by the local planning authority. The strategy shall outline details of; how customers will be notified of the limited parking provision at the site and the location of alternative car parking provision, the promotion of non-private car travel to and from the site, staff travel arrangements and monitoring of parking arrangements to ensure there is no detrimental impact on highway safety. The approved business shall operate in accordance with the approved parking strategy.

Reason for condition 4: In the interests of highway safety

Action

Head of Communities and Economy

Sederunt/Declaration of Interest

Councillors Alexander Baird and Milligan all declared non-pecuniary interests in the following item of business, on the grounds that they knew the applicant and left the meeting at 3.14 pm and 3.16 pm respectively, taking no part in the discussion thereof.

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – 31A Eldindean Road, Bonnyrigg [17/00758/DPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 5 January 2018, by the Head of Communities and Economy regarding an application from Mrs M Anderson, 31a Eldindean Road, Bonnyrigg seeking a review of the decision of the Planning Authority to refuse planning permission (17/00758/DPP, refused on 14 November 2017) for the erection of an extension at that address.

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 15 January 2017.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the likely impact of the proposed development on the useable garden area which would be significantly reduced as a result. It could also lead to the potential removal of the existing off-street parking provision to compensate for the loss of the garden ground. The LRB acknowledged that whilst the choice of having a garden, or not, was very much a personal one, policy DP2 required that houses suitable for families should be provided with adequate useable private gardens.

Decision

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

1. *The proposed extension constitutes overdevelopment resulting in a very restricted private useable garden of limited use to the detriment of the occupiers of the property, including future occupiers and could result in the removal of off-street parking at the site.*
2. *For the above reason the proposal is contrary to policy DEV2 of the adopted 2017 Midlothian Local Development Plan which seeks to protect the character and amenity of the built-up area.*

Action
Head of Communities and Economy

Sederunt
Councillors Alexander and Milligan both rejoined the meeting at the conclusion of the foregoing item of business at 3.23 pm.

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – Land west of Roanshead Crescent, Easthouses [17/00690/PPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 5 January 2018, by the Head of Communities and Economy regarding an application from Mr R McQueenie, REM Associates, 21 Young Street, Edinburgh seeking on behalf of their client Mr B McBride, a review of the decision of the Planning Authority to refuse planning permission in principle (17/00690/PPP, refused on 17 October 2017) for the erection of three dwellinghouse at land west of Roanshead Crescent, Easthouses, Dalkeith.

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 15 January 2018.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the sloping nature of the application site which was likely to require significant engineering works in order to enable development to take place and also the likely impact of the proposed development on the character and amenity of the surrounding area.

Decision

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

1. *The proposed development would have an adverse impact on the amenity of the existing residential area, as a result of increased vehicle numbers and construction traffic on unsuitable roads.*

2. *It has not been demonstrated that access can be provided to the proposed dwellinghouses; in the absence of an access to the dwellinghouses there would be additional on-street parking which would have an adverse impact on the amenity of the area and have an adverse impact on vehicle and pedestrian safety in the area.*
3. *The proposed development would have an adverse impact on the character and appearance of the area and adjacent conservation area as a result of significant engineering works to change the levels of the site.*
4. *For the above reasons the proposal does not comply with policies RP20 and RP22 of the Midlothian Local Plan and policies DEV2 and ENV19 of the proposed Midlothian Local Development Plan.*

Action
Head of Communities and Economy

The meeting terminated at 3.27 pm.

Minute of Meeting



Performance, Review and Scrutiny Committee

Date	Time	Venue
30 January 2018	11.00 am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Alexander	Councillor Baird
Councillor Cassidy	Councillor Hardie
Councillor Johnstone	Councillor Lay-Douglas
Councillor McCall	Councillor Munro
Councillor Russell	Councillor Smaill
Councillor Winchester	

1 Apologies

Apologies were received from Councillor Parry.

2 Chair

In the absence of the Chair, Councillor Parry, it was agreed, in terms of Standing Order 7.3, that Councillor Johnstone be appointed to Chair the Meeting.

3 Order of Business

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

4 Declarations of interest

No declarations of interest were received.

5 Minutes of Previous Meetings

The Minutes of Meeting of 28 November 2017 were submitted and approved as a correct record.

6 Reports

Agenda No	Report Title	Presented by:
5.1	Various Inspection Reports Submitted to Cabinet	Director, Resources
Outline of report and summary of discussion		
With reference to the Cabinet meeting held on 16 January 2018, there was submitted a covering report confirming the decisions of the Cabinet in respect of the various inspection reports which had been referred to the Performance, Scrutiny and Audit Committee for consideration.		
Decision		
To note the decisions of the Cabinet in respect of the various inspection reports that followed.		
Action		
None		

Agenda No	Report Title	Presented by:
5.1(i)	Inspection of Midlothian Council Care at Home service	Joint Director, Health and Social Care
Outline of report and summary of discussion		
The report outlined the outcome of the above inspection as carried out by the Care Inspectorate in August 2017. The inspection report graded the three areas of inspection, from 1 – Unsatisfactory to 6 – Excellent, as follows:-		

Quality of care and support 3 – Adequate
Quality of staffing 3 – Adequate
Quality of Management and Leadership 2 - Weak.

The following areas of recommendation for improvement were agreed between the Care Inspectorate, Care at Home Service and the Health and Social Care Partnership:

- The Care Inspectorate advised that the service was operating at an adequate level and had repeated four of the requirements under “Quality of care and support”. Since 2013 the Care Inspectorate had asked the service to improve in these areas. At this inspection, the Care Inspectorate advised they were concerned that there was limited improvement.
- What was highly challenging was the number of requirements and recommendations from previous inspections that had not been met. This included 17 outstanding requirements and only 1 had been partially met since the previous inspection. There were also 6 recommendations made from previous inspections and again only 3 had been met. A number of measures have already been put in place to improve the situation.
- The Care Inspectorate advised that under the “quality of Management and Leadership” the service’s performance was weak and they had repeated 4 requirements. They saw little improvement in this area and were concerned this was having a major impact on the rest of the service.
- They found that most of the paperwork from people homes were not returned to the office to be checked and no formal record of this was made. This was discussed at length with the manager.
- Despite these concerns the Care Inspectorate also found that people were very happy with the care and support that they were receiving. They heard from people first hand how good their carers were. They could see that people had their needs met most of the time and people overall were very complimentary about the care staff who visited them in their own homes.
- They were concerned about the help that people were getting to take their medication. It was unclear what level of support some people needed and some people needed greater support than they were getting.
- However, there were no incidents of people coming to harm and this may be because people often had the same groups of regular carers who knew them well. However, people may not always have the same carer.
- Similarly, they saw that the other records in people's home, kept by the service, needed to improve. They found that personal plans did not have enough information in them and that some risk assessments were blank. Many records were not signed by the person receiving the care. This was important as it told us that the person had been involved in planning their care.
- It was a legal necessity that people care and support was reviewed with them every 6 months. However, they found that the service overall had not done this. One part of the service was up to date with this. Though the two larger parts of the service had not been able to complete their face to face reviews.

The Care at Home Service had responded to this inspection with a detailed action plan responding to all the requirements and recommendations with clear timescales and outputs to deliver to the plan. There was new management arrangements in place who meet on a fortnightly basis to update and review on progress against the action plan to ensure it keeps to the timescales.

The new management team had since met with the Care Inspectorate and they were happy with the recent progress and developments. The Care Inspectorate were due to re-visit in January 2018 however in light of the recent progress they had lifted their risk from high risk to medium risk and would re-visit within the next year. This provided a great opportunity to deliver on all the requirements and recommendations to ensure the grades would increase on their next inspection.

Allister Short was heard in amplification of the report following which he responded to Members questions/comments, drawing particular attention to the considerable efforts being made to improve the service delivery in response to many of the concerns that had been raised. He also explained that whilst benchmarking the service was not a straight forward process, the experience of others was being used to inform those efforts.

Decision

- (a) To note the content of the inspection report;
- (b) To acknowledge the ongoing challenges of providing good quality care at home service to the people of Midlothian and the effort that has been established to improve the service delivery; and
- (c) To note that Cabinet would receive a Quarterly report on the progress being made to address the areas for improvement agreed between the Care Inspectorate, Care at Home Service and the Health and Social Care Partnership.

Action

Joint Director, Health and Social Care

Agenda No	Report Title	Presented by:
5.1(ii)	Inspection of Roslin Primary School and Nursery Class	Head of Education

Outline of report and summary of discussion

The report outlined the outcome of the above inspection as carried out by Education Scotland which was communicated in their letter dated 19 December 2017. Noted below are the evaluations for Roslin Primary School and Nursery Class:

Primary Stages

Leadership of change	Good
Learning, teaching and assessment	Very Good
Raising attainment and achievement	Good
Ensuring wellbeing, equality and inclusion	Good

Nursery Stage

Leadership of change	Good
Learning, teaching and assessment	Good
Securing children's progress	Good
Ensuring wellbeing, equality and inclusion	Good

The inspection team found the following strengths in the school's work:

- The Head Teacher and her principal teacher who had led and supported staff in delivering high quality teaching for all children. This included encouraging and supporting staff to think creatively, for example, in the whole school approach taken to improving children's attainment in writing.
- In the primary stages, children knew themselves well as learners and can talk confidently within an inclusive and supportive classroom environment. The positive classroom ethos, and a focus on individual learners, enables all children to achieve success and to feel valued. In the nursery children receive positive interactions with staff who respond well to their learning interests.
- The rich and varied learning experiences offered to children across the school and nursery. At the primary stages, this includes learning across the expressive arts and in the nursery through high quality learning outdoors. Primary children experience music and singing and the opportunity to link with their local community through drama, as tour guides at Roslyn Chapel. All of this is helping to develop children's confidence and communication skills.

The following areas for improvement were identified and discussed with the Head Teacher and a representative from Midlothian Council:

- Staff should refine approaches to implementing innovation, based on a clear rationale, in order to ensure a positive impact and to ensure outcomes are sustainable for learners.
- Children in the nursery would benefit from building their opportunities in play, in order to further develop literacy skills.
- Continue to build on approaches to assessment to ensure robust evidence of children's progress and next steps in learning.

Grace Vickers was heard in amplification of the report.

Decision

- (a) To note the content of the inspection report;
- (b) To note that the pupils, parents and staff connected with Roslin Primary School and Nursery Class had been congratulate on the key strengths highlighted in the report; and
- (c) To note the areas for further development.

Action

Head of Education

Declaration of Interest

Councillor Baird declared a non-pecuniary interests in the following item of business, on the grounds that one of his children attended the school. He indicated that he felt the nature of his interest was such that he did not feel it necessary to withdraw and he would remain and contribute to the debate.

Agenda No	Report Title	Presented by:
5.1(iii)	Inspection of St Luke's Primary School	Head of Education

Outline of report and summary of discussion

The report outlined the outcome of the above inspection as carried out by Education Scotland which was communicated in their letter dated 12 December 2017.

Noted below are the evaluations for St Luke's Primary School:

QI 1.1 Self-evaluation for self-improvement	Satisfactory
QI 3.2 Raising attainment and achievement	Weak

The inspection team found the following strengths in the school's work:

- The Head Teacher has a clear vision for the school. Supported by the acting Depute Head Teacher, she is developing systems to gather and analyse information on the work of the school. She knows children and their families well.
- In partnership with cluster schools she has produced a plan for next session to direct Pupil Equity Funding to reduce barriers to learning and raise attainment.
- The support given by learning assistants to raise the attainment of the most vulnerable children
- The schools' partnership working with its campus partner to plan a joint improvement programme directly linked to the context of both schools.

The following areas for improvement were identified by inspectors:

- Staff should increase the opportunities for children to be actively involved in planning and assessing their own learning to increase their understanding of the purpose of learning.
- Staff should work collaboratively to realise the whole school vision of raising attainment in a learning environment where staff and pupils have high expectations of themselves and each other.

Grace Vickers was heard in amplification of the report following which she responded to Members questions/comments. In particular she highlighted the challenges face in the recruitment and retention of staff and also the timelines for feeding back the outcome of inspection visit both formally and informally.

Decision

- (a) To note the content of the inspection report;
- (b) To note that Education Scotland are trying out some new approaches to inspection and this inspection followed one of the new approaches called the short, more focussed school visit as outlined in the report;
- (c) To note the key strengths outlined in the report;
- (d) To note the significant areas for improvement;
- (e) To note the challenges faced by the school as outlined in the report; and
- (f) To note that Education Scotland will return within one year of the published Report.

Action

Head of Education

Agenda No	Report Title	Presented by:
5.1(iv)	Inspection of Midlothian Council Adoption Service	Head of Children's Services

Outline of report and summary of discussion

This report outlined the outcome of the above announced inspection as carried out by the Care Inspectorate on 17 November 2017. Based on the findings of this inspection the Care Inspectorate awarded the following grades:

Quality of Care and Support	Grade 4 – Good
Quality of Staffing	Not assessed
Quality of Management and Leadership	Grade 4 – Good

The Care Inspectorate noted the following strengths:

- The co-location of the service was found to be beneficial in terms of collaborative working practices which should improve outcomes for children.
- Adopters reported positively on preparation groups, the assessment process and training. This tracking system has reduced the amount of delay in decision making for children.
- Linking processes were reported to be robust and therefore adopters felt that relevant information about the child was shared. In addition Inspectors noted positive developments in terms of more robust process for life story work and later life letters.
- The Inspectors observed an adoption panel and reported that the panel was child focused and demonstrated thoughtful and sound decision making.

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

- The loss of experienced staff coupled with the high level of maternity cover has resulted in the service operating with diminished capacity and capability.
- The need to ensure that Adoption Support Plans are in place for every child in particular when placing a child out-with Local Authority.
- The need to raise awareness to ensure that support is offered to prospective adopters whilst waiting for a child to be placed.
- To consider a Midlothian representative attending the preparations groups when they are held in neighbouring authorities to make these early links.

Mary Smith was heard in amplification of the report.

Decision

- (a) To note the content of the inspection report; and
- (b) To acknowledge the progress and ongoing work to improve the service.

Action

Director Education, Communities and Economy/Head of Education

Agenda No	Report Title	Presented by:
5.1(v)	Inspection of Midlothian Council Fostering Service.	Head of Children's Services

Outline of report and summary of discussion

The report outlined the outcome of the above announced inspection as carried out by the Care Inspectorate on 17 November 2017.

Based on the findings of this inspection the Care Inspectorate awarded the following grades:

Quality of Care and Support	Grade 3 – adequate
Quality of Staffing	Not assessed
Quality of Management and Leadership	Grade 4 – Good

- The Care Inspectorate noted that since the last inspection the service has further developed by stating

“The service is now co-located with other children's services. During the past year there has been significant changes within the agency in relation to a high turn-over of staff, however a new manager has also been appointed and this has had a positive effect on the service.”

The Inspection Team noted the following strengths:

- There was evidence of a robust approach to care planning for children. Information provided to carers was usually very good and carers felt that effective matching was always attempted and their views listened to.
- Carers reported that they attended and took an active part in multi-agency meetings, reviews and hearings and where appropriate children and young people also attended.
- Training for foster carers was seen as a strength within the service. There was evidence of regular visits and contact. There was also evidence of additional support being offered to individual children and young people when requested and most carers reported positively on the support they received from the child's social worker.
- The Care Inspectorate found service development plans were coherent with the feedback received and the organisational goals. The decision to be co-located with other teams and appoint only one manager for the team was viewed positively.
- The new team manager is viewed by all staff and others as a key strength for the service and the quality of the fostering panels remains a strength within the service.

The Inspection Team reported the following areas for improvements:

- Relationships between the service and carers is an area for improvement. As a result of the service review, which seen a large number of staff leave this area of work, this has led to inconsistencies in approaches to working with carers. Some carers reported that they felt undervalued or under supported at times.
- The standard of assessments and reports was found to be variable. This was linked to the lack of expertise within the team and the turnover of staff.
- There was concern around workload management and the pressure on staff. The Care Inspectorate were concerned that staff were at times overwhelmed by their workload and this should be looked at as a matter of urgency.

Mary Smith was heard in amplification of the report following which she responded to Members questions/comments. In particular, she outlined the current position in relation to staffing situation, which had moved on since the time of the Inspectorates visit and had enabled progress to be made in addressing a number of their concerns.

Decision

- (a) To note the content of the inspection report; and
- (b) To acknowledge the continued progress and the ongoing work by management and staff.

Action

Director Education, Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Scottish Public Services Ombudsman (SPSO)'s Annual Statistics relating to Midlothian Council cases in 2016/17	Chief Executive
Outline of report and summary of discussion		
<p>With reference to paragraph 5.7 of the Cabinet of 16 January 2018, there was submitted a report providing an update regarding the annual Scottish Public Services Ombudsman (SPSO) letter and statistics relating to Midlothian Council complaint cases handled by the SPSO for 2016/17 and for which decisions were published online in October 2017.</p> <p>In addition the report also presented the Annual Complaints Report, recently approved for publication on the Council's website by the Corporate Management Team at their meeting dated 29 November 2017.</p> <p>Appendix 1 to the report provided an account of the complaints data about Midlothian Council that the SPSO had looked at and published on their website in October 2017. An extract of the information shown in appendix 1 was also included in the Annual Complaints Handling report as detailed within appendix 2 of the report.</p> <p>Kenneth Lawrie was heard in amplification of the report following which he responded to Members questions/comments. He advised that the way in which the information was presented was substantially shaped by the requirements placed by SPSO, however, the possibility of providing a more 'user friendly' version could be looked into. Other suggestions included presenting the number of complaints as a percentage of those likely to complain - ie by household or adult population; providing a better context to the scale of complaints by measuring them against overall performance – eg number of unemptied/missed bins against the total number emptied; and including details of compliments.</p>		
Decision		
<p>(a) To note the statistics presented in appendix 1 of the report, a summary of which was highlighted in Annual Complaints Report 2016/17, appendix 2 to the report; and</p> <p>(b) To note the newly published Annual Complaints Report provided in appendix 2 of the report.</p>		
Action		
Chief Executive		

The meeting terminated at 11.34am

Minute of Meeting



Audit Committee

Date	Time	Venue
Tuesday 12 December 2017	11.00 am	Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Present:

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

In attendance:

Kenneth Lawrie	Chief Executive
John Blair	Director Resources
Gary Fairley	Head of Finance and Integrated Service Support
Stephen Reid	Ernst and Young
Alan Turpie	Legal Services Manager
Suzanne Ross	Solicitor
Elaine Greaves	Internal Audit Manager
Jill Stacey	Chief Auditor, Scottish Borders & Midlothian Council
Ricky Moffat	Head of Commercial Operations
Ian Johnson	Head of Communities and Economy
Alison White	Head of Adult Services
Heather Mohieddeen	Senior Auditor
James Polanski	Auditor
Amber Ahmed	Auditor
Janet Ritchie	Democratic Services Officer

1. Welcome and Apologies

2. Order of Business

The order of business was amended as follows and included the additional paper 5.12 Local Code of Corporate Governance 2017 which had been previously circulated.

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

On a motion by Councillor Muirhead and seconded by Councillor Hardie the minutes of the Audit Committee meeting of 26 September 2017 were submitted and approved as a correct record.

5. Public Reports

Report No.	Report Title	Submitted by:
5.1	Shared Chief Auditor Post between Midlothian and Scottish Borders Councils	Chief Executive
Outline of report and summary of discussion		
<p>There was a report submitted to the Audit Committee by the Chief Executive advising of a 12 month pilot arrangement over the sharing of a Chief Auditor/Audit Manager Post between Midlothian and Scottish Borders Councils which will also create the opportunity for a wider exploration of joint working activities and benefits.</p> <p>The Chief Executive welcomed the newly appointed shared Chief Internal Auditor, Jill Stacey to the meeting and provided the Committee with an outline of the report highlighting the potential benefits as well as the challenges of sharing the Chief Auditor/Audit Manager post across both Councils.</p> <p>Thereafter the Chief Executive responded to questions raised by Members which included:</p> <ul style="list-style-type: none">• The protocol for the allocation of tasks for both Councils and the structure in place for managing this.• The net savings to Midlothian Council of £30,000 relative to the appointment to the full time management position in the previous structure.		

- The External Auditor confirmed that this pilot programme supports the recommendation relevant to Item 11 within the Action Plan in the External Auditor's Annual Report regarding transformational change.
- Wider exploration of joint working across other Councils.

The Chair added his welcome to Jill Stacey and looked forward to working with her in the future.

Decision

The Audit Committee noted:

- i) the interim appointment of a shared Chief Internal Auditor post between Midlothian and Scottish Borders Council with effect from 1 December 2017 for a period of 12 months;
- ii) that there will be a wider exploration of joint working activities and benefits on the proposals set out in this report;
- iii) that a detailed programme for implementing the shared post arrangements set out in this report including wider staff and trade union consultation will be developed; and
- iv) that a further report will be presented to the Committee after an initial 6 month period.

Action

Chief Executive

Report No.	Report Title	Submitted by:
5.2	Risk Management, Update for 1 July 2017 – 30 September 2017	Risk Manager
Outline of report and summary of discussion		
<p>There was a report dated 22 November 2017 submitted by the Risk Manager with the 2017/18 quarter 2 strategic risk management update, covering the period 1 July 2017 – 30 September 2017.</p> <p>The Head of Commercial Operations presented the report to the Committee highlighting the main sections from within the report. Thereafter Executive Officers responded to questions raised by Members which included:</p> <ul style="list-style-type: none"> • The impact of the pay and grading review. The Director Resources confirmed there will be a report presented to Council in the next quarter with details of benefits from the terms and conditions and also the investments in the staffing. • An explanation to why the Pension fund has not been included as a significant risk to Midlothian in this report. The Head of Finance and Integrated Service Support explained that the Accounts make provision for the Council's own pension liabilities. 		

- The City Deal that has now been agreed and will this impact on the risk evaluation. The Chief Executive explained that although the Heads of terms were signed off in July 2017 the process to develop detailed business cases for all aspects of the City Deal was still ongoing and the Council was working closely with partners to complete this with a target date of the end of March 2018.

Decision

The Audit Committee noted the quarter 2 2017/18 Strategic Risk Profile report and considered the current response to the issues, risks and opportunities highlighted.

Report No.	Report Title	Submitted by:
5.3	National Fraud Initiative Update 2016/17	Internal Audit Manager
Outline of report and summary of discussion		
<p>A report dated 30 November 2017 was presented by the Senior Auditor updating the Audit Committee on the completion of the National Fraud Initiative data matching exercises for 2016/17, and the outcomes of these exercises.</p> <p>Thereafter the Executive Officers responded to questions raised by Members with regards to the figures detailed in Appendix 1 on payroll and blue badges.</p>		
Decision		
The Audit Committee noted the content of the report.		

Report No.	Report Title	Submitted by:
5.4	Internal Audit Report – Health and Safety	Internal Audit Manager
Outline of report and summary of discussion		
<p>A report dated November 2017 was presented by the Internal Auditor which reviewed the adequacy of the control framework designed by management to allow compliance with Health and Safety legislation. The Council has a legal duty to put in place suitable arrangements in response to statutory requirements and ultimately to manage and control key health and safety risks creating a safe and healthy working environment.</p> <p>Thereafter the Head of Commercial Operations responded to questions raised by Members which included what actions had been taken to address the issues highlighted in the report; the outstanding items from the action plan 2013-16 and the collaboration with East Lothian Council's Health and Safety Team.</p>		

The Head of Commercial Operations continued by explaining that an Action Plan is now in place and all outstanding items are being addressed and will be completed by the end of the financial year, the benefits of having a shared Risk Manager for both Midlothian and East Lothian Council and that both Councils will be at the same stage by March 2018.

In response to a question from the Chair with regard to the RIVO system not meeting the Council's information security policy but whether it met East Lothian's information security policy, the Head of Commercial Operations agreed to provide feedback on this matter.

Decision

The Audit Committee otherwise noted the content of the report.

Action

Head of Commercial Operations

Report No.	Report Title	Submitted by:
5.5	Internal Audit Report – Monitoring of External Care Homes	Internal Audit Manager
Outline of report and summary of discussion		
<p>A report dated November 2017 was presented by the Internal Auditor which provided an opinion on the adequacy of Midlothian Council's monitoring arrangements over the third party suppliers it has appointed to provide care home services.</p> <p>Thereafter the Head of Adult Services responded to questions raised by Members which included:</p> <ul style="list-style-type: none"> • The number of issues raised and confirmation that all actions have been addressed. • Data protection weaknesses and the risk of individual information being accessed. External providers not using the Egress system but confirmation that this is more anonymised data than individual data. • Confirmation that all Care Homes are externally audited by the Care Inspectorate. • The issue of whether external agencies are adhering to the Council's systems and it was confirmed that the problem is not widespread and this can happen when there is a change of management in the care home. • The functionality of both Mosaic and the new internal monitoring system CM2000 and the fact that these systems are for recording different data. 		
Decision		
The Audit Committee noted the content of the report.		

Report No.	Report Title	Submitted by:
5.6	Internal Audit Report – Tyne Esk LEADER	Internal Audit Manager
Outline of report and summary of discussion		
<p>A report dated November 2017 was presented by the Internal Auditor which reviewed the adequacy of the internal controls in place for the administration of the Tyne Esk LEADER Programme.</p> <p>Thereafter Executive Officers responded to questions raised by Members which included:</p> <ul style="list-style-type: none"> • Clarification on the eligibility of tendering quotes and the connected parties. • Overdue claims that do not meet Scottish Government Service Level agreement. 		
Decision		
The Audit Committee noted the content of the report.		

Report No.	Report Title	Submitted by:
5.7	Internal Audit Report – Follow-up Review of Audit Recommendations	Internal Audit Manager
Outline of report and summary of discussion		
<p>A Report dated November 2017 was presented by the Internal Audit Manager highlighting that this follow-up audit reviewed a sample of recommendations that have been signed off as complete in 2016/17 to determine whether they had been implemented satisfactorily and thus give assurance over the ongoing improvement of internal control.</p> <p>The Internal Audit Manager responded to a question raised by Councillor Smail with regards to the inclusion of the Transformation Programme in this audit review and she explained that only a sample of recommendations were selected from the Pentana system for this review.</p> <p>The Chair suggested that due to the importance of the Business Transformation Programme that when planning the Audit Plan for 2018/19 that the focus is on this critical area.</p>		
Decision		
The Audit Committee agreed that the Business Transformation Programme is considered when planning the Audit Plan for 2018/19 and to otherwise note the content of the report.		
Action		
Internal Audit Manager		

Report No.	Report Title	Submitted by:
5.8	Internal Audit Recommendations Progress Report	Internal Audit Manager
Outline of report and summary of discussion		
<p>A report dated 15 November 2017 was presented by the Internal Audit Manger informing the Audit Committee of the number of recommendations raised by Internal Audit over the last 4 years and the Council's performance in addressing these issues by the agreed implementation dates.</p> <p>The Chair raised a question with regards to the actions in the review of controls operating over pre-school provision partnership providers and who takes responsibility of this. The Director Resources agreed to follow this up with colleagues.</p> <p>Thereafter the Executive Officers and the External Auditor responded to questions raised by Members which included:</p> <ul style="list-style-type: none"> • Management review current risk score and confirmation that there are arrangements in place to monitor these agreements. • The outstanding action with regards to Petty Cash was due to the move to E-forms and that progress has been made on this. • The External Auditor provided an explanation on the ways that the external audit focusses on the management implementation of actions and the importance that progress was being made. 		
Decision		
<p>The Audit Committee agreed:</p> <ul style="list-style-type: none"> • That feedback would be provided by the Director Resources with regards to issues involving pre-school provision partnership providers. • To note that Internal Audit will continue to monitor for completion the outstanding issues and will provide reports to the Audit Committee. • To otherwise note the content of the report. 		
Action		
Director Resources		

Report No.	Report Title	Submitted by:
5.10	Audit Scotland Report: Local government in Scotland: Financial Overview 2016/17 (Audit Scotland, November 2017)	Chief Executive

Outline of report and summary of discussion

A report dated 28 November 2017 was presented by the Chief Executive providing the Audit Committee with a summary of the Audit Scotland report, 'Local government in Scotland; Financial Overview 2016/17' and the Council's position in relation to the report's findings. The report provides a high-level, independent view of the Council's financial performance and position in 2016/17.

The Chief Executive highlighted the notable items from the Audit Scotland Report which included Exhibit 9 (p22), 11(P24) and 13 (26).

Thereafter the Head of Finance and Integrated Service Support responded to questions raised by Members on the rules regarding the use of various Reserves and the projected level of Reserves and the reasons why money should not be moved to and from different funds.

The External Auditor stated there are specific statutory requirements for each of the Reserves and their role is to ensure that the Council Officers apply the rules accordingly.

Decision

The Audit Committee noted the Audit Scotland report and the position of Midlothian Council in relation to the report's key messages.

Report No.	Report Title	Submitted by:
5.11	Equal Pay in Scottish Councils	Head of Finance and Integrated Service Support

Outline of report and summary of discussion

A report dated 30 November 2017 was presented by the Head of Finance and Integrated Service Support informing the Audit Committee of the findings in the Accounts Commission report 'Equal Pay in Scottish Councils' published on 7 September 2017 (the 'AC Report') and the actions taken by the Council in relation to the issues identified in the report.

Thereafter arising from questions from Members it was clarified that there was provision within the accounts for the number of outstanding pay claims and the number of claims is no longer a risk for the Council. Also raised was other forms of pay and equality and the pay differentials across all grades.

Decision

The Audit Committee noted:

- a) The key messages in the Accounts Commission Report;
- b) The current positive position of the Council with regard to the issues and questions raised by the Commission;
- c) The relatively small number of remaining claims which Legal Services are seeking to resolve;
- d) The actions being taken for governance and oversight of equal pay in the future.

Report No.	Report Title	Submitted by:
5.12	Local Code of Corporate Governance 2017	Director Resources
Outline of report and summary of discussion		
A report dated 5 December 2017 was presented by the Monitoring Officer advising the Audit Committee of the terms of the draft Local Code of Corporate Governance which has been prepared following an updated framework document from CIPFA/SOLACE and which it is intended to be presented to Council to seek formal adoption.		
Decision		
The Audit Committee noted the content of the report.		

At the request of the Chair, the Committee agreed to consider the private report item no. 6.1 Internal Audit Report – Stores at this point in the meeting prior to returning to the final public report, item no. 5.9 Financial Monitoring 2017/18 and Financial Strategy 2018/19.

6. Private Reports

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

Report No.	Report Title	Submitted by:
6.1	Internal Audit Report – Stores	Internal Audit Manager
Decision		
The Audit Committee noted the content of the report.		

5. Public Reports continued

Report No.	Report Title	Submitted by:
5.9	Financial Monitoring 2017/18 and Financial Strategy 2018/19 to 2021/22	Director Resources
Outline of report and summary of discussion		
<p>A report dated 30 November 2017 was presented to the Audit Committee by the Director Resources and the Head of Finance and Integrated Service Support bringing to the committee's attention to the most recent reports presented to Council by the Head of Finance and Integrated Service Support, in relation to Financial Monitoring and Financial Strategy. The report refers to the following reports:</p> <ul style="list-style-type: none"> • Financial Monitoring 2017/18 – General Fund Revenue • General Services Capital Plan 2017/18 • Housing Revenue Account • Financial Strategy 2018/19 to 2021/22 • Treasury Management Mid-Year Review Report <p>Thereafter due to the time constraints the Chair asked the Committee if it was appropriate to hold an interim meeting in the New Year to consider this report once the figures had been updated.</p> <p>Councillor Smaill highlighted that as the Council meeting was in February and the next scheduled Audit Committee was not until March he believed that an additional meeting of the Audit Committee prior to the Council meeting was essential.</p> <p>The Chair pointed out that the purpose of the Audit Committee was to ensure the governance structure was being maintained and that these figures will be going to other Council meetings for scrutiny.</p> <p>Councillor Parry therefore sought clarification on the purpose of the additional meeting as these financial matters would be discussed at the full Council and she believed that this item should not have been moved from the original position on the agenda and that a full discussion could have been had during the meeting and any issues raised at that time and that she would move against an additional meeting.</p> <p>The Chief Executive stated it was a matter for the Committee whether to hold an additional meeting and in terms of the role of this Committee that their primary function was to scrutinise and question whether the processes in place were satisfactory.</p> <p>After further discussion the Chair agreed that a formal vote be taken on the matter of holding an interim meeting prior to the February Council meeting.</p>		

As a motion Councillor Smaill, seconded by Councillor Hardie moved that an additional meeting to consider the structure and the content of the savings programme and the associated papers relating to the finances of the Council for the forthcoming year and the five year period be held on an agreed date prior to the Council meeting on 13 February 2018.

As an amendment Councillor Parry, seconded by Councillor Baird moved that there was no requirement for an additional meeting as these financial matters would be discussed at the full Council meeting.

On a vote being taken two members voted for the motion and two for the amendment with two abstentions.

Having taken advice from the Monitoring Officer the Chair cast his deciding vote in favour of the amendment which accordingly became the decision of the Committee.

Decision

The Audit Committee noted the content of the report.

The meeting terminated at 1.07 pm

Minute of Meeting



Police and Fire and Rescue Board

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

Present:

Councillor Curran (Chair)	
Councillor McCall	Councillor Muirhead
Councillor Small	

In attendance:

Midlothian Council	
Kevin Anderson, Head of Customer and Housing Services	Verona MacDonald, Democratic Services Team Leader
Edel Ryan, Environmental Health Manager (for the additional item on Irresponsible Dog Ownership)	
Police Scotland	
Chief Superintendent Lesley Clark	Chief Inspector Kenny Simpson
Scottish Fire and Rescue Service	
Stephen Gourlay, Area Manager	Dean Mack, Group Manager

1. Welcome, Introductions and Apologies

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

2. Order of Business

The Chair advised that he had agreed to accept 2 additional items for consideration, namely (i) a Consultation on disposal of Police premises and (ii) Irresponsible Dog Ownership.

3. Declarations of interest

No declarations of interest were intimated.

4. Minute of Previous Meeting

The Minute of Meeting of 21 August 2017 was considered and approved. The Chair was authorised to sign the Minute as a correct record of the meeting.

5. Public Reports

Agenda No.	Report Title	
5.1 and 5.2	Scottish Fire and Rescue Service – (1) Deputy Assistant Chief Officer – East Service Delivery Area; (2) Designation of Local Senior Officer	
Outline of report and summary of discussion		
The Chair summarised the content of letters dated 3 and 11 October 2017 received by the Chief Executive from the Scottish Fire and Rescue Service advising of the appointments of Ali Perry to the post of Deputy Assistant Chief Officer and Stephen Gourlay to the post of Local Senior Officer and congratulated both on their appointments. On behalf of the Board, he expressed a thank you to David Farries for his contribution to the work of the Board and congratulated him on his promotion.		
Decision		
The Board noted the appointments by the Scottish Fire and Rescue Service.		

Agenda No.	Report Title	
5.3	Police Scotland – Designated Local Police Commander	
Outline of report and summary of discussion		
The Chair summarised the content of letter dated 15 September 2017 received by the Chief Executive from Police Scotland advising of the appointment of Temporary Chief Superintendent Lesley Clark to the post of Designated Local Officer. He welcomed her to the meeting and congratulated her on the appointment.		
Decision		
The Board noted the appointment by Police Scotland.		

Agenda No.	Report Title	Presented by:
Additional Item	Irresponsible Dog Ownership	Edel Ryan
Outline of report and summary of discussion		
<p>The Chair in noting that this was one of the additional items, advised that he had asked that the Board be briefed on the matter due to a significant increase in recent years in this area of work and difficulties he had become aware of by a person trying to complain about an out of control dog whereby both the Council and Police advised it was not their responsibility.</p>		
<p>Edel Ryan, Environmental Health Manager, addressed the Board. She explained that there were 2 pieces of legislation which governed irresponsible dog ownership and dangerous dogs, namely the Dangerous Dogs Act 1991 and the Control of Dogs (Scotland) Act 2010. Responsibility within the Dangerous Dogs Act lies mainly with the Police, whereas the Control of Dogs legislation, which is specific to Scotland, lies with the local authority. This piece of legislation governs dogs not being kept under control by an owner which gives alarm to an individual. Both aspects need to be satisfied before a dog control notice can be issued. Once a notice is in place the local authority must supervise the conditions and if they are not complied with report the matter to the Procurator Fiscal.</p>		
<p>She continued by making reference to the Protocol detailing the responsibilities of different bodies in dealing with irresponsible dog ownership. She advised it had been developed by local authorities, Police, the National Dog Warden Association and the Crown Office and Procurator Fiscal Service and intended to aid local authorities and Police Scotland with the decision making process when considering how best to deal with complaints relating to irresponsible dog ownership. Whereas the Protocol does not hold statutory status nor is it a Scottish Government document, the Scottish Government were involved in facilitating its development. She advised that, over the past 6 months, the Council and Police Scotland had developed a closer working relationship whereby on a weekly basis discussion now took place with a view to agreeing who takes a complaint forward which included liaising with the complainant. Chief Inspector Simpson confirmed that the Police had undertaken a lot of work locally to address issues complainants may have experienced due to call centre staff perhaps not asking the right questions.</p>		
Decision		
<p>The Board noted:-</p> <ul style="list-style-type: none"> (a) the existence of the Protocol and requested that it be circulated to all Elected Members for their interest; (b) the steps being taken by the Council and Police Scotland to work closer together with regard to complaints to ensure that ownership is taken at the earliest possible stage and that complainants are kept informed of developments; (c) in early 2018, the Environmental Health Manager intended to look at the information currently on the Council's website with a view to providing additional information for persons concerned about out of control or dangerous dogs. 		

Report No.	Report Title	Presented by:
5.4	Police Scotland Midlothian Scrutiny Report Quarter 2 2017-18	Police Scotland
Outline of report and summary of discussion		
<p>Chief Superintendent Clark advised that this was week 4 in her new role and that she had travelled around the area looking at national interests but with a local context. She suggested that it would be beneficial in the new year for her to meet with the Chair, Councillor Curran, to discuss changes within the local Police service.</p> <p>Chief Inspector Simpson, spoke to the terms of the newly formatted report. He advised that he was happy to accept any thoughts Members may have on the new format. He highlighted a couple of the key points contained within the report, namely decreases in adult missing persons and bogus workmen crimes. He continued through the report providing a summary of each section making reference to the performance indicators listed.</p> <p>The Chair, then went through a few of the matters listed within the report, requesting further information/clarification on them which was provided by Chief Inspector Simpson.</p>		
Decision		
<p>The Board:-</p> <p>(a) noted the content of the Report;</p> <p>(b) requested that, for future reports, the performance indicators listed at the end of the report be embedded within the body of the report at the relevant section</p>		

Agenda No.	Report Title	Presented by:
5.5	Scottish Fire and Rescue Service – Midlothian Local Performance Report – Quarter 2, 1 July to 30 September 2017	Scottish Fire and Rescue Service
Outline of report and summary of discussion		
<p>The Chair firstly thanked the Fire and Rescue Service for the briefing to all Elected Members held on 2 October 2017 at Midlothian House providing an overview of the transformation process the Service was presently going through.</p> <p>Stephen Gourlay advised he was delighted to be in his new post and take the organisation locally through the transformation process. He thanked the Chair for hosting the Briefing Session and advised there will be a formal consultation process in the new year. He advised that to some extent the transformation process was dependent upon the Scottish Government's financial settlement to the Fire and Rescue Service and that this would be known in the new few weeks. He encouraged the Council and local residents to contribute to the Local Plan consultation which was open for the new few weeks. He then mentioned recent local incidents whereby 2 firefighters were attacked whilst fighting a fire and a fire the day after that at Paradykes Primary School.</p> <p>Dean Mack then provided the Board with a summary of the Quarter 2 report. He</p>		

advised that 4 outcomes were on target and 2 were off target. He emphasised that the more work which is done to address issues arising from single occupancy dwellings the lower the number of incidents within these dwellings will be. He explained that the most likely cause of fires within single occupancy dwellings is now older people with debilitating illnesses such as dementia, leaving appliances on.

Questions were then put by Councillors Smail, Muirhead and McCall relating to emerging patterns of arson, re-introduction of the community policing teams and non-functioning smoke alarms, which were subsequently answered.

Stephen Gourlay then addressed the appendices to the report which detailed the enforcement audits carried out over the period. He advised that a new person was just in post and he was confident that the numbers proposed would be achieved before the end of the reporting year.

Decision

The Board noted the terms of the Quarter 2 report.

Agenda No.	Report Title	Presented by:
5.6	Living Safely in the Home	Scottish Fire and Rescue Service
Outline of report and summary of discussion		
Stephen Gourlay spoke to the terms of the report which provided the Board with an evaluation of the Living Safely in the Home pilot initiative discussed at previous meetings. He advised that the initiative was led by the Fire Service in partnership with the Council with an aim to reduce unintentional harm in the home by targeting the highest risks, namely persons under 5 and over 65 years of age. Midlothian was selected as a pilot due to the proportionally higher number of occurrences.		
Decision		
The Board noted:-		
<ul style="list-style-type: none"> (a) the strong reasons to continue with the partnership work in Midlothian; (b) that the initiative would be recommended to form part of the Fire Service transformation and; (c) that it was highlighted within the Fire Service as an area of best practice. 		

Agenda No.	Report Title	
Additional Item	Disposal of Police Premises – Consultation Document	
Outline of report and summary of discussion		
The Chair advised that he had attended a meeting in COSLA where a consultation document relating to the disposal of buildings owned by Police Scotland was discussed and given that the document listed the proposed disposal of 3 Police		

Stations in Midlothian, namely, Gorebridge, Loanhead and Newbattle, he had thought it relevant to raise the matter as an additional matter for consideration by the Board.

Chief Inspector Simpson advised there were 6 Police Stations in Midlothian, with Dalkeith, Bonnyrigg and Penicuik being the main hubs. The stations at Gorebridge, Loanhead and Newbattle were no longer manned. The consultation exercise would see Police Scotland engaging with Community Councils, Elected Members and MSPs. He advised there had been one expression of interest by a local group to acquire the Gorebridge premises by way of community asset transfer.

Decision

The Board noted the terms of the consultation document and requested that copies be circulated to all Elected Members

The meeting terminated at 12.20 pm.